CHAPTER 240

ZONING ORDINANCE
OF THE
CITY OF SARATOGA SPRINGS, N.Y.

AUGUST 6, 1990
CHAPTER 240

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OF THE

CITY OF SARATOGA SPRINGS, N.Y.

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CITY OF SARATOGA SPRINGS

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ARTICLE I

GENERAL PROVISIONS

240-1.1 TITLE

This chapter shall be known and may be cited as the "City of Saratoga Springs Zoning Ordinance."

240-1.2 AUTHORITY

This chapter is enacted pursuant to Article 2A, Chapter 20.24 and 25 of the General City Law.

240-1.3 PURPOSES

A. The purpose of this chapter is to encourage appropriate and orderly physical development; promote in all possible ways public health, safety, convenience 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 for said purpose, 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 zoning regulations and districts herein set forth and as outlined upon the zoning map are made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, aesthetics, order, prosperity and general welfare of the community, specifically including the following additional purposes:

(1) The facilitation of the efficient, economical, and adequate provision of public utilities and services;

(2) The assurance of adequate sites for residential, agricultural, industrial, commercial and other appropriate uses;

(3) The provision of privacy for families and the maximum protection of residential areas;
(4) The prevention and reduction of traffic congestion, so as to promote efficient and safe circulation of vehicles and pedestrians;

(5) The gradual elimination of non-conforming uses;

(6) The conservation of the taxable value of land and buildings throughout the City, while enhancing the appearance of the City of Saratoga Springs as a whole;

(7) The encouragement of flexibility in the design and development of land;

(8) The protection of the general environment in compliance with the objectives of applicable State and Federal regulatory programs;

(9) The 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.

240-1.4 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, arranged or designed to be used or occupied."

F. Any reference to a residence or residential district shall be interpreted to mean any district with the word "residence" in its title.

G. A building or structure includes any part thereof.

240-1.5 TERMS DEFINED

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

ABANDONMENT: An intent to abandon or to relinquish and some overt act, or some failure to act which carries the implication that the owner neither claims nor retains any interest in the subject matter of the abandonment.

ACCESS DRIVE: A paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

ACCESSORY BUILDING: A building subordinate and clearly incidental to the principal building on the same lot and used for a purpose customarily incidental to those of the principal building.

ACCESSORY USE: A use customarily incidental and clearly subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal use or building.

ADMINISTRATION 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) for observation by patrons therein.
A. **Substantial or significant portion:** (1) 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% of its gross sales receipts comprise items described in (B) or (C) hereof or that more than 20% 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.

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 discernably 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 discernably turgid state, whether or not covered.

AGRICULTURE: The tilling of soil, the raising of crops, horticulture and gardening, the keeping or raising domestic animals and fowl, and including any agricultural industry or business or gainful operation.

ALLEY: A public highway which is a narrow way, less in size than a street, not designed for general travel, which is used primarily as a means of access to the rear of residences and business establishments and which, generally, affords only a secondary means of access to the property abutting along its length.

ALTERATIONS: As applied to a building or 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, or the moving from one location or position to another.

AMENDMENT: A change in text of any portion of this Zoning Ordinance and/or a change in use in a district which includes revisions to the zoning text and/or the official zoning map; the authority for any amendment lies solely with the Saratoga Springs City Council.

ANIMAL CLINIC: Any structure where animals or pets are given medical or surgical treatment, but not including boarding or kennelling of animals.

ANIMAL HOSPITAL/KENNEL: A building used for the treatment, housing, kennelling or boarding of small domestic animals such as dogs, cats, rabbits and birds or fowl by a veterinarian.

ANTENNA AND SATELLITE DISHES: A structure or device utilized for the receiving and/or transmitting of radio signals, not enclosed within a building or structure, 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.

APARTMENT HOUSE: A building arranged, intended or designed to be occupied by three or more households living and cooking independently from each other.
APPAREL CLEANING/DRY CLEANING: A building or premises where public laundry work including cleaning and ironing soiled and used clothes directly on orders received directly from members of the public as customers.

AREA: The total area within the property lines excluding external streets.

AREA BUILDING: The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

ART GALLERY: A structure or building utilized for the display of art work, including paintings, sculptures and paints for sale to the public.

ATTIC: That space of building which is immediately below or wholly or particularly within the roof framing. An attic with a finished floor shall be referred to as a "half story" in determining the permissible number of stories.

AUTO JUNK YARD: (Amended 11/18/91) Any area used for the storage of two (2) or more unlicensed, inoperative 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.

AUTOMOTIVE WASH/CAR WASH: A structure or building designed for washing, waxing, simonizing, or similar treatment of automotive vehicles as its principal function. A FILLING STATION having portable washing equipment shall not be deemed to be an AUTOMOTIVE WASH where such use is an accessory service to the principal service of the STATION.

AUTOMOTIVE SALES AND SERVICES: Any area of land, including structures thereon, that is used for the retail sale of motor vehicles and accessories, and which may or may not include facilities for lubrication, washing or otherwise servicing motor vehicles, but not including the painting thereof by any means.

BAKERY: A building or structure utilized for the baking of breads and/or pastries for sale off the premises.
BAKERY SHOP: A building or structure utilized for the baking of breads and/or pastries for sale on the premises.

BARBER/BEAUTY SHOP: A building or structure utilized for the shaving, cutting, styling or treating of hair, including as incidental uses, additional related cosmetic and/or beauty services such as manicures, pedicures, facials and the retail sale of cosmetic products. It shall not include tanning salons or booths.

BARN AND STABLES: A structure used for the keeping of horses, goats, pigs, cattle, sheep and other livestock, but excluding the keeping of geese, ducks or other birds or wild animals not customarily associated with agriculture, including structures customarily associated with and incidental to the keeping of livestock such as hay bins, corn cribs and silos.

BASEMENT: A story partly underground but having less than one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than four (4) feet or if used for business or dwelling purposes.

BATHHOUSE/HEALTH CENTER/SPA: A building or structure utilized for the providing of baths or other treatment to the public in association with mineral waters.

BED AND BREAKFAST: (Amended 6/7/93, 9/6/94) A supplementary use having a resident host in a single or two family residence in which not more than ten (10) rooms are offered for rent and only one meal (breakfast) is furnished to roomers. Bed and breakfast establishments may have regularly scheduled commercial indoor or outdoor activities such as weddings/receptions/showers, business meetings, catered events, etc. with the issuance of a special use permit based on individual project review by the Planning Board. In the review of a special use permit, the Planning Board shall establish the type of permissible activities, a maximum number of events/days on which such commercial activity can occur and the maximum number of people who can attend such events. When so approved by a special use permit the above commercial activities shall not require any additional off-street parking requirement.

BOARDING HOUSE/ROOMING HOUSE: (Amended 6/7/93) A supplementary use having a resident manager in a single or two family residence in which not more than six (6) rooms are offered for rent, and table board is furnished only to roomers. A rooming house or a furnished rooming house shall be deemed a boarding house. A boarding
house/rooming house shall not have regularly scheduled commercial activities such as weddings, catered events, etc..

**BOUTIQUE:** A business defined as a RETAIL STORE, but constituting less than 1,000 square feet in gross floor area.

**BOWLING ALLEY:** A building or structure utilized primarily for the sport of bowling, and may include the incidental sale or dispensing of food and drink and the sale or rental of bowling equipment. It may also include video games/pinball machines as long as such does not comprise two percent (2%) of the gross floor area.

**BREW PUBS:** (Amended 6/7/93) An eating and drinking establishment where certain beverages are prepared on the premise exclusively for on-site consumption. The brewing of such beverages is accessory to the eating and drinking establishment.

**BUFFER:** A relatively narrow strip of land covered with sufficient permanent evergreen planting (consisting of both trees and shrubs) to provide a continuous physical screen preventing visual access from one use area to another and to reduce the noise intensity transferred from one use area to another.

**BUILDABLE AREA:** That portion of a lot remaining after required setback yards have been provided.

**BUILDING:** Any structure other than a boundary wall or fence.

**BUILDING COVERAGE:** The proportion of the lot area, expressed as a percent that is covered by the maximum horizontal cross-section of a building or buildings, including structures which are below the finished lot grade.

**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 roofs, to deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING LINE:** A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a building or projected roof or porch, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.
BUILDING MATERIALS STORAGE AND SALES: A lot with or without a building or structure utilized for the storage of building and construction materials and equipment for sale to the public.

BUILDING PERMIT: A certificate issued by the Zoning Officer authorizing, with respect to this chapter, the erection, demolition, relocation, enlargement or alteration of a structure, or uses thereof, in conformity with provisions of this chapter.

BUILDING PRINCIPAL: A building in which the main or principal use of the lot on which said building is situated is conducted.

BULK: A term used to describe the size, volume, area, and shape of buildings and structures, and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures, or other walls of the same building; and all open spaces required in connection with a building, other structure, or tract of land.

BUS DEPOT: A lot containing a building or structure utilized for the boarding and exiting of buses, the selling of transport tickets and the incidental sale or dispensing of food and drink, but specifically excluding any bus garage or the servicing or repairing of buses.

BUSINESS OFFICE: A room, wing or detached building housing the office of a service or sales agency, not engaged in the manufacture or sale of goods, and wherein no storage space for merchandise is permitted, such as a travel agency, airline ticket agency, or business office of telephone or electric utility.

CAR RENTAL AGENCY: A building or structure utilized only for the rental of automobiles or light vans or trucks to the public, not including a garage or the servicing or repair of the vehicles.

CARETAKER DWELLING UNIT: A secondary residence located on a lot utilized for the purpose of providing housing for domestic employees solely employed by the party owning or renting the lot.

CARWASH: See "automotive wash/carwash".

CELLAR: A portion of a building having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the required number of stories.
CENTER LINE: The equal distance from the inside of the existing sidewalks on both sides of the street; or in areas where there are no sidewalks, the midpoint of the travel way of the road way.

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 by the Zoning Officer 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 Board of Appeals.

CHURCH AND RELIGIOUS INSTITUTIONS: Any building wherein persons regularly assemble for religious worship which is used only for such purpose and those accessory activities as are customarily associated therewith. Includes temple, synagogue, mosque or other similar place of worship.

CLUBS/FRATERNAL LODGES: A building used to house a social, fraternal or service organization or club not organized or conducted for profit and which is not adjunct to or operated by or in conjunction with a public tavern, cafe, or other place of business.

CLUSTER DEVELOPMENT: A development of residential lots each containing less than the minimum lot required for the zone within which such development occurs but maintaining the density limitations imposed by said minimum lot area through the provision of open space as part of the subdivision plan. Plot laid out in curved lots with smaller street frontage and wider rear lines.

COMMERCIAL GREENHOUSE: A heated shed or enclosed structure or building principally comprised of glass, or other similar material in which crops, flowers or plants are grown or sheltered for business.

COMMERCIAL PLANNED UNIT DEVELOPMENT: An area of minimum contiguous size, as specified by ordinance to be planned, developed, operated and maintained as a single entity containing one or more structures to accommodate commercial or office uses or both and appurtenant common areas and other uses incidental to the predominant uses.

COMMERCIAL DISTRICTS: Collectively refers to the following zoning districts contained in this chapter: C-1 thru C-7, inclusive.
COMMUNICATIONS SERVICES: A building or structure utilized for the following purposes: computer printing functions, providing teletypewriter and teleconferencing services and other forms of communication media and incidental retail sales of supplies and equipment directly associated with the providing of such services.

CONCESSION STAND: A building or structure without seating capacity utilized for the sale or dispensing of food and drink.

CONDOMINIUM: A multi-family project of single family residence units which may consist of one, a part, or more than one building 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. The means of administration and maintenance of common areas are mutually entered into by the respective owners.

CONSTRUCTION EQUIPMENT STORAGE. SALES AND MAINTENANCE: A lot utilized for the purpose of storage, rental and sales of construction equipment, including trucks associated with construction, and the maintenance, repair and servicing of the same.

CONVENIENCE SALES AND SERVICES: Small commercial establishments of less than five thousand (5000) square feet in floor area catering primarily to nearby residential areas, providing convenience goods and services customarily found in a grocery stores.

CONVERSION: The changing of use or occupancy of a residence by alteration or by other reorganization so as to increase the number of households or residence units in a structure.

CORNER LOT: See "lot, corner".

COVERAGE: See "building coverage".

CULTURAL CENTER: A building or structure utilized for the instruction and presentation of performing arts.

CULTURAL FACILITIES/MUSEUMS: Establishments utilized for the display of exhibits of an historic, educational or cultural nature which are not operated commercially.

CUSTOM MANUFACTURING: A building or structure utilized for the purpose of designing and manufacturing products to meet the individual specifications of the public and for the sale of same to the public.
DAY CARE CENTER: Group care for persons away from their own homes for all or part of the day. Day care centers that enroll three or more persons for more than three hours a day must be licensed by the State and must comply with specific requirements for facility, health, safety, staffing and educational program. "DAY CARE CENTER" shall exclude "FAMILY DAY CARE" and "GROUP FAMILY DAY CARE".

DENSITY: (Amended 6/6/94) Any measurement of the number of units, square footage, and/or size and level of activity permitted on an area or parcel of land.

DINING FACILITIES: Food services provided predominantly for the occupants of an institution.

DISTRICT OR ZONE: That portion of the City within which specific uses are permitted according to the designation applied thereto and in conformity with the provisions of this chapter.

DOG KENNEL: See "animal hospital/kennel".

DORMITORY: A building or part of a building operated by an institution and containing a room or rooms forming one or more habitable units which are used or intended to be used by residents of the institution for living and sleeping, but not for cooking or eating purposes.

DRIVE-IN ESTABLISHMENT: A business where a customer is permitted or encouraged, either by the design of physical facilities or by service and/or packaging procedures, to conduct business, or the providing and/or sale of goods and services, in the off-street parking area accessory to the business, while seated in a motor vehicle.

DRIVE-IN FACILITIES: See "drive-in establishment".

DRIVE-IN RESTAURANT: See "drive-in establishment".

DRUGSTORE: Any retail store where prescriptive medicines are dispensed by licensed pharmacologists and where miscellaneous articles such as food, cosmetics and film are sold.

EATING AND DRINKING ESTABLISHMENTS: (Amended 11/18/91) An establishment designed for the business of providing for the preparation, service and consumption primarily within the principal building or on the site. Except in unique circumstances such an establishment will have seats for patrons.
EQUIPMENT REPAIR SHOP: Any building or structure utilized for the repair of small equipment, watches, clocks, lawn mowers, small engines, etc., excluding automobiles, truck, construction equipment, etc.

FAMILY DAY CARE: Care provided to children in the caregiver's home for all or part of the day. Family day care homes must meet licensing regulations of the New York State Department of Social Services if three or more children are cared for more than five hours per week. No more than six children can be cared for at any time, including provider's own children under six years of age.

FARM: Land of not less than five acres used for agricultural or horticultural purposes or for the raising of domestic animals or fowl whether operated for a profit or as a hobby.

FENCE: An unroofed barrier or unroofed enclosing structure, including retaining walls.

FILLING STATION: See "vehicle refueling station".

FINANCIAL INSTITUTIONS AND BANKS: A building or structure utilized for the direct transactional services to the public, including the maintenance of checking and savings accounts, certificates of deposits, etc., and the providing of related incidental financial services associated with a bank.

FINISHED GRADE: The elevation at which the finished surface of the surrounding lot intersects the walls or supports, or a building or other structure. If the line of the intersection is not reasonably horizontal, the finished grade in computing height of buildings and other structures or for other purposes shall be the average elevation of all finished grade elevations around the periphery of the building, except that this average shall not exceed one-half of the floor to ceiling height.

FLAMMABLE LIQUIDS: Liquids having a flash point below 200 degrees Fahrenheit. Class 1 flammable liquids, (e.g. gasoline, ether, liquid petroleum gas) are those having a flash point below 70 degrees Fahrenheit but not 25 degrees Fahrenheit.

FLEA MARKET: Any area where individual stands or spaces are assigned to two (2) or more individuals for the purpose of selling, buying, or exchanging goods.

FLOOR AREA: (Amended 1/22/91) The sum of the gross horizontal areas of the several floors of a building, including interior balconies,
mezzanines and basements, but excluding exterior balconies, and attics. 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 one (1) wall. The "floor area" of a building shall include the floor area of accessory buildings on the same zone lot, measured the same way.

A. More specifically in computing the gross floor area, the following shall be included:

(1) Any floor area devoted to mechanical equipment serving building with structural headroom of seven (7) feet, six (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 spaces.

B. The following shall not be included:

(1) Accessory off-street parking or unloading spaces;

(2) Uncovered steps, exterior fire escapes;

(3) Terraces, stairways, open porches, outside balconies;

(4) Accessory outside water tanks and cooling towers or equipment.

FLORIST: A building or structure utilized for the sale to the public of flowers and/or plants, which may include those produced or grown on the premises.

FRATERNAL LODGES: See "clubs/fraternal lodges".

FRATERNITY OR SORORITY HOUSE: See "clubs/fraternal lodges".

FRONTAGE: See "lot frontage".

FRONT YARD: (Amended 9/8/92) An open space extending the full width of the lot between a main building and the front lot line, unoccupied
and unobstructed by buildings or structures from the ground upward, the depth of which shall be the least distance between the front lot line and the front of such building. A lot that has frontage on more than one public street, or right-of-way, shall have more than one front yard, except if a lot has frontage on an alley and a public street the alley side shall not be considered a front yard.

**FUNERAL HOME:** A dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

**GARBAGE/REFUSE COLLECTION BUSINESS AND ITS OUTDOOR STORAGE:** (Amended 3/6/95) An area of land, including structures thereon, that is used for the administration and business of the collection and disposal of garbage at an approved offsite location; and, for the cleaning, repair, maintenance and storage, indoor or outdoor, of motor vehicles and equipment customarily associated with the collection of garbage.

**GARAGE:** A structure or any portion thereof in which one (1) or more automobiles are housed, kept, or repaired, not including exhibition or showrooms, or storage of cars for sale.

**GARAGE, COMMERCIAL:** See "vehicular fee parking".

**GARAGE, PRIVATE:** A building or portion of a building used for the storage of motor vehicles owned and used by the owner or tenant of the lot on which it is erected for a purpose accessory to the use of the lot.

**GASOLINE SERVICE STATION:** See "vehicle refueling station".

**GASOLINE STATION:** See "vehicle refueling station".

**GENERAL AND HEAVY MANUFACTURING AND ASSEMBLY:** A building or structure utilized for the manufacturing of heavy industrial goods.

**GENERAL RETAIL:** A business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale, having more than 1,000 square feet of gross area.

**GOLF COURSE:** A tract of land for playing golf, improved with tees, greens, fairways, hazards and which may include clubhouses and shelters.

**GRAVEL PIT:** A lot or land or part thereof used for the purpose of extracting stone, sand or gravel for sale as commercial operations.
GROUP ENTERTAINMENT: (Amended 11/18/91) An indoor facility intended for live entertainment, including but not limited to singing, dancing and/or comedy.

GROUP FAMILY DAY CARE: Care provided for not more than 14 children away from their own homes for more than three hours but less than 24 hours per day in a licensed group family day-care home which is operated for such purposes for compensation or otherwise.

HALF-STORY: See "story, half".

HEAVY EQUIPMENT STORAGE, SALES AND MAINTENANCE: A lot utilized for the purpose of storage, rental and sales of heavy equipment, including tractor trailers and related heavy transportation equipment.

HEIGHT OF BUILDING: See "building height".

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.

HOME OCCUPATION: An occupation, profession or trade conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the residence for residential purposes, and does not change the character thereof, and does not involve the employment of more than one non-resident employee.

HOSPITAL: An institution providing physical and mental health services primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

HOTEL: A building containing more than six (6) 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 building or within an accessory building.

HOUSEHOLD: A household includes all persons who occupy a group of rooms or a single room constituting a dwelling or living quarters which has:
A. Direct access from the outside of the building or through a common hall; and

B. A complete kitchen facility for the exclusive use of the occupants.

**INDUSTRIAL DISTRICTS:** Collectively refers to the following zoning districts contained in this chapter: IND-L thru IND-G, IND-EX, inclusive.

**INDUSTRIAL PLANNED UNIT DEVELOPMENT:** A planned development that accommodates industrial uses.

**INDUSTRY OR INDUSTRIAL:** The storage, manufacture, preparation, processing or repair of any article, substance or commodity for industrial off-premises distribution and/or sale, but shall not include such preparation, processing or repair as is customarily conducted in a retail establishment for on-premises sale.

**LABORATORY:** A building for experimentation in pure or applied research design, development and production of prototype machines or devices or of a new product, and uses accessory thereto.

**LAUNDROMAT:** A business premises equipped with individual clothes washing machines for the use of public customers.

**LIGHT MANUFACTURING, ASSEMBLY OR OTHER INDUSTRIAL OPERATIONS:** A building or structure utilized for the manufacturing of light industrial goods.

**LOADING SPACE, OFF-HIGHWAY:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-highway parking spaces are filled.

**LOT:** Parcel of land occupied, or designed to be occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are arranged and designed to be used in connection with such buildings. A lot may or may not be the land shown as a lot on a duly recorded plat.

**LOT AREA:** An area of land which is determined by the limits of the lots lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a public street right-of-way shall not be included in calculating lot area.
LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lot lines is the "corner." For future construction purposes, a corner lot shall provide for front yard depth on both streets.

LOT COVERAGE: See "building coverage".

LOT DEPTH: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines. In the case of a corner lot, the lot depth is the greater of the mean horizontal distance between the front lot lines and the respective side lot lines opposite each.

LOT FRONTAGE: A lot line which is coincident with a street line.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: Any line dividing one lot from another lot or from a highway.

LOT OF RECORD: An area designated as a separate and distinct parcel of land on a properly filed subdivision plat or in a legally recorded deed as filed in the official records of the Saratoga County Clerk's Office.

LOT WIDTH: The mean width measured at right angles to its depth.

MACHINE SHOP: A building or structure 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: The making or fabrication of raw material by hand, art, machinery, or combination thereof, of finished parts or products.

MANURE PROCESSING: The processing of material used to fertilize and enrich land.

MARINAS AND DOCKS: A facility for storing, servicing, fueling, berthing and securing of pleasure boats and which may include eating, sleeping and retail facilities for owners, crews and guests.

MEDICAL OFFICES/CLINICS: A place where medical or dental care is furnished to persons on an out-patient basis by one or more doctors
or dentists. A place for the care, diagnosis and treatment of sick, ailing, inform or injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room or kept overnight on the premises. A facility for human ailments operated by a group of physicians, dentists, chiropractors, or other licensed practitioners for the treatment and examination of out-patients. A "medical or dental clinic" is an organization of specializing physicians or dentists, or both, who have offices in a common building. A clinic shall include laboratory facilities in conjunction with normal clinic services, but shall not include in-patient care.

MOBILE HOME: A vehicle so constructed as to permit its being used, as a conveyance upon the public streets or highways and duly titled as such, and constructed in such a manner as will permit occupancy thereof as a residence or sleeping place for one (1) or more persons.

MOBILE HOME LOT: A designated site within a mobile home park for the exclusive use of the occupants of a single mobile home.

MOBILE HOME PARK: A plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

Motel: A building or group of buildings, whether detached or in connected units, used as individual sleeping units or residence units, designed primarily for transient automobile travelers and providing for accessory off-street parking.

The term "motel" includes buildings designated as tourist courts, motor lodges and similar appellations.

MOTOR LODGE: See "motel".

MOTOR VEHICLE REPAIR ESTABLISHMENT: See "automotive garage".

MOVIE THEATER: (Amended 6/7/93) A place where motion pictures are shown to the public for a fee.

MUNICIPAL VEHICLE STORAGE AND REPAIR SERVICE: A building or portion of the building established and operated by the City, arranged, intended or designed to be used for the making of repairs or the storage of motor vehicles.

NEIGHBORHOOD CONVENIENCE STORES: Small commercial establishments of less than 1500 square feet of gross floor area catering primarily to pedestrian traffic from nearby residential areas, providing
convenience goods and services customarily found in a grocery store. Neighborhood convenience stores shall not have gasoline pumps.

NEIGHBORHOOD CENTER: A not-for-profit or publicly owned facility providing community facilities such as recreational programs and meeting rooms that are open to the public and designed to accommodate and serve significant segments of the community.

NON-CONFORMING BUILDING OR STRUCTURE: A building or structure lawfully existing at the effective date of this chapter or any amendment thereto which in its design or location upon a lot does not conform to the regulation of this chapter for the district in which it is located.

NON-CONFORMING USE: The use of a building or of land existing at the time of the enactment of this chapter that does not conform to the regulations respecting permitted uses as set forth in this chapter for the district in which it is situated.

NUISANCE: A violation of this chapter caused by a use or a characteristic of a use, which produces effects of such nature or degree that they are either offensive to the senses or deleterious to property, health or safety.

NURSERIES: Any place where trees, shrubs or bushes are raised for wholesale or retail sale.

NURSERY SCHOOL: Any place, however designated, operated for the purpose of providing care and instruction for two or more children from two to five years of age inclusive, other than the children of the resident family, and operated on a regular basis.

NURSING OR CONVALESCENT HOME: A structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital.

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 and craft shows.

OPEN SPACE: An unoccupied space open to the sky on the same lot with a building.

ORCHARD CROPS: Crops customarily grown on fruit trees.
OUTDOOR ATHLETIC COURT FACILITIES: An area designed and constructed to be utilized in connection with athletic endeavors which are not enclosed, including, without limitation, basketball and tennis courts.

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 fields, basketball or tennis courts.

PARI-MUTUEL WAGERING HOTEL: An establishment fostering a betting pool in which those who bet on competitors finishing in the first through third places will share the total amount of the bet, minus a percentage for the management.

PARKING AREA: An open space other than a street or alley used exclusively for the parking of automobiles.

PARKING SPACE: (Amended 1/22/91)

A. The area required for parking one automobile, which, in this chapter, is held to be an area of not less than 180 square feet, nine (9) feet wide and eighteen (18) feet long, together with an appropriate amount of space for access and passageways.

B. Parking spaces for disabled people shall be at least eight (8) feet wide and shall have an adjacent aisle at least eight (8) feet wide. Two (2) accessible parking spaces may share a common access aisle.

PARKING STRUCTURES: A structure in which automobiles may be strictly parked or stored in consideration of a payment of a fee.

PERMEABLE: (Amended 1/22/91) That portion of the surface of a parcel of land which has the ability to absorb into the ground at least one (1) inch of water in thirty (30) minutes. Except in unusual circumstances those portions of the site that are required by this chapter to be permeable shall be those areas having a vegetative cover.

PERMITTED USE: A specific principal use of a building, structure, lot or land, or part thereof, which the chapter provides for a particular District as a matter of right.

PERSON: Any natural individual, firm, trust partnership, association or corporation.
PLANNED DEVELOPMENT DISTRICT: An area of land, in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards than would normally apply under these regulations; the approval of which involves requirements in addition to those of the standard subdivision, such as building design and landscaping and open spaces.

PLAT: A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

PORCH: A roofed-over structure projecting from the front, side, or rear wall of a building.

PORCH, OPEN: An unroofed open structure projecting from the outside wall of a building without window sash or any other form of permanent enclosure.

PREMISES: Land and all buildings and structures thereon.

PRINCIPAL USE: See "use, principal".

PRIVATE CLUB: An association of persons who own, hire or lease a building, or portion thereof, and facilities for social, profitable, cultural, educational or recreational purposes. The use of such premises is typically restricted to club members and their guests.

PRIVATE ROAD: A right-of-way, other than a street, which provides vehicular access to two or more lots.

PROFESSIONAL OFFICES: The use of offices and related spaces for such professional services as are provided by attorneys, architects, engineers and similar professions. A professional office excludes uses permitted in a "business office" and "medical offices/clinics".

PUBLIC RECREATION FACILITIES: Recreation facilities operated as a non-profit enterprise by the City of Saratoga Springs, any other governmental entity or any non-profit organization and open to the general public.

PUBLIC SPA FACILITIES: A commercial establishment with facilities for bathing and exercising.

PUBLIC UTILITY FACILITIES: Telephone, electric and cable TV lines, poles, appurtenances and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures, pumping stations; telephone exchanges, and all other facilities,
appurtenances and structures necessary for conducting a service by a government or public utility.

**RECREATION TRAILS**: A network of trails designed for recreational use.

**RELIGIOUS PLACES OF WORSHIP**: See "church".

**RESEARCH AND DEVELOPMENT FACILITIES**: See "laboratory".

**RESIDENCE**: A building designed or used for residential occupancy as the living quarters for one or more households. The term "residence," "one family residence", "two family residence" or "multi-family residence" shall not be deemed to include boarding houses, bed and breakfast establishments, tourist homes, motels, or hotels.

**RESIDENCE, MOBILE HOME**: A detached residential dwelling unit designed for transportation after fabrication, on streets or highways on its own wheels or on flat bed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

**RESIDENCE, MULTI-FAMILY**: A building arranged, intended, or designed (through conversion) to be occupied by three or more households, with separate housekeeping, cooking, and sanitary facilities for each.

**RESIDENCE, SINGLE-FAMILY**: A residential dwelling designed for and occupied by one household only.

**RESIDENCE, TWO-FAMILY**: A residential dwelling designed for and occupied by only two households.

**RESIDENTIAL DISTRICT**: Collectively refers to the following zoning districts contained in this chapter: RR-1, RR-2, RR-3, UR-1, UR-2, UR-3, UR-4, and UR-5, and UR-6. All other zoning districts are non-residential.

**RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT**: A residential development of land based on an overall development plan approved by the Planning Board in accordance with the Special Exception Use procedure in which the dimensional regulations of an ordinance, and where certain lands are set apart as permanent ponds, space or common land.
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.

RESTAURANT: See "eating and drinking establishments".

RETAIL BEVERAGE/RECYCLING CENTER: A facility whose principal purpose is for the retail sale of beverages and the recycling of used cans and bottles. The recycling portion of the facility must occupy at least twenty-five percent (25%) of the building.

ROOMING HOUSE: See "boarding house".

SALVAGE: 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: Any place offering instruction in any branch of knowledge under the supervision of the State of New York or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the appropriate governmental agency or department.

SCREEN: A fence, wall, row of evergreen hedges or shrubs, row of supported evergreen vines, or in applicable cases, an accessory building, with components so located, spaced and maintained that it provides an effective visual barrier, six (6) feet or more in height.

SETBACK: The minimum horizontal distance between the street, rear or side lines of the lot and the front, rear or side lines on the building. When two or more lots under one ownership are used, the exterior property lines so grouped shall be used in determining offsets.

SIGN: Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person or business or cause when such is placed in view of the general public.
A. **Awning Sign.** Any visual message incorporated into an awning attached to a building.

B. **Copy-Change Sign.** A sign on which the visual message may be periodically changed.

C. **Directional Sign.** A sign limited to providing information on the location of an activity, business or event.

D. **Free-Standing Sign.** Any sign not attached or part of any building but separate and permanently affixed by any other means, in or upon the ground. Included are pole signs, pylon signs and masonry wall-type signs.

E. **Illuminated Sign.** Any sign illuminated by electricity, gas or other artificial light either from the interior or exterior of the sign, and which includes reflective and phosphorescent light.

F. **Off-Premises Sign.** A sign unrelated to an activity, business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

G. **Portable Sign.** A sign, whether on its own trailer, wheels, or otherwise, designed to be movable and not structurally attached to the ground, a building, a structure or another sign.

H. **Representational Sign.** A three-dimensional sign built so as to physically represent the object advertised.

I. **Temporary Sign.** A sign related to a single activity or event usually having a duration of no more than thirty (30) days.

J. **Wall Sign.** A sign which is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than twelve (12) inches from the face of such wall.

K. **Window Sign.** A sign visible from a sidewalk, street or other public place, painted or affixed on the interior of the glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.

**SIGN DIRECTORY:** A listing of two or more business enterprises, consisting of a matrix and sign components.
SIGN STRUCTURE: The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two (2) or more sides where the angle formed between any two of the sides or the projections thereof exceeds thirty (30) degrees, each side shall be considered a separate sign structure.

SIGN SURFACE AREA: The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting a sign shall be excluded unless the structure is designed in a way to form an integral background for the display. One face of a double-faced sign shall be included as surface or area of such a sign.

SITE ALTERATIONS: An alteration on any vacant tract of land, land with minor improvements or any tract of land containing non-residential building which includes land contour work, topographic modifications, removal of top soil, vegetation or trees, excavating, filling, pumping, changes in existing drainage systems, improvements in public rights-of-way, relocation of erratic boulders or modification of any natural features, whether or not a permit is required from any department of the City. (See "alterations" for changes to building or structure.)

SITE PLAN: A plan of a lot on which is shown topography, location of all buildings, structures, roads, rights-of-ways, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.

SOLID WASTE LANDFILL: A site for the disposal of unwanted or discarded material, including garbage with insufficient liquid content to be free flowing.

SPECIAL USE: A special use is a use which because of its unique characteristics requires individual consideration in each case by the Planning Board, before it may be permitted in the district enumerated in this chapter.

STORY: That portion of a building between the surface of any floor and the surface of the floor next above; also any portion of a building used for human occupancy between the topmost floor and the roof. For the purposes of height measurement, in determining the permissible number of stories, a basement shall be counted but a cellar shall not be counted.

STORY, HALF: An attic with a finished floor.
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; or a proposed way shown on a plan approved by the City Council or the City Planning Board and/or on a map filed in the Office of the County Clerk.

STRUCTURE: (Amended 11/18/91) Any constructed, erected or placed material or combination of materials in or upon the ground, including, but not by way of limitation, buildings, mobile homes, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on streets, driveways, parking areas, plant materials, grading, berms and patios.

SUBDIVISION: An area of land divided by owners or agents, either by lots or by metes and bounds, into two or more lots, plots, sites or other divisions of land for immediate or future sale or for building development, with or without new streets, or in such a way as to create or extend one or more streets, or basic city services. Such division shall include re-subdivision of plats already filed in the office of the Saratoga County Clerk if such plats are entirely or partially undeveloped. The term "Subdivision" is used to denote the act of subdividing or the property which is subdivided.

SWIMMING POOL: Any body of water or receptacle for water having a depth at any point greater than two (2) feet, used or intended to be used for swimming, and constructed, installed, or maintained in or above the ground. A swimming pool shall be deemed a structure for all purposes under the provision of this chapter.

TEMPORARY ACCESSORY DWELLING: (Amended 6/7/93) A second single family residence in a single family residence that has been temporarily converted for occupancy by relatives, employees or guests of the main residence. Such a residence may or may not have an alteration to permit easier living arrangements.

TEMPORARY USE: An activity conducted for a specific limited period of time which may not otherwise be permitted by the provisions of this chapter. Examples of such uses are buildings incidental to new construction which are removed after the completion of the construction work.

TOURIST HOME: A residence in which overnight accommodations are provided or offered for transient guests for compensation, but such use is secondary to the occupancy of the residence by a family.

TRUCK FARMING CROPS: Crops customarily associated with and grown for human consumption, including primarily fruits and vegetables.
TRUCKING AND FREIGHT TERMINAL: An area and building where cargo is stored and where trucks load and unload cargo on a regular basis.

USE: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

USE, ACCESSORY: A specific use of a building, structure, lot or land, or part thereof, which the chapter provides for a particular District as a matter of right.

USE, PRINCIPAL: The main or primary purpose of which a building, other structure and/or lot is designed, arranged or intended, or for which they may be used, occupied or maintained under this chapter. The use of any other building, other structure and/or land on the same lot and incidental or supplementary thereto and permitted under this chapter shall be considered an accessory use.

USE VARIANCE: Permission for the use of land or buildings for a use which is not otherwise permitted by the zoning regulations.

UTILITY FACILITIES: Establishments engaged in the generation, transmission and/or distribution of electricity, gas or steam, including water and irrigation systems and sanitary systems used for the collection and disposal of garbage, sewage and other wastes by means of destroying or processing materials.

VARIANCE: A modification of the regulation of this chapter, granted on grounds as set forth in applicable regulations of this chapter.

VEHICLE REFUELING STATION: Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but not including the painting thereof by any means.

VEHICLE REPAIR: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including, but not limited to, collision service, painting and steam cleaning of vehicles.

VEHICULAR FEE PARKING: Any garage other than a private garage, available to the public, operated for gain, and which is used for storage of motor vehicles.
WASTE RECYCLING CENTER: The facility in which waste products are reduced to raw materials and transformed into new and often different products.

WHOLESALE (STORE, BUSINESS, ESTABLISHMENT): A business establishment engaged in selling to retailers or jobbers rather than consumers.

YARD: An open space, which lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted.

YARD, REAR: That area between that part of an existing structure nearest the rear line of the lot and said rear line bounded on both sides by the side yards of said lots.

YARD, SIDE: A yard between the principal building and a side lot line and extending from the front yard to the rear line of the lot.

ZONING DISTRICT: A geographic subdivision of and within the City as delineated on an official Zoning Map for which the requirements of an Ordinance governing the uses, densities, yards, etc., are uniform herein.

ZONING OFFICER: The administrative officer charged with the enforcing of the provisions of this Law.
ARTICLE II

ESTABLISHMENT OF DISTRICTS.

240-2.1 ADOPTION OF ZONING MAP

A. Said zoning districts, historic review districts, City landmarks and architectural review districts are bounded as shown on a set of maps entitled "Zoning Map" adopted on the 6th day of August, 1990, and certified by the City Clerk, which accompany and which, with all explanatory matter thereon, are hereby made a part of this chapter.

B. The Zoning Maps may be amended in the same manner as any other part of this chapter. Said maps, indicating the latest amendment, shall be kept in the office of the Building Inspector, the office of the City Planning Board and in the office of the Commissioner of Accounts for the use and benefit of the people.

240-2.2 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Maps, the following rules shall apply:

A. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines or highway right-of-way lines shall be deemed to be such boundaries.

B. Where district boundaries are indicated as approximately parallel to the center line of streets or highways, boundaries shall be deemed as being parallel thereto at such a distance as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the said Zoning Map.

C. Where the district boundaries follow a railroad line, such boundaries shall be deemed to be located in the center of the main track of said railroad line.

D. Where the district boundaries follow a stream, lake or other body of water, such boundaries shall be deemed to be located at the limit of the jurisdiction of the City, unless otherwise indicated.
E. In all cases when a district boundary is located not farther than twenty-five (25) feet from a lot line of record, the boundary shall be construed to coincide with such line.

F. Where district boundaries are indicated as approximately following the center lines or right-of-way lines of streets, highways and railroads, public utility easements, or watercourses, said boundaries shall be deemed to be automatically adjusted if a center line or right-of-way lines of such street, highway, railroad, public utility, or watercourse is moved a maximum distance of fifty (50) feet.

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

H. Where district boundaries are so indicated that they are approximately parallel to the City boundary line, property lines, lot lines, right-of-way lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the zoning map or as shall be determined by use of the scale shown on the Zoning Map.

I. The Zoning Officer shall have the power to interpret all questions of district boundaries pursuant to the above regulations. Decisions of the Zoning Officer may be appealed to the Zoning Board of Appeals.

240-2.3 LOTS IN TWO DISTRICTS (Amended 1/22/91)

Where a district boundary line, as appearing on the Zoning Map divides a lot or land in single ownership as existing at the time of this enactment, the use authorized on and the district requirements applying to the district on either side of the boundary shall be construed as extending into the remaining portion of the property beyond the district boundary lines for a distance not exceeding one hundred (100) feet. Otherwise, unless shown to the contrary on the Zoning Map, the boundary lines of districts are the center lines of streets, or such lines extended, railroad right-of-way lines and the center lines of creeks and waterways. Questions concerning the exact location of the district boundary lines shall be interpreted by the Zoning Officer.
A. Following the effective date of this chapter, the district regulations and requirements prescribed for the various districts established hereby shall govern:

(1) The use, height, bulk and/or percentage of lot coverage and, wherever specified, the minimum habitable floor area of any residence unit and the use of any land.

(2) The yards, open spaces, lot dimensions and area, off-street parking and loading facilities with necessary passageways and driveways appurtenant thereto and, wherever specified, the screening and landscaping to be provided in connection with erection, alteration or moving of any building or the use of any land.

B. No yard or open space required in connection with any building or use shall be encroached upon, nor shall it be considered as providing a required open space for any other building on the same or any other lot.

(1) Terraces. A paved terrace which is not covered or otherwise enclosed shall not be considered in the determination of lot coverage or yard sizes, except said terrace shall not project to a point closer than ten (10) feet from any lot line.

(2) Porches. Any open or enclosed porch shall be considered in the determination of lot coverage as part of the building.

(3) Fire escapes. Open fire escapes may not project more than six (6) feet into any required yard.

C. No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith and the remaining lot comply with all requirements prescribed by this chapter for the district in which said lot is located. No permit shall be issued for the erection of a building on any new lot thus created, unless such building and lot comply with all the provisions of this chapter.

D. The minimum lot width or area regulation shall not apply to any lot or lots with an area and/or width of less than that prescribed herein, provided that such lot or lots were under different ownership from that of any adjoining land on or before July 6, 1961, and, provided further, that such lot or lots shall be subject to all
other applicable regulations prescribed by this chapter. In areas where the prevailing lot width and/or areas are below the requirements of this chapter, the Board of Appeals may vary such requirements, provided that the resultant lot widths and/or areas shall be in harmony with the pattern of development prevailing in the area.

E. Any building or parcel of land found at any time to contravene the specific provisions of this chapter shall be deemed to be in violation thereof, except in cases where such contravention is justified, either: by reason of conditions found to have existed prior to the effective date of this chapter or by the granting of a variance by the Board of Appeals, as hereinafter provided, following the effective date of this chapter; provided, however, that such contravention conforms to the provisions and special requirements, if any under which such variance was granted.

F. No site or structure shall be erected and no existing structure shall be moved, altered or enlarged except in conformity with the regulations for the district in which the site, structure or use is located. Where this ordinance imposes greater restrictions than those imposed or required by other rules or regulations or ordinances, the provisions of this chapter shall control.

G. No lot shall be reduced in area that any required open space will be smaller than that specified in the regulations for the district in which said lot is located.

H. In any residential district, it shall be permissible for the owner of any lot, the dimensions of which do not conform to the district standards, to erect a single-family residence or accessory buildings, provided said lot was a parcel of record on or before January 19, 1970, and further provided that the parcel is not adjoined by other unimproved land in the same ownership.

I. The height limitations of various districts shall not apply to church spires, cupolas and penthouses not used for human occupancy; nor to chimneys, ventilators, cooling towers, mechanical equipment or similar features customarily carried above the roof level. Such features shall not exceed the height necessary to accomplish the purpose intended and shall not exceed in aggregate coverage an area of twenty-five percent (25%) of the roof area on which they rest.
240-2.5 UNIFORMITY

No building, structure or land shall hereafter be used and no building, structure or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided.

240-2.6 CLASSES OF DISTRICTS - AREA, BULK AND USE REGULATIONS
(Amended 11/19/90, 2/18/92, 9/8/92, 1/19/93)
A. Intent. In order to provide adequate open spaces for access of light and circulation of air, to facilitate the prevention and fighting of fires, to prevent undue concentration of population, to lessen congestion on streets, to insure the compatibility of surrounding land uses, and the promotion of the health, safety and general welfare of the residents of the City of Saratoga Springs, no building, sign or other structure shall be constructed, installed, or altered, no lot shall be created, and no use shall be conducted upon any lot, except in accordance with the standards and requirements set forth below.

B. The following schedule of area, bulk and use regulations is hereby adopted and declared to be a part of this chapter and is hereinafter referred to as the "Classes of Districts - Area, Bulk and Use Regulations."

RR-1 Rural Residential - 1

"Intent of district: The Rural Residential-1 District is intended 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 warrant the low densities."

RR-2 Rural Residential-2

"Intent of district: The Rural Residential-2 District is intended 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 warrant the low densities. When adequate infrastructure exists this area could be commercially developed."

5
RR-3        Rural Residential - 3

"Intent of district: The Rural Residential-3 District is intended 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 warrant the low densities. When adequate infrastructure exists this area could be industrially developed."

SR-1        Suburban Residential - 1

"Intent of district: The Suburban Residential-1 District is intended to provide low to medium density single family residential uses where utility infrastructure may or may not be available.

SR-2        Suburban Residential - 2

"Intent of district: The Suburban Residential-2 District is intended to provide low to medium density single family residential uses where adequate infrastructure is available.

UR-1        Urban Residential - 1

"Intent of district: The Urban Residential-1 District is intended to provide medium density single family residential uses where adequate infrastructure is available."

UR-2        Urban Residential - 2

"Intent of district: The Urban Residential-2 District is intended to provide single-family residential uses at a density higher than the UR-1 District."

UR-3        Urban Residential - 3

"Intent of district: The Urban Residential-3 District is intended to conserve, maintain and encourage two-family residential dwelling."

UR-4        Urban Residential - 4

"Intent of district: The Urban Residential-4 District is intended to accommodate new and existing residential development in low rise structures at moderately high densities and to
preserve and enhance those areas of the City with a mixture of housing types."

UR-5

"Intent of district: The Urban Residential-5 District is intended to accommodate new and existing residential development in low or high rise structures at moderately high densities and to preserve and enhance those areas of the City with a mixture of housing types."

UR-6

"Intent of district: The Urban Residential-6 District is intended to accommodate the development of mobile home parks."

UR-7

"Intent of district: The Urban Residential-7 District is intended to accommodate the development of publicly subsidized affordable housing units in two-family residential dwellings. The development standards of this district are intended to minimize costs."

INST-PR

Institutional - Parkland/Recreation

"Intent of district: The Institutional-Parkland/Recreation District is intended to accommodate areas set aside for passive and active recreation."

INST-MP

Institutional - Municipal Purpose

"Intent of district: The Institutional-Municipal Purpose District is intended to accommodate uses associated with the operation and function of local government.

INST-ED

Institutional - Educational

"Intent of district: The Institutional-Educational District is intended to accommodate uses associated with schools, colleges, universities and other educationally oriented establishments. The district is intended to provide uses that supplement and compliment the educational operation of these facilities."
"Intent of district: The Institutional-Horse Track Related District is intended to accommodate uses associated with the City's rich history of competitive horse racing. This district is intended to provide uses that supplement and compliment the horse track operations."

"Intent of district: The Light Industrial District is intended to accommodate industrial and business uses that have only light or moderate potential adverse impacts on other nearby uses. The light industrial districts must be located on lands with good highway accessibility and utility capacity to accommodate the demands of light industrial development."

"Intent of district: The General Industrial District is intended to accommodate light, moderate and heavy uses in a well-designed attractive industrial park setting. The General Industrial Districts are to be located in areas where the intensity of the uses will have minimum adverse effects on other nearby uses."

"Intent of district: The Industrial Extraction District is intended to accommodate mining and associated extractive uses. the location of such district must be on lands with the appropriate natural resource and in areas where the intensity of the use will have minimum adverse effects on other nearby uses.

"Intent of district: The Commercial-1 District is intended to accommodate uses that are necessary to achieve a vibrant and economically successful central business district for the City."
"Intent of district: The Commercial-2 District is intended to accommodate commercial uses and services that are highway oriented and general in nature. Such uses are not intended to be competitive with uses located in the Commercial-1 District."

"Intent of district: The Commercial-3 District is intended to accommodate commercial uses that are designed to service the tourists who frequent this resort City."

"Intent of district: The Commercial-4 District is intended to accommodate business, medical and professional office uses as well as other health related institutions facilities."

"Intent of district: The commercial-5 District is intended to accommodate a unique mix of light industrially-oriented uses and low volume commercial uses."

"Intent of district: The Commercial-6 District is intended to accommodate business, medical and professional office uses but not the health related institutional facilities as permitted in the Commercial-4 District."

"Intent of district: The Commercial-7 District is intended to accommodate industrial and business uses that are warehouse oriented."
(1) DISTRICT NAME: Resource Protection District RPD

(2) Intent. The City of Saratoga Springs contains within its City limit several areas of wetlands, streams, floodways and surface reservoir shorelines, which, due to their unique characteristics, present important constraints to development. In addition, these resource areas provide flood control, water quality, recreational, aesthetic and open space benefits to the City. Accordingly, to provide for the proper use of these wetlands and other areas found to be a valuable resource to the City and its inhabitants, a wetlands overlay district is hereby established.

(3) Area Description

(a) The Resource Protection District encompasses those lands and waters which are identified as Class I and Class II and which meet the definition of wetlands provided in Section 24-0107(1) of the Freshwater Wetlands Act (Article 24 and Title 23 of Article 71 of the Environmental conservation Law) and have an area of at least 12.4 acres, or, if smaller, have unusual local importance as determined by the Commissioner of the New York State Department of Environmental Conservation pursuant to Section 24-0301(1) of the Act. 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 pursuant to Section 24-0301(5) of the Freshwater Wetlands Act of (Article 24 and Title 23 of Article 71 of the Environmental Conservation Law). The precise boundaries of such wetlands may be determined by field inspection by the New York State Department of Environmental Conservation.

(b) The Resource Protection District also encompasses that land within two hundred (200) feet linear distance of the high water elevation for the Loughberry Lake Public Water Supply Reservoir.

(c) The area encompassing the Resource Protection District as set forth above is a dynamic overlay district, the boundaries of which will
be continually changing, based on field inspections performed by the New York State Department of Environmental Conservation as to the items set forth in paragraph 1 above, the meanderings of a natural or man made water course falling within the scope of paragraph 2 above, or the high water elevation of the Loughberry Lake Public Water Supply Reservoir, as it may change over time.

(4) Use Restrictions. No structures of any kind or nature shall be permitted to be constructed, erected or installed in the Resource Protection District, subsequent to the enactment of this chapter.

(5) Right to Appeal. Any party aggrieved by the provisions hereof may avail themselves to the relief provided for in Article XIV of this chapter. Upon a demonstration of the criteria set forth in section 240-14.4 A or B, as appropriate based on the nature of the relief requested, the Zoning Board of Appeals may, in the sound exercise of its discretion, grant an appropriate variance.

BSD Broadway Storefront District

(1) The district shall be "Broadway Storefront District (BSD)".

(2) Intent. The City of Saratoga Springs desires to have land uses that generate high pedestrian traffic occupy the storefronts in a portion of the downtown central business district. The continued vitality of the downtown as an economic and social center of the community is partially dependent upon maintaining a high volume of foot traffic.

(3) Area Description:

The Broadway Storefront District shall the ground level area, defined as any floor level that is within five feet from the Broadway street sidewalk elevation, of a structure within the first thirty feet from the Broadway facade of the structure, and within the following geographic area:

-East side of Broadway from Spring Street to Grove Street.
West side of Broadway from Washington Street to Van Dam Street.

(4) Uses Permitted:

(a) The following C-1 district uses are permitted principal uses upon site plan review and approval:

1. Art gallery
2. Apparel cleaning/dry cleaning
3. Bakery shop
4. Barber/beauty shop
5. Bathhouse/health center/Spa
6. Boutique
7. Business office
8. Communication services
9. Convenience sales & services
10. Drug store
11. Eating and drinking establishments
12. Financial institutions and banks
13. Florist
14. Furniture store
15. General retail
16. Group entertainment (nightclubs, theater)
17. Hotel/motel
18. Medical office/clinics
19. Museum
20. Open air market
21. Printing, publishing and engraving
22. Professional offices
23. Real estate offices
24. Recreation facilities (indoor)
25. Visitor's center

(b) The following C-1 district uses are permitted as accessory permitted uses upon site plan review and approval:

1. Private garages and parking structures
2. Solar/heating/ventilation equipment

(c) The following C-1 district uses are permitted upon issuance of special use permit and upon site plan review and approval:

1. Bus depot
2. Civic center/convention center
3. Fraternal lodges/clubs
4. Laundromat  
5. Satellite receiving antennas  
6. Swimming pools  

(5) Use restrictions: Any use permitted in the C-1 district not identified in (4) above shall not be permitted within this Broadway Storefront District.
<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>PERMITTED PRINCIPAL USE</th>
<th>ACCESSORY USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Residential-1</td>
<td>1. Single Family Residences</td>
<td>1. Private garages</td>
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<tr>
<td>RR-1</td>
<td>2. Agriculture: Homestead activity</td>
<td>2. Storage sheds</td>
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<td>Orchard crops</td>
<td>3. Greenhouses</td>
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<td>Truck farming crops</td>
<td>4. Barns &amp; stables</td>
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<td>Nurseries</td>
<td>5. Swimming pools</td>
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<td>6. Outdoor athletic court facilities</td>
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<td>7. Antennas &amp; satellite dishes</td>
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<td>8. Private docks</td>
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<td>9. Family and Group Family Day Care</td>
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<td>10. Solar/heating/ventilation equipment</td>
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<td>11. Temporary accessory dwelling</td>
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<td>Rural Residential-2</td>
<td>1. Same as RR-1</td>
<td>1. Same as RR-1</td>
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<td>RR-2</td>
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<tr>
<td>Rural Residential-3</td>
<td>1. Same as RR-1</td>
<td>1. Same as RR-1</td>
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<td>RR-3</td>
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<td>1. Same as RR-1</td>
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NOTE: (SP)=Requires Site Plan Review Approval

USE PERMISSIBLE UPON ISSUANCE OF A SPECIAL USE PERMIT AND SITE PLAN REVIEW APPROVAL

NOTE: (SP Exempt)= Requires no Site Plan Review Approval

1. Bed & breakfast
2. Dog kennel
3. Riding stable
4. Commercial greenhouse
5. Seasonal produce stand
6. Golf course & clubhouse
7. Churches/religious places of worship
8. Cemeteries
9. Home occupation
10. Agriculture: Dairy farms
11. Horse farms
12. Heiport
13. Utility facilities
14. TV/radio/telephone tower & antenna
15. Marinas & docks
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<th>DISTRICT</th>
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<tbody>
<tr>
<td>Suburban Residential-1 SR-1</td>
<td>1. Single Family Residences</td>
<td>1. Private garages</td>
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<td>1. Home occupation (SP Exempt)</td>
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<td>4. Church/Religious places of worship</td>
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<td>1. Home occupation (SP Exempt)</td>
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<td>2. Residential recreation facilities</td>
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# District Regulations: Use Schedule for Residential Districts

**City of Saratoga Springs**

<table>
<thead>
<tr>
<th>District</th>
<th>Permitted Principal Use</th>
<th>Accessory Use</th>
</tr>
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<tbody>
<tr>
<td>Urban Residential-5</td>
<td>Multi-Family Residences (SP)</td>
<td>1. Same as UR-2 (SP)</td>
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<tr>
<td>UR-5</td>
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<td>1. Same as UR-4</td>
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<tr>
<td>Urban Residential-6</td>
<td>Mobile Home Parks</td>
<td>1. Same as UR-2</td>
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<tr>
<td>UR-6</td>
<td></td>
<td>1. Same as UR-2</td>
</tr>
<tr>
<td>Urban Residential-7</td>
<td>Single Family Residences</td>
<td>1. Private garages</td>
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<td>UR-7</td>
<td>2. Two Family Residences</td>
<td>2. Storage sheds</td>
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<td>3. Swimming pools</td>
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<td>6. Temporary accessory dwelling</td>
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<td>7. Antennas and satellite dishes</td>
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</table>

**Use Permissible Upon Issuance of A Special Use Permit and Site Plan Review Approval**

**Note:** (SP Exempt) = Requires no Site Plan Review Approval
<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>PERMISSIBLE PRINCIPAL USES UPON SITE PLAN REVIEW &amp; APPROVAL</th>
<th>ACCESSORY PERMITTED USERS</th>
<th>USES PERMISSIBLE UPON ISSUANCE OF SPECIAL USE PERMIT AND UPON SITE PLAN REVIEW</th>
</tr>
</thead>
<tbody>
<tr>
<td>institutional—</td>
<td>1. Forest management</td>
<td>1. Private garages</td>
<td>1. Recreationally oriented concessions</td>
</tr>
<tr>
<td>Park &amp; Recreation</td>
<td>2. Nurseries</td>
<td>2. Barns and stables</td>
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<td>4. Public recreation facilities</td>
<td>5. Swimming pools</td>
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<td>7. Antennas and satellite dishes</td>
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<tr>
<td>Municipal purposes</td>
<td>2. Waste recycling center</td>
<td>2. Storage sheds</td>
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<td>4. Municipal vehicle storage repair service</td>
<td>4. Antennas and satellite dishes</td>
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<tr>
<td>Institutional—</td>
<td>1. The following uses are permitted in association with public or private educational facilities</td>
<td>1. Private garages &amp; parking structures</td>
<td>1. Heliport</td>
</tr>
<tr>
<td>Educational</td>
<td></td>
<td>2. Storage sheds</td>
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<td>INST-ED</td>
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<td>3. Greenhouses</td>
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<td>4. Swimming pools</td>
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<td>5. Solar/heating/ventilation equipment</td>
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<td>6. Antennas and satellite dishes</td>
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## DISTRICT REGULATIONS: USE SCHEDULE FOR INSTITUTIONAL DISTRICTS

**CITY OF SARATOGA SPRINGS**

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>PERMISSIBLE PRINCIPAL USES UPON SITE PLAN REVIEW &amp; APPROVAL</th>
<th>ACCESSORY PERMITTED USERS</th>
<th>USES PERMISSIBLE UPON ISSUANCE OF SPECIAL USE PERMIT AND UPON SITE PLAN REVIEW</th>
</tr>
</thead>
</table>
| **Institutional – Horse Track related** | 1. The following uses are permitted in association with Horse Racing Facility:  
- Horse race track & grandstand  
- Horse auction sales facilities  
- Horse training facilities  
- Restaurants & concession stands within the grandstand facility  
- Dormitories/living quarters for on premise employees  
- Single family residences for on premise employees  
- Administration offices for horse racing facilities  
- Social, recreational and religious centers for on premise employees  
- Physical plant maintenance and operational facilities  
- Medical care facilities for on premise employees and facility users  
- Barns and stables for horses  
2. Park & Ride lot | 1. Private garages & parking structure for employees and users  
2. Greenhouses for horse racing facilities  
3. Outdoor athletic field and court facility  
4. Swimming pools for employees  
5. Solar/heating/ventilation equipment  
6. Antennas and satellite dishes | 1. Manure processing  
2. Cultural facilities/museums associated with horse racing facilities  
3. Pari-mutuel wagering hotel  
4. Heliport |

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<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>PERMISSIBLE PRINCIPAL USES UPON SITE PLAN REVIEW &amp; APPROVAL</th>
<th>ACCESSORY PERMITTED USES UPON SITE PLAN REVIEW &amp; APPROVAL</th>
<th>USES PERMISSIBLE UPON ISSUANCE OF SPECIAL USE PERMIT AND UPON SITE PLAN REVIEW &amp; APPROVAL</th>
</tr>
</thead>
</table>
| Light Industrial IND–L | 1. Construction equipment storage sales and maintenance  
2. Heavy equipment storage, sales and maintenance  
3. Trucking & freight terminal  
4. Custom manufacturing  
5. Light manufacturing, assembly or industrial operations  
6. Administrative office for permitted use  
7. Research & development facilities  
8. Warehouse for enclosed storage of goods & materials, distribution plants & wholesale business  
9. Laboratory  
10. TV & radio station & receiving/broadcast  
11. Printing, publication or engraving  
12. Bakery  
13. Bottling plant  
14. Public utility facilities  
15. Machine shop | 1. Storage facilities  
2. Solar/heating/ventilation equipment  
3. Antennas and satellite dishes | 1. Daycare center  
2. Gasoline service stations  
3. Motor vehicle repair establishment  
4. Outside storage  
5. Salvage and scrap processing |
| General Industrial IND–G | 1. Same as IND–L  
2. General & heavy manufacturing & assembly | 1. Same as IND–L | 1. Daycare center  
2. Outside storage  
3. Salvage & scrap processing |
## DISTRICT REGULATIONS: USE SCHEDULE FOR INDUSTRIAL DISTRICTS
### CITY OF SARATOGA SPRINGS

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<thead>
<tr>
<th>DISTRICT</th>
<th>PERMISSIBLE PRINCIPAL USES UPON SITE PLAN REVIEW &amp; APPROVAL</th>
<th>ACCESSORY PERMITTED USES UPON SITE PLAN REVIEW &amp; APPROVAL</th>
<th>USES PERMISSIBLE UPON ISSUANCE OF SPECIAL USE PERMIT AND UPON SITE PLAN REVIEW &amp; APPROVAL</th>
</tr>
</thead>
</table>
| Industrial Extraction | 1. Concrete mix plant  
IND-EX  
2. Asphalt mix plant  
3. Extraction of sand, stone or gravel | 1. Maintenance of equipment for extraction uses  
2. Storage facilities  
3. Rock crushers  
4. Conveyors  
5. Screeners  
6. Scale house  
7. Outside storage  
8. Solar/heating/ventilation equipment  
9. Antennas and satellite dishes | |

---
<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>PERMITTED PRINCIPAL USES UPON SITE PLAN REVIEW &amp; APPROVAL</th>
<th>ACCESSORY PERMITTED USES UPON SITE PLAN REVIEW &amp; APPROVAL</th>
<th>USES PERMISSIBLE UPON ISSUANCE OF SPECIAL USE PERMIT AND UPON SITE PLAN REVIEW &amp; APPROVAL</th>
</tr>
</thead>
</table>
| Commercial-1 | 1. Animal clinic  
2. Apparel cleaning/dry cleaning  
3. Art gallery  
4. Bakery shop  
5. Barber/beauty shop  
6. Bathhouse/health center/spa  
7. Boutique  
8. Business Office  
9. Car rental agency  
10. Churches & religious institutions  
11. Communication services  
12. Convenience sales & services  
13. Day care center  
14. Drug store  
15. Eating & drinking establishments  
16. Financial institutions & banks  
17. Florist  
18. Furniture store  
19. General retail  
20. Hotel/motel  
21. Library  
22. Medical offices/clinics  
23. Museum  
24. Neighborhood center  
25. Newspaper plant  
26. Open air market (Farmer's market)  
27. Printing, publishing & engraving  
28. Professional offices  
29. Real estate offices  
30. Recreational facilities (indoor) | 1. Private garages & parking structure  
2. Solar/heating/ventilation equipment  
3. Antennas and satellite dishes | 1. Brew pubs  
2. Bus depot  
3. Civic center/convention center  
4. Fraternal lodges/clubs  
5. Laundromat  
6. Movie theater  
7. Swimming Pools |
### DISTRICT REGULATIONS: USE SCHEDULE FOR COMMERCIAL DISTRICTS
#### CITY OF SARATOGA SPRINGS

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>PERMITTED PRINCIPAL USES UPON SITE PLAN REVIEW &amp; APPROVAL</th>
<th>ACCESSORY PERMITTED USES UPON SITE PLAN REVIEW &amp; APPROVAL</th>
<th>USES PERMISSIBLE UPON ISSUANCE OF SPECIAL USE PERMIT AND UPON SITE PLAN REVIEW &amp; APPROVAL</th>
</tr>
</thead>
</table>

31. Residential use on second floor or above
32. Training & educational services   classroom instruction, etc.
33. Vehicular fee parking
34. Visitor's center
35. Group entertainment (nightclubs, theater)
<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>PERMITTED PRINCIPAL USES UPON SITE PLAN REVIEW &amp; APPROVAL</th>
<th>ACCESSORY PERMITTED USES UPON SITE PLAN REVIEW &amp; APPROVAL</th>
<th>USES PERMISSIBLE UPON ISSUANCE OF SPECIAL USE PERMIT AND UPON SITE PLAN REVIEW &amp; APPROVAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5. Car rental agency</td>
<td></td>
<td>5. Gasoline service stations</td>
</tr>
<tr>
<td></td>
<td>6. Convenience sales &amp; services</td>
<td></td>
<td>6. Motor vehicle repair establishment</td>
</tr>
<tr>
<td></td>
<td>7. Eating &amp; drinking establishment</td>
<td></td>
<td>7. Movie theater</td>
</tr>
<tr>
<td></td>
<td>8. Financial institutions &amp; banks</td>
<td></td>
<td>8. Outdoor display/storage</td>
</tr>
<tr>
<td></td>
<td>9. Group entertainment (nightclubs, theater)</td>
<td></td>
<td>9. Outdoor entertainment (minature golf, etc.)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>23. General retail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>24. Group entertainment (nightclubs, theater)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>25. Hotel/motel</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>26. Laundromat</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>27. Medical offices/clinics</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>28. Neighborhood center</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>29. Nursery (plant)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>30. Outdoor recreation (golf, etc.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>31. Printing, publishing or engraving</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>32. Public utility facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>33. Professional offices</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>34. Real estate offices</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>35. Recreational facilities (indoor)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>36. Residential use on second floor or above</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>37. Rooming house/tourist home</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>38. Training &amp; educational services</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>39. TV &amp; radio station &amp; receiving/broadcasting</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>40. Vehicular fee parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>41. Park &amp; ride lot</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Commercial-3**
### DISTRICT REGULATIONS: USE SCHEDULE FOR COMMERCIAL DISTRICTS
CITY OF SARATOGA SPRINGS

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>PERMITTED PRINCIPAL USES UPON SITE PLAN REVIEW &amp; APPROVAL</th>
<th>ACCESSORY PERMITTED USES UPON SITE PLAN REVIEW &amp; APPROVAL</th>
<th>USES PERMISSIBLE UPON ISSUANCE OF SPECIAL USE PERMIT AND UPON SITE PLAN REVIEW &amp; APPROVAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-4</td>
<td>2. Medical offices</td>
<td>2. Maintenance facilities</td>
<td>1. Medical hospitals</td>
</tr>
<tr>
<td></td>
<td>5. Public health clinics</td>
<td>5. Antennas and satellite dishes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6. Park &amp; Ride Lot</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial-5</td>
<td>1. Administrative offices for permitted uses</td>
<td>1. Storage facilities</td>
<td>1. Car washes</td>
</tr>
<tr>
<td></td>
<td>3. Light manufacturing, assembly or other</td>
<td>3. Antennas and satellite dishes</td>
<td>3. Gasoline service stations</td>
</tr>
<tr>
<td></td>
<td>industrial operations</td>
<td></td>
<td>4. Outside storage &amp; display</td>
</tr>
<tr>
<td></td>
<td>4. Printing, publication or engraving</td>
<td></td>
<td>5. Vehicle repair establishments</td>
</tr>
<tr>
<td></td>
<td>5. Public utility facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>6. Research &amp; development facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>7. Recreational facilities (indoor)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8. Retail Beverage/recycling Centers</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>9. Self-storage</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10. TV &amp; radio station &amp; receiving/broadcasting</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>11. Warehouse for enclosed storage of goods &amp; materials, distribution plants &amp; wholesale business</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>12. Park &amp; Ride Lot</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>PERMITTED PRINCIPAL USES UPON SITE PLAN REVIEW &amp; APPROVAL</th>
<th>ACCESSORY PERMITTED USES UPON SITE PLAN REVIEW &amp; APPROVAL</th>
<th>USES PERMISSIBLE UPON ISSUANCE OF SPECIAL USE PERMIT AND UPON SITE PLAN REVIEW &amp; APPROVAL</th>
</tr>
</thead>
</table>
| Commercial—6 | 1. Business offices  
2. Medical offices  
3. Professional offices | 1. Private garages & parking structures  
2. Maintenance facilities  
3. Storage facilities  
4. Solar/heating/ventilation equipment  
5. Antennas and satellite dishes | 1. Outside storage & display |
| C—6       |                                                          |                                                          |                                                                                     |
| Commercial—7 | 1. Administrative offices for permitted uses  
2. Building material storage  
3. Light assembly  
4. Public utility facilities  
5. Self—storage  
2. Solar/heating/ventilation equipment  
3. Antennas and satellite dishes | 1. Outside storage & display |
<p>| C—7       |                                                          |                                                          |                                                                                     |</p>
<table>
<thead>
<tr>
<th>ZONING DISTRICT</th>
<th>Minimum Lot Size</th>
<th>Maximum Percent of Lot to be Occupied</th>
<th>Minimum Yard Dimensions</th>
<th>Principal Buildings</th>
<th>Accessory Building</th>
<th>Minimum Distance To Rear Lot line (feet)</th>
<th>Minimum Percent of Lot to be Permeable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Residential-1 RR-1</td>
<td>2 acres</td>
<td>5</td>
<td>60</td>
<td>30</td>
<td>100</td>
<td>35</td>
<td>5</td>
</tr>
<tr>
<td>Rural Residential-2 RR-2</td>
<td>2 acres</td>
<td>5</td>
<td>60</td>
<td>30</td>
<td>100</td>
<td>35</td>
<td>5</td>
</tr>
<tr>
<td>Rural Residential-3 RR-3</td>
<td>2 acres</td>
<td>5</td>
<td>60</td>
<td>30</td>
<td>100</td>
<td>35</td>
<td>5</td>
</tr>
<tr>
<td>Suburban Residential-1 SR-1</td>
<td>40,000 sq. ft.</td>
<td>8</td>
<td>40</td>
<td>15</td>
<td>35</td>
<td>35</td>
<td>10</td>
</tr>
<tr>
<td>Suburban Residential-2 SR-2</td>
<td>20,000 sq. ft.</td>
<td>8</td>
<td>30</td>
<td>12</td>
<td>30</td>
<td>35</td>
<td>5</td>
</tr>
<tr>
<td>Urban Residential-1 UR-1</td>
<td>12,500 sq. ft. (A)</td>
<td>8</td>
<td>30</td>
<td>12</td>
<td>30</td>
<td>35</td>
<td>5</td>
</tr>
<tr>
<td>Urban Residential-2 UR-2</td>
<td>6,600 sq. ft. (B)</td>
<td>10</td>
<td>25</td>
<td>8</td>
<td>20</td>
<td>35</td>
<td>5</td>
</tr>
<tr>
<td>Urban Residential-3 UR-3</td>
<td>8,000 sq. ft. (B)</td>
<td>10</td>
<td>25</td>
<td>4</td>
<td>12</td>
<td>35</td>
<td>5</td>
</tr>
</tbody>
</table>
### DISTRICT REGULATION: AREA AND BULK SCHEDULE FOR RESIDENTIAL DISTRICTS
#### CITY OF SARATOGA SPRINGS

<table>
<thead>
<tr>
<th>ZONING DISTRICT</th>
<th>Minimum Lot Size</th>
<th>Maximum Percent of Lot to be Occupied</th>
<th>Minimum Yard Dimensions</th>
<th>Principal Buildings</th>
<th>Accessory Building</th>
<th>Minimum Distance To</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area</td>
<td>Mean Width (feet)</td>
<td>Principal Building (feet)</td>
<td>Accessory Building (feet)</td>
<td>Front (feet)</td>
<td>Rear (feet)</td>
</tr>
<tr>
<td>Urban Residential-4</td>
<td>3,000 sq. ft. per dwelling unit</td>
<td>100</td>
<td>25</td>
<td>15</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Urban Residential-5</td>
<td>3,000 sq. ft. per dwelling unit</td>
<td>100</td>
<td>25</td>
<td>15</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Urban Residential-6</td>
<td>4,800 sq. ft.</td>
<td>60</td>
<td>30</td>
<td>10</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Urban Residential-7</td>
<td>4,000 sq. ft.</td>
<td>50</td>
<td>45</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

**NOTES:**

A. Twenty thousand (20,000) square feet without central water supply or sanitary sewers
B. Forty thousand (40,000) square feet without central water supply and sanitary sewers
C. Same as UR-2 for single family residence
### DISTRICT REGULATIONS: AREA AND BULK SCHEDULE FOR INSTITUTIONAL DISTRICT
**CITY OF SARATOGA SPRINGS**

<table>
<thead>
<tr>
<th>ZONING DISTRICT</th>
<th>Minimum Lot Size</th>
<th>Mean Width (feet)</th>
<th>Principal Building</th>
<th>Accessory Building</th>
<th>Front (feet)</th>
<th>Rear (feet)</th>
<th>One Side (feet)</th>
<th>Total Side (feet)</th>
<th>Minimum First Floor Area (sq. feet)</th>
<th>Maximum Height (feet)</th>
<th>Principal Building (feet)</th>
<th>Accessory Building Minimum Distance To Lot Line (feet)</th>
<th>Minimum Percent of Lot to be Permeable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutional–Parkland/ Recreational Inst–PR</td>
<td>2 acres</td>
<td>200</td>
<td>-</td>
<td>-</td>
<td>60</td>
<td>100</td>
<td>30</td>
<td>100</td>
<td>-</td>
<td>70</td>
<td>15</td>
<td>30</td>
<td>50</td>
</tr>
<tr>
<td>Institutional–Municipal Inst–MP</td>
<td>2 acres</td>
<td>200</td>
<td>40</td>
<td>30</td>
<td>100</td>
<td>50</td>
<td>20(A)</td>
<td>50</td>
<td>-</td>
<td>50</td>
<td>10</td>
<td>10(B)</td>
<td>10(B)</td>
</tr>
<tr>
<td>Institutional–Education Inst–ED</td>
<td>12,500</td>
<td>100</td>
<td>20</td>
<td>8</td>
<td>30</td>
<td>30</td>
<td>12(A)</td>
<td>30</td>
<td>-</td>
<td>50</td>
<td>12</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Institutional–Horse Track Related Inst–HTR</td>
<td>20,000</td>
<td>100</td>
<td>35</td>
<td>8</td>
<td>30</td>
<td>30(A)</td>
<td>12(C)</td>
<td>30</td>
<td>-</td>
<td>60</td>
<td>12</td>
<td>5(B)</td>
<td>5(B)</td>
</tr>
</tbody>
</table>

**NOTES:**
A. Fifty (50) feet if lot abuts a residential district  
B. Thirty (30) feet if lot abuts a residential district  
C. Forty (40) feet if lot abuts a residential district
### District Regulation: Area and Bulk Schedule for Industrial Districts

**City of Saratoga Springs**

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Lot Size</th>
<th>Mean Width (feet)</th>
<th>Principal Building</th>
<th>Accessory Building</th>
<th>Minimum Yard Dimensions</th>
<th>Minimum First Floor Area sq. feet</th>
<th>Maximum Height (feet)</th>
<th>Principal Buildings Minimum Distance to Lot Line (feet)</th>
<th>Accessory Building Minimum Distance to Lot Line (feet)</th>
<th>Minimum Percent of Lot to be Permeable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light Industrial IND-L</td>
<td>20,000</td>
<td>100</td>
<td>40</td>
<td>10</td>
<td>40</td>
<td>30(A)</td>
<td>15(B)</td>
<td>30</td>
<td>-</td>
<td>40</td>
</tr>
<tr>
<td>General Industrial IND-G</td>
<td>40,000</td>
<td>200</td>
<td>40</td>
<td>30</td>
<td>40</td>
<td>30(A)</td>
<td>15(B)</td>
<td>30</td>
<td>-</td>
<td>50</td>
</tr>
<tr>
<td>Industrial Extraction IND-EX</td>
<td>10 acres</td>
<td>500</td>
<td>80(D)</td>
<td>10</td>
<td>100(E)</td>
<td>100(E)</td>
<td>50</td>
<td>100</td>
<td>-</td>
<td>100</td>
</tr>
</tbody>
</table>

**Notes:**

A. Fifty (50) feet if the lot abuts a residential district
B. Forty (40) feet if the lot abuts a residential district
C. Thirty (30) feet if the lot abuts a residential district
D. Includes accessory structures
E. One hundred (100) feet for extractive and quarrying or fifty (50) feet for other principal uses
| Zoning District | Lot Size | Minimum Lot Line | Mean Width | Minimum Principal Building Rear | Minimum First Floor Principal Building Rear | Total Accessory Building Rear | Principal Building Height (feet) | Minimum Distance to Accessory Building Principal Buildings | Minimum Yard Dimensions | Maximum Percent of Lot to be Occupied | Maximum Percent of Lot to be Lot Line | Principal Building Rear | Percent of Lot to be Lot Line | Principal Building Rear | Percent of Lot to be Lot Line | Principal Building Rear | Percent of Lot to be Lot Line | Principal Building Rear | Percent of Lot to be Lot Line | Principal Building Rear | Percent of Lot to be Lot Line |
|-----------------|----------|------------------|------------|---------------------------------|--------------------------------------------|-------------------------------|--------------------------------|---------------------------------|--------------------------|-----------------------------|---------------------------------|----------------------------|-----------------------------|---------------------------------|----------------------------|---------------------------------|----------------------------|-----------------------------|---------------------------------|----------------------------|-----------------------------|---------------------------------|----------------------------|
| Commercial-1 Downtown Business | 1,500 | 30 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Commercial-2 Highway Business | 20,000(b) | 30 | 30 | 15 | 15 | 25(A) | 15(B) | 30 | 40 | 10 | 10 | 10 | 10 | 10 | 3(C) | 3(C) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Commercial-3 Tourist Related Business | 10,000 | 100 | 100 | 10 | 10 | 25(A) | 15(B) | 30 | 40 | 10 | 10 | 10 | 10 | 10 | 3(C) | 3(C) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Commercial-4 Official Medical/Hospital | 10,000(b) | 100 | 100 | 10 | 10 | 25(A) | 15(B) | 30 | 40 | 10 | 10 | 10 | 10 | 10 | 3(C) | 3(C) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Commercial-5 Mixed Business and Light Industry | 20,000 | 100 | 100 | 10 | 10 | 25(A) | 15(B) | 30 | 40 | 10 | 10 | 10 | 10 | 10 | 3(C) | 3(C) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Commercial-6 Official Medical Business | 40,000 | 100 | 100 | 10 | 10 | 25(A) | 15(B) | 30 | 40 | 10 | 10 | 10 | 10 | 10 | 3(C) | 3(C) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
DISTRIBUTION REGULATION: AREA AND BULK SCHEDULE FOR COMMERCIAL DISTRICTS
CITY OF SARATOGA SPRINGS

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Lot Size</th>
<th>Mean Width (feet)</th>
<th>Maximum Percent of Lot to be Occupied</th>
<th>Principal Building Dimensions</th>
<th>Accessory Building Minimum Distance to Side</th>
<th>Rear Lot Line (feet)</th>
<th>Minimum Percent of Lot to be Permeable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial-7: Warehousing C-7</td>
<td>20,000</td>
<td>100</td>
<td>30</td>
<td>15</td>
<td>40</td>
<td>25(A)</td>
<td>15(B)</td>
</tr>
</tbody>
</table>

NOTES:
A. Fifty (50) feet if lot abuts a residential district
B. Forty (40) feet if lot abuts a residential district
C. Thirty (30) feet if lot abuts a residential district
D. Minimum lot size for "drive-in facilities" is 40,000 sq. ft.
ARTICLE III

PLANNED UNIT DEVELOPMENT DISTRICT

240-3.1 LEGISLATIVE INTENT; OBJECTIVES

A. Intent. It is the intent of this Planned Unit Development (PUD) Article to provide flexible land use and design regulations through the use of performance criteria so that small to large-scale neighborhoods or portions thereof may be developed within the City of Saratoga Springs that incorporate a variety of residential types and nonresidential uses and may contain both individual building sites and common property which are planned and developed as a unit. Such a planned unit is to be designed and organized so as to be capable of satisfactory use and operation as a separate entity without necessarily needing the participation of other building sites or other common property in order to function as a neighborhood. The purpose of the Planned Unit Development District is to provide a procedure to request the City Council exercise its legislative authority to rezone a parcel of land to residential, commercial and industrial zones either jointly or separately in conformance with appropriate standards which ensure compatibility among all the land uses, foster innovation in site planning and development and encourage sound design practices. Provision is included for Planned Unit Development Districts to establish areas in which diverse uses may be brought together in a compatible and unified plan of development which shall be in the interest of the general welfare of the public and in conformance with the current City Master Plan and the policy considerations underlying the Zoning Ordinance. This Article recognizes that while the standard zoning function (use and bulk) and the subdivision function (platting and design) are appropriate for the regulation of land use in areas or neighborhoods that are already substantially developed, these controls represent a type of preregulation, regulatory rigidity and uniformity which may be inimical to the techniques of land development contained in the planned unit development concept. Further, this Article recognizes that a rigid set of space requirements along with bulk and use specifications would frustrate the application of this concept. Thus, where planned unit development techniques are deemed appropriate through the legislative act of rezoning of land to a Planned Unit Development District by the City Council, the set of use and dimensional specifications elsewhere in this chapter are herein
replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.

B. Objectives. In order to carry out the intent of this Article, a planned unit development shall achieve the following objectives:

(1) A maximum choice in the types of environment, occupancy tenure (e.g., cooperatives, individual ownership, condominium, leasing) and community facilities available to existing and potential city residents at all economic levels.

(2) More usable open space and recreation areas.

(3) More convenience in location of accessory commercial and service areas.

(4) The preservation of trees, streams, wetlands, natural topography and geologic features and prevention of soil erosion.

(5) A creative use of land and related physical development which allows an orderly transition of land from rural to urban uses.

(6) An efficient use of land resulting in smaller networks of utilities and streets.

(7) A development pattern in harmony with the objectives of the current Master Plan and the policy considerations underlying the Zoning Ordinance.

(8) A more desirable environment than would be possible through the strict application of other Articles of this chapter.

240-3.2 PERMITTED LOCATIONS

A. Location of Planned Unit Development District. The Planned Unit Development District shall be applicable to the following areas of the City where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this Article.

(1) A residential planned unit development district shall be applicable to any area of the city except in those areas zoned RR-1, RR-2 and RR-3.

(2) A commercial planned unit development district shall be applicable to any area of the city except
in those areas zoned RR-1 and RR-3.

(3) An industrial planned unit development district shall be applicable to any area of the city except in those areas zoned RR-1 and RR-2.

240-3.3 REGULATIONS

A. General

(1) Any PUD shall contain sufficient area to meet objectives of this Article.

(2) Proposals for staged development must provide for an appropriate mix of uses and adequate allowance for completion of overall concepts.

(3) There must be legal purchase offers or options on all parcels involved in a PUD, or title already vested in the applicant, prior to submission for zoning approval.

(4) There must be single ownership, or an appropriate agreement existing between owners of separate parcels, of the entire PUD area prior to final approval.

(5) Density limitations should be in keeping with the current Master Plan, or any subsequent Master Plans or amendments thereto.

240-3.4 PERMITTED USES

A. Types of PUDs. All uses within an area designated as Planned Unit Development District are determined by the provisions of this section and the approval of the project concerned.

(1) Planned Residential Unit Development.

(a) Residential uses. Residences may be of a variety of types. In developing a balanced community, the use of a variety of housing types and densities shall be deemed most in keeping with this Article. In making these determinations, the Planning Board shall consider the size of the site, its location with respect to community services and facilities, transportation and area-wide market surveys, and conformance with objectives of the current Master Plan and the
policy considerations underlying the Zoning Ordinance.

(b) Accessory commercial, service and other nonresidential uses. Commercial, service and other nonresidential uses may be permitted (or required) where such uses are scaled primarily to serve the residents of a planned unit development.

(c) Customary accessory or associated uses. Accessory uses such as private garages, storage spaces, recreational and community activities, churches and schools shall also be permitted as appropriate to the planned unit development.

(d) Minimum area. Under normal circumstances, the minimum area requirement to qualify for a Planned Unit Residential Development District shall be ten (10) contiguous acres of land. Where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this Article, projects with less acreage may be considered.

(e) All residential PUDs must have a minimum of 70% of the gross floor area in use for residences.

(f) Base density is that permitted in the original District or Districts in the current Zoning Ordinance. The density allowed in a PUD shall not exceed 150% of the original base density, based on the considerations set forth in (g) hereof, or densities established in the current Master Plan, whichever is lower.

(g) To encourage developers to meet the objectives listed in the current Zoning Ordinance, the base density may be increased at the sole judgment and discretion of the City for the following considerations:

[1] Providing housing opportunities pursuant to low and moderate income programs under federal, state, or local guidelines–allowable increase 20%.
(2) Planned Unit Commercial Development.

(a) Commercial and business uses. Commercial and business uses may be a variety of types. Services are required to develop a well-balanced community. In making determinations, the Planning Board shall consider the size of the site, its location with respect to community services, access, and conformance with objectives of the current Master Plan and the policy considerations underlying the Zoning Ordinance. A minimum of fifty percent (50%) of the gross floor areas shall be commercial in nature.

(b) Accessory industrial uses and other non-commercial uses. Industrial and other non-commercial uses may be permitted (or required) where such uses are scaled to complement or service the commercial uses of the planned unit development. Such industrial uses shall generally not exceed fifty percent (50%) of the other uses.

(c) Customary accessory or associated uses. Accessory uses such as garages, storage and service spaces, parking areas and loading docks shall also be permitted as appropriate to the planned unit development.

(d) Minimum area. Under normal circumstances, the minimum area requirement to qualify for a Planned Unit Commercial Development District shall be five (5) contiguous acres of land. Where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this Article, projects with less acreage may be considered.

(e) Property line. Where any property line of a Planned Unit Commercial District abuts a residential district, a densely planted buffer strip at least thirty (30) feet wide shall be installed and maintained along joint property lines.

(3) Planned Unit Industrial Development.

(a) Industrial uses. Industrial uses may be a variety of types. Uses are required to provide a more efficient and responsive service. In making determinations, the
Planning Board shall consider the size of the site, its location with respect to community services, access and any other objectives found herein. A minimum of 60% of the gross floor area shall be industrial in nature.

(b) Accessory commercial uses and other nonresidential uses. Commercial and other nonresidential uses may be permitted (or required) where such are scaled to complement or service the industrial uses of the planned unit development.

(c) Customary accessory or associated uses. Accessory uses such as garages, storage and service spaces, parking areas and loading docks shall be permitted as appropriate to the planned unit development.

(d) Minimum area. Under normal circumstances, the minimum area requirement to qualify for a Planned Unit Industrial District shall be 20 contiguous acres of land. Where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this Article, projects with less acreage may be considered.

(e) Property line. Where any property line of the Planned Unit Industrial District abuts a residential district, a densely planted buffer strip at least sixty (60) feet wide shall be installed and maintained along joint property lines.

B. Ownership. The tract of land for a project may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by the owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.

C. Intensity of land use. Because land is used more efficiently in a planned unit development, improved environmental quality can often be produced with a greater number of units per gross building area than usually permitted in traditionally zoned districts. The City Council, acting as a legislative body, shall determine in each case the appropriate land use intensity and/or residential unit density for individual projects. The discretion of the City Council, as to the issue of
intensity or density of use, or even as to whether to approve or deny the PUD application, shall be absolute, consistent with its inherent power to re-zone.

D. **Common property in the Planned Unit Development District.** Common property in a planned unit development is a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which is shared by the owners and occupants of the individual building site. When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvement, operation and maintenance of such common property and facilities, including private streets, drives, service and parking areas and recreational and open space areas.

240-3.5 APPLICATION PROCEDURE: ZONING APPROVAL

A. **General.** Whenever any planned unit development is proposed, before any permit for the erection of a permanent building in such planned unit development shall be granted and before any subdivision plat of any part thereof may be filed in the office of the Saratoga County Clerk, the developer or his authorized agent shall apply for and secure approval of such planned unit development in accordance with the following procedures.

B. **Procedures.**

1. Pre-application presentation with City Council. (Optional)
2. Application to City Council for Sketch Plan approval.
3. Initiation of SEQRA review by City Council.
4. Transmittal of Sketch Plan and draft Zoning Amendment prepared by Developer to Planning Board for advisory report.
5. Review by City Planning Board and issuance of advisory report.
6. Review by County Planning Board and issuance of advisory decision.
7. Review by City Council and mandatory Public Hearing. Approval, disapproval, or approval with
modifications by City Council. Adoption of Amendment to Zoning Ordinance and amendment of Map.

240-3.6 PRE-APPLICATION PRESENTATION (OPTIONAL)

A. The interested party may arrange through the City Clerk for an appearance before the City Council to present and discuss the proposed project.

B. The meeting date shall be either a regular City Council meeting or a special meeting called for the purpose. At this meeting all interested City Officials and the public will be allowed to attend and listen to the presentation.

C. Applicant shall have 10 copies of a written and graphic summary of the proposal submitted to the City Clerk 7 days prior to the meeting.

D. Following the meeting the City Council shall provide the applicant with its comments (either orally or through transmittal to applicant of the minutes of the meeting) on the conference and recommendations to assist the applicant in further preparations.

E. The applicant may also arrange through the chairperson for an appearance before the City Planning Board to present and discuss the proposed project.

F. Except for unusual circumstances, the applicant will be limited to two (2) pre-application presentations before either the City Council or the Planning Board.

240-3.7 APPLICATION TO CITY COUNCIL FOR SKETCH PLAN APPROVAL

A. The owner of the land, purchaser under contract, or agent thereof shall apply in writing to the City Council for a change in district to a Planned Unit Development, said application to include (20) copies of a sketch plan as described herein, (20) copies of a completed Environmental Assessment Long Form, and a written narrative briefly describing the proposed Planned Unit Development, including the uses, density, and other relevant characteristics of the proposed Planned Unit Development. The City Council shall preliminarily review the application to determine its compatibility with the current Zoning Ordinance, the Master Plan, any comprehensive plan for the area, and existing surrounding land uses.
B. In order to allow the City Council, Planning Board, and the developer to reach an understanding on basic design requirements prior to detailed design investment, the developer shall submit a sketch plan of his proposal to the City Council. The sketch plan shall be approximately to scale, though it need not be to the precision of a finished engineering drawing, and it shall clearly show the following information:

(1) The location of the various uses and their areas in acres.

(2) The general outlines of the interior roadway system and all existing rights-of-way and easements, whether public or private.

(3) Delineation of the various use areas indicating for each such area its general extent, size and composition in terms of use, total number of units and general description of the intended market structure; for residential districts, approximate percentage allocation by residential unit type (i.e., single-family, townhouse, garden apartments, high-rise, etc.); for commercial and industrial districts, approximate percentage allocation by use (i.e., office, retail, storage, assemblage, extractions, etc.).

(4) The interior open space system.

(5) The overall storm water and drainage system.

(6) A map of site topography at no more than five foot contour intervals, USG's datum. If grades exceed fifteen percent (15%) or portions of the site have a moderate-to-high susceptibility to erosion or a moderate-to-high susceptibility to flooding and ponding, a topographic map showing contour intervals of not more than two (2) feet of elevation shall be provided along with an overlay outlining the above susceptible soil areas, if any.

(7) Principal ties to the community at large with respect to transportation, water supply and sewage disposal.

(8) A location map showing uses and ownership of abutting lands.

(9) The proposed location, type and size of display signs, driveways, emergency and loading zones.
(10) The proposed location, type and size of landscaping, buffer areas, berms and other exterior aesthetic features.

(11) All existing zoning and planned development district boundary delineations affecting the property.

(12) All other information pertaining to topography, soil characteristics, surface and sub-surface water, and geological conditions found to be necessary or desirable to facilitate its review by the City Council and Planning Board.

C. In addition, the following documentation shall accompany the sketch plan submitted to the City Council:

(1) Evidence of how the developer's particular mix of land use meets existing community demands to include area-wide as well as local considerations.

(2) A general statement addressing the need for the proposed uses in the proposed location based on the Master Plan.

(3) Evidence that the proposal is compatible with the goals of any comprehensive plan for the area, and the Master Plan, with specific reference made to relevant portions of the Master Plan.

(4) A general statement as to how common open space is to be owned and maintained.

(5) If the development is to be staged, a plan should be submitted by the applicant indicating how the staging is to proceed. Whether or not the development is to be staged, the sketch plan of this section shall show the intended total project.

(6) The existing character of the neighborhood in which the uses will be located.

(7) A fiscal impact analysis shall be completed identifying projected short and long term impacts on municipal budgets.

(8) Such other matters as the City Council may consider pertinent to the application.

D. Along with the above required documents, the applicant shall also submit a draft zoning ordinance to be reviewed
by the City Council. This ordinance shall state, ultimately, all required amendments to original proposal.

E. The application and sketch plan shall be sent to the Planning Board for review and recommendation after the City Council has determined the application has merit for review.

F. The City Council shall collect a fee with all applications for PUD zoning approval which shall be determined by fee schedule set forth in Section 13.6.

240-3.8 INITIATION OF SEQRA REVIEW BY CITY COUNCIL

A. Upon receipt of an application for a PUD (sketch plan, narrative and EAF (long form)), the City Council shall establish itself as lead agency and commence SEQRA review in accordance with NYSEQRA, 6 NY CRR Part 617.

B. At the discretion of the City Council, and with the consent of the applicant, SEQRA review of a PUD application may be delayed until immediately prior to the granting of the PUD approval, or any other approval or permit, whether such approval or permit is issued by a department or board of the City of Saratoga Springs, or any other governmental agency.

240-3.9 TRANSMITTAL OF APPLICATION TO PLANNING BOARD

Within 60 days of receipt of the application, the City Council shall transmit the application to the City Planning Board for its consideration pursuant to provisions of this article, unless the City Council does not find the application to have merit for review. The City Council shall transmit the application to the Planning Board, and may include a memorandum of the preliminary findings of the City Council relative to the compatibility of the Planned Unit Development application with the current Master Plan, Zoning Ordinance, any comprehensive plan for the area, and existing and proposed surrounding land uses.

240-3.10 REVIEW BY PLANNING BOARD AND ISSUANCE OF ADVISORY REPORT

A. The Planning Board shall review the Sketch Plan and draft Zoning Amendment prepared by developer and submitted to the City Council, and any other documents forwarded to them by the City Council or requested by the Planning Board.
B. The Planning Board and the applicant may mutually agree to negotiate to make any refinements or modifications to any portions of the sketch plan application or draft zoning amendment. It is intended that this negotiating process will result in changes to the applicant's original submittal that will allow the project to better meet the objectives of this Article. The applicant may terminate negotiations at any time by asking the Planning Board to certify the completeness of the application, pursuant to B-1 hereof.

C. Report of the Planning Board to the City Council.

(1) Upon the request of the applicant and the submittal of twenty (20) copies, the Chairman of the Planning Board shall certify that all of the necessary application material has been presented, and the Planning Board shall submit its advisory report to the City Council within sixty (60) days of such certification. Once certified as complete, no changes can be made to the application.

(2) The Planning Board shall review the sketch plan and its related documents and shall render either a favorable advisory report to the City Council or an unfavorable advisory report to the applicant. During its review the Planning Board may hold a public hearing on the application.

(a) A favorable report shall include a recommendation to the City Council that a public hearing be held for the purpose of considering planned unit development districting. It shall be based on the following findings which shall be included as part of the report.

[1] The proposal conforms to the current Master Plan, including density limitations.

[2] The proposal meets the intent and objectives of a planned unit development.

[3] The proposal meets all the general requirements of the planned unit development.

[4] The proposal is conceptually sound in that it meets local and area-wide needs and it conforms to accepted design principles in the proposed functional
roadway and pedestrian system, land use
configuration, open space system,
drainage system and scale of the
elements, both absolutely and relative to
one another.

[5] There are adequate services and utilities
available or proposed to be made
available in the construction of the
development.

(b) An unfavorable report shall state clearly the
reasons therefor. If appropriate, the
Planning Board may set forth what might be
accomplished by the applicant in order to
receive a favorable report.

240-3.11 REVIEW BY COUNTY PLANNING BOARD

A. Upon receipt of the advisory report from the City
Planning Board, the City Council shall refer the
application to the County Planning Board if required by
Section 239-n of the General Municipal Law to do so for
its analysis and recommendations.

B. The County Planning Board will make a written report to
the City Council within 30 days of receipt of application
recommending:

(1) Approval.

(2) Approval with modification.

(3) Disapproval.

(4) Return for Local Determination.

(5) In the event the County Planning Board takes no
action, it will be deemed to have approved the PUD.

240-3.12 CITY COUNCIL REVIEW AND ACTION

A. Application for Planned Unit Development.

(1) Upon receipt of an advisory report from the
Planning Board, and upon completion of the SEQRA
review, the City Council shall set a date for and
conduct a public hearing for the purpose of
considering the planned unit development
districting for the applicant's plan. Said public hearing shall be conducted within sixty (60) days of the later of:

(a) the receipt of the favorable report;

(b) a determination by the City Council to proceed with an application following an unfavorable report; or

(c) the completion of the SEQRA review. Notice of such hearing shall be printed in a newspaper of general circulation in the City of Saratoga Springs once a day for three (3) successive days upon which the publication is regularly issued, the first publication of which shall be a Friday at least ten (10) but not more than twenty (20) days before the hearing.

(2) A written notice of any proposed change or amendment affecting property within the protectively zoned area of a housing project, authorized under the Public Housing Law, shall be given to the Housing Authority erecting or owning the project and to the government providing financial aid or assistance thereto at least ten (10) days prior to the date of the aforementioned hearing.

(3) A written notice of any proposed change or amendment affecting property within five hundred feet of the boundaries of any city, village, town or county, shall be given, in the case of a city, village or town to the clerk of such city, village or town, and in the case of a county, to the clerk of the board of supervisors or other person performing like duties at least ten (10) days prior to public hearing. Such city, village, town or county shall have the right to appear and to be heard at the aforementioned public hearing with respect to any such proposed change or amendment. Such city, village, town or county shall not, however, have the right of review by a court as hereinafter provided to other affected parties.

(4) Within sixty (60) days after the termination of the public hearing, the City Council shall render its decision on the application and transmit a copy of its decision to the applicant within a reasonable time thereafter. The exercise of its discretion in connection with a PUD application shall be strictly
legislative in nature, and under no circumstances does the procedure outlined herein create an administrative review procedure, or create any right or expectancy on the part of the applicant. The rezoning of lands pursuant hereto shall be entirely discretionary with the City Council, in accordance with the customary rezoning power inherent in the City Council. No findings of fact or other elaboration of the basis for its decision need be present in the record or set forth as part of the decision.

B. Zoning for Planned Unit Developments. If the City Council grants the planned unit development districting, the Zoning Map shall be so noted. The City Council may, if it feels it necessary in order to fully protect the public health, safety and welfare of the community, attach to its zoning resolution any additional conditions or requirements for the applicant to meet. Such requirements may include, but are not confined to, visual and acoustical screening, land use mixes, density limitations, order of construction and/or occupancy, circulation systems both vehicular and pedestrian, availability of sites within the area for necessary public services such as schools, firehouses and libraries, protection of natural and/or historic sites and other such physical or social demands. The City Council shall state at this time its findings with respect to the land use intensity or residential unit density as provided for herein. The PUD legislation, if approved, shall be appended to, and become a part of, the Zoning Ordinance.

C. Every zoning ordinance, every amendment thereto and every map incorporated therein, adopted in accordance with the General City Law, shall be entered into the minutes of the City Council, and a copy thereof shall be published once in a newspaper of general circulation in the City. A copy of such ordinance, amendment and any map incorporated therein shall be posted conspicuously at or near the office of the City Clerk as required by law. Affidavits of such publishing and posting shall be filed with the City Clerk.

(1) An amendment to this chapter involving a change in boundaries shall become effective only when:

(a) The revision has been duly adopted.

(b) Drawn on the Official Zoning Map.
(c) Proper entry has been recorded thereon referring to the revision number, its location in the public record and the date of adoption.

(2) After public notice, an amendment or revision in this chapter shall take effect upon the publication thereof, in accordance with the City Chapter.

240-3.13 APPLICATION PROCEDURE FOR PUD SITE PLAN REVIEW
(Amended 9/8/92)

A. Application for preliminary site plan approval. Following the filing of the local law creating a PUD, the applicant shall thereupon file an application for preliminary site plan approval with the Planning Board in accordance with the provisions of Article V. At the request of the applicant and upon the sole discretion of the Planning Board, preliminary site plan approval may be waived on sites with a minimum of engineering design.

B. Staging. If the applicant wishes to stage his development, and he has so indicated, then he may submit only those stages he wishes to develop for site plan approval in accordance with his staging plan. Any plan which requires more than twenty-four (24) months to be completed shall be required to be staged, and a staging plan must be developed. It is the intent of this Article that individual stages of the planned unit development will have an integrity of use in their own right, so that, if for any reason the entire planned unit development would not be completed, those portions of the planned unit development already constructed will be an asset to the community by themselves. Staging plans must take account of this objective, and developers proposing individual stages that deviate significantly from the overall character of the planned unit development should present convincing evidence that such a stage is indeed in keeping with this section.

C. County Planning Board review. Upon receipt of the application for preliminary site plan approval, or where preliminary site plan approval has been waived, final site plan approval, the Planning Board shall refer said application to the County Planning Board if required by the General Municipal Law Section 239-n to do so for its report to the Planning Board within thirty (30) days of receipt of said referral.

D. Factors for consideration.

(1) The Planning Board's review of a preliminary site plan shall include reference to the County Planning
Board review required hereunder and shall include but shall not be limited to the considerations in Article V. Any other and further considerations deemed to be appropriate by the Planning Board in connection with exercising its review, which are in keeping with the general intent hereof, may also be considered by the Planning Board.

(2) In its review the Planning Board may consult with the City Engineer and other city and county officials, as well as with representatives of federal and state agencies, including the Soil Conservation Service and New York State Department of Environmental Conservation. The Planning Board may also require such additional provisions and conditions that appear necessary for the public health, safety and general welfare.

E. Action on preliminary site plan applications.

(1) Within sixty (60) days of the receipt of the complete application for preliminary site plan approval, the Planning Board shall act on it. If the preliminary PUD site plan involves the proposed subdivision of any land, the Planning Board shall hold a public hearing in accordance with the requirements set forth in the City's Subdivision Rules and Regulations before any decision is made. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is conditionally approved. A copy of the appropriate minutes of the Planning Board shall be a sufficient report.

(2) The Planning Board's statement may include recommendations as to desirable revisions to be incorporated in the final site plan, conformance with which shall be considered a condition of approval. Such recommendations shall be limited, however, to siting and dimensional details within general use areas and shall not significantly alter the sketch plan as it was approved in the local law creating the PUD.

(3) If the preliminary site plan is disapproved, the Planning Board's statement shall contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission of the preliminary site plan to the Planning Board after it has been revised or redesigned.
(4) No construction activity shall commence on the site until all conditions, including, but not limited to, performance guarantee, of final approval have been met. Actual construction is hereby defined as any site clearing, grading or earth moving; any installation of site utilities; and any construction requiring a building permit. Failure to comply shall be construed as a violation of the Zoning Ordinance and, where necessary, final site plan approval may require the modification or removal of site improvements installed prior to final site plan approval which are not in conformance with the site plan approved by the Planning Board.

F. Request for changes in sketch plan. If in the site plan review process it becomes apparent that certain elements of the sketch plan, as it has been approved by the City Council, are unfeasible and in need of significant modification, the applicant shall then present his solution to the Planning Board as his preliminary site plan in accordance with the above procedures. The Planning Board shall then determine whether or not the modified plan is still in keeping with the intent of the local law creating the PUD. If a negative decision is reached, the site plan shall be considered as disapproved. The developer may then, if he wishes, produce another site plan in conformance with the approved sketch plan. If an affirmative decision is reached, the Planning Board shall so notify the City Council stating all of the particulars of the matter and its reasons for finding the project should be continued as modified. Preliminary site plan approval may then be given only with the consent of the City Council.

G. Application for final detailed site plan approval. After receiving conditional approval from the Planning Board on a preliminary site plan, the applicant may prepare his final detailed site plan and submit it to the Planning Board for final approval, in accordance with the provisions of Article V, except that if more than eighteen (18) months has elapsed between the time of the Planning Board's report on the preliminary site plan, and the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review.

H. Action on the final detailed site plan application. Within sixty (60) days of the receipt of the complete application for final site plan approval the Planning
Board shall render a decision to the applicant and shall so notify the City Council. If the final PUD site plan involves the subdivision of any land and if more than sixty (60) days has lapsed since the close of the public hearing for preliminary PUD site plan, the Planning Board shall hold a public hearing in accordance with the requirements set forth in the City's Subdivision Rules and Regulations before any decision is made on the final PUD site plan. If no decision is made within the sixty-day period, the final site plan shall be considered approved.

(1) Upon approving an application, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward it to the Building Inspector, who shall then issue a building permit to the applicant if the project conforms to all other applicable requirements.

(2) Upon disapproving an application, the Planning Board shall so inform the Building Inspector. The Planning Board shall also notify the applicant and the City Council in writing of its decision and its reasons for disapproval. A copy of the appropriate minutes may suffice for this notice.

I. Construction Permits. Following site plan approval, a copy of the final site plan shall be provided to the Building Inspector, who shall issue building permits if the project conforms to the plan.

J. Submission Review. Site plan review of a PUD, pursuant to the provisions of this Article, shall also constitute subdivision review and shall supersede the necessity of obtaining a separate subdivision approval, subject to the following conditions:

(1) The developer shall prepare the site plan map as a subdivision plat suitable for filing with the office of the Saratoga County Clerk, in addition to any and all other drawings, maps or documents required above as part of the final site plan approval process.

(2) The developer shall plat the entire development as a subdivision; however, planned unit developments being developed in stages may be platted and filed as separate phases are approved.

(3) Final site plan approval of a PUD shall constitute final subdivision plat approval under the City
Subdivision Regulations, and the map showing such plat shall be filed with the Saratoga County Clerk within ninety (90) days of approval.

K. Fee. Applications for preliminary and final site plan approval of PUD districts shall be accompanied by a fee according to the fee schedule in Section 13.6. Such fees shall be used to defray the cost of investigation, studies or advertising as may be necessary to present such application for adoption.

240-3.14 ADDITIONAL REGULATIONS

A. Proof of financial responsibility. In each Planned Unit Development District, the City Council and/or the Planning Board may require whatever proof of financial responsibility it, in their sole discretion, may deem necessary and may require in order to determine whether sufficient financial resources are available to the developer to enable him to carry out the proposal, and the City Council and/or the Planning Board may also require the posting of any security, letters of credit, or bonds it may deem necessary to insure that all timetables are followed and to further insure the completion of the project or any and all stages thereof.

240-3.15 TIME LIMITATIONS; DISCONTINUED PROJECTS

A. Reversion of Land to Original Designation.

(1) If in the opinion of the City Council and/or the Planning Board and/or the Zoning Officer the developer fails to meet imposed conditions or does not adhere to an approved development schedule, a report shall be filed with the City Council and the developer appropriately notified.

(2) Within 45 days of notification the City Council shall require a response from the developer as to reasons for failure to comply.

(3) The City Council shall thereupon hold a public hearing to determine whether a revocation of the PUD is appropriate. Such hearing shall be held within sixty (60) days of notification to the City Council and the developer of the failure to meet imposed conditions or approved development schedule. Such public hearing shall be legally advertised, and public notice given five (5) days prior to hearing date. If there is no response from the developer or reasons for the noncompliance
are deemed insufficient, the City Council, in its sole discretion, after holding a public hearing for this purpose, may revoke the approval of the PUD and in this case the land shall revert to original Zoning District designations and uses in effect at the time the PUD was enacted, or the City Council may impose whatever modifications or conditions to the PUD that it, in its sole discretion, deems appropriate.

(4) The land will also revert to the Zoning District designation and uses in effect at the time the PUD was enacted, if the applicant fails to obtain final site plan approval from the Planning Board as required pursuant to the terms hereof.

B. Time Limitations. The City Council may impose time limitations as to the commencement of construction of the planned unit development and the completion thereof, whether in connection with the whole project or whether in connection with stages thereof, and these time limitations shall be as the Council deems, in its sole discretion, to be necessary or desirable.

C. Discontinued Projects. Any planned unit development which is discontinued prior to commencement of construction shall be of no force and effect, and the zoning of the land areas involved shall be the same as the zoning thereof prior to any proceedings brought under this Article. If any portion of a planned unit development is substantially completed, and then future phases are discontinued, the portion of the planned unit development which has been substantially completed, together with a one hundred foot buffer on all sides of the substantially completed portion (provided the same is owned by the PUD applicant and was originally included in the PUD), shall continue as a planned unit development pursuant to the local law creating the PUD. However, all other portions of the planned unit development which are discontinued or not substantially completed, shall revert to the original zoning applicable and prior to any proceedings brought under this Article, and the local law creating the PUD shall have no force and effect as to these uncompleted or discontinued portions of the PUD.

D. Automatic Termination. Except for those instances set forth in paragraph A hereof, any other failure on the part of the applicant to meet the time limitations set forth in paragraph B hereof, shall result in the automatic and immediate revocation of the PUD, and the zoning of land areas involved shall immediately revert to
the same as the zoning thereof prior to any proceedings brought under this Article.

240-3.16 REVIEW OF DETERMINATION

Any person who is aggrieved by any decision of the City Council concerning the changing of the zoning regulations of land pursuant to this Article may obtain judicial review in accordance with applicable laws or regulations pertaining thereto.
ARTICLE IV

CLUSTER DEVELOPMENT

240-4.1 INTENT

A. The intent of this Article is to permit variation in conjunction with a proposed subdivision plat in lot size and housing type in suitable areas in order to encourage flexibility of design, to enable land to be developed in such a manner as to promote its most appropriate use, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open space, in accordance with Section 37 of the General City Law. This purpose is achieved by permitting a reduction in lot sizes required for the zoning district within which such development occurs while maintaining the imposed density limitations through the provision of open space.

B. It is the intent of this Article to promote energy conservation, harmonious architectural design, better use of existing topography and natural features, conservation of open spaces, recreational development, solar access and design, and to provide for economies inherent with cluster type development.

240-4.2 DELEGATION TO PLANNING BOARD

The power to approve, approve with modifications or disapprove cluster zoning in accordance with the intent established in Article 4.1 above, is granted to the Planning Board in accordance with Article 3, Section 37 of the General City Law.

240-4.3 PURPOSES

A. Residential amenity.

(1) High quality site design resulting from flexible site and lot standards.

(2) Creation of open space usable for recreation, either active or passive.

B. Conservation.

(1) Preservation of significant natural and man-made characteristics of the site.
(2) Preservation of flood plains, slopes subject to erosion, and other environmentally sensitive areas.

C. Efficient and economic use of land resources.

D. Comprehensive Land Use Planning.

(1) Coordination with City of Saratoga Springs Master Plan and other applicable County, State, Federal and Regional plans and programs.

(2) Maintenance of the residential character of Saratoga Springs, while increasing the variety of housing opportunities available.

(3) Development or redevelopment of land in a manner appropriate to the special characteristics of each site and present and future needs of the City.

240-4.4 GENERAL CONDITIONS

A. Clustering shall apply only to single family detached residential developments within any residential zoning district where single family detached units are permitted.

B. Density of residential units shall not exceed that permitted in the District in which the subdivision is located. This density shall be computed as follows:

(1) Compute total area of development in square feet.

(2) Subtract 15 percent of total area for roads and utilities.

(3) Subtract land that is unsuitable for building (such as wetlands, floodplains, slopes greater than 15 percent, etc.).

(4) Divide the remaining area by the minimum lot area permitted in the pertinent District for single family dwellings. This equals the total number of residences permitted.

C. Under normal circumstances, the minimum area requirement to qualify for a cluster residential development shall be ten (10) contiguous acres of land. Where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this Article, projects with less acreage may be considered.
A. The Planning Board shall review modifications in dimensional requirements of the City zoning requirements according to the provisions of Section 37 of the General City Law. The approval procedure shall be generally the same as that specified in the subdivision regulations for the review and approval of a proposed subdivision of land and Section 37 of the General City Law. The applicant shall submit at successive stages a sketch plan, preliminary layout and subdivision plat in accordance with the requirements of the subdivision regulations and in conformance with the current zoning regulations. In addition, the applicant, at each stage, shall provide the following information:

(1) Proposed number, type and arrangements of residential units and computation of overall residential density per gross acre.

(2) A tabulation of the total number of acres in the proposed project and the percentage designated for each use area.

(3) Proposed location and acreage for parks, playgrounds, natural watercourses and other open spaces.

(4) Computation of Open Space Area.

(5) Draft proposal for maintenance/ownership open space.

The Planning Board shall collect a fee with all applications for cluster zoning approval which shall be determined by fee schedule set forth in Section 13.6.

B. Pre-application conference with Planning Board (Optional).

(1) Interested party shall arrange through the Board Chairperson or Planning Staff for an appearance before the Planning Board.

(2) The meeting date shall be either a regular Planning Board meeting or a special meeting called for the purpose. At this meeting all interested City Officials and the public will be allowed to attend and listen to the presentation.

(3) Applicant shall have 12 copies of sketch plan of the proposal ready at least 30 days before this meeting.
(4) Following the conference the Planning Board shall provide the applicant with its comments (either orally or through transmittal to applicant of the minutes of the meeting) on the conference and recommendations to assist the applicant in further preparations.

(5) Except for unusual circumstances, the applicant will be limited to two (2) pre-application presentations before the Planning Board.

C. Application Procedure for Cluster Zoning. (Amended 9/8/92)

(1) The application for cluster zoning shall be submitted in conjunction with an application for subdivision. The procedures and regulations for the subdivision application process are contained in the current edition of the "Subdivision Regulations of the City of Saratoga Springs, New York."

(2) At a minimum, the following procedures for cluster zoning shall be followed:

(a) Within forty-five (45) days of the official submittal date of the Subdivision Plat with a cluster provision, the Planning Board shall hold a public hearing on such Plat.

(b) The Applicant shall pay for and cause notice of the time and place for any required hearings of such application in the form prescribed by the Board to be printed in a newspaper of general circulation in the City of Saratoga Springs once a day for three (3) successive days upon which the publication is regularly issued, the first publication of which shall be a Friday at least ten (10) but not more than twenty (20) days before the hearing. An affidavit of the publisher of the newspaper in which such notice is printed, or the principal clerk of such publisher, showing such publication shall be filed with the Board before the time of such hearing.

(c) At least seven (7) days, but not more than twenty (20) days, before the date of the hearing the applicant shall mail a copy of legal notice of the hearing to all owners of property within one hundred (100) feet in a RR-1 (Rural Residential-1) district and within two hundred fifty (250) feet in all other
districts of the applicant's parcel. The name and address of owners shall be identified from the latest records on file in the City Assessor's Office. Prior to the time of the hearing, the applicant must file with the Clerk of the Board a Certificate of Mailing from the Post Office that notice was sent to all property owners.

(d) The Board shall mail notices of the hearing to the parties and to the Regional State Park Commission having jurisdiction over any State Park or parkways within five hundred (500) feet of the property affected by such application, at least five (5) days prior to the hearing.

(e) Prior to taking action on a Subdivision of real property with a cluster provision as specified in Section 239-m of the General Municipal Law, the Board shall make referrals to the County planning agency or, in the absence of such agency, to a metropolitan or regional agency having jurisdiction in accordance with Sections 239-1 and m of the General Municipal Law.

[1] If within thirty (30) days after receipt of a full statement of such referred matter, the planning agency to which referral is made, or an authorized agency of said agency disapproves the proposal or recommends modification thereof, the Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action and shall transmit said resolution to the County within seven (7) days.

[2] The Chairperson shall read the report of the County planning agency at the public meeting on the matter under review.

[3] If such a planning agency fails to report within such period of thirty (30) days or such longer period as may have been agreed upon by it and the referring agency, the Board may act without such report.
(f) Prior to granting any approvals relative to the proposed application, the Planning Board shall conduct a SEQRA review and determination in accordance with NYS Environmental Conservation Law 6 NYCRR Part 617.

(g) Within forty-five (45) days from the date of such public hearing, the Planning Board shall act by roll call vote on the Final Subdivision Plat with a cluster provision. The Planning Board shall either approve, conditionally approve with or without modification, or disapprove the Plat. The Board shall specify in writing its reasons for any such disapproval. In the event that the hearing is not held, or if the Board fails to disapprove the Subdivision Plat within the forty-five (45) days prescribed above, the Plat shall be deemed approved. The forty-five (45) days during which the Planning Board must take action may only be extended by mutual consent of the owner and the Planning Board.

No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairperson of the Planning Board. All requirements, conditions, or regulations adopted by the Planning Board applicable to the subdivision or on all subdivisions generally, shall be deemed a condition for any subdivision prior to the time of the signing of the final plat by the Chairperson of the Planning Board.

(h) Upon approval, two (2) reproducible mylars and two (2) paper prints of the subdivision plat with a cluster provision shall be provided by the applicant. Each plat shall have the following form:
Approved under authority of a resolution adopted ______________ by the Planning Board of the City of Saratoga Springs

_________________________ Chairperson
Date Signed ______________________

The Chairperson shall sign each plat. The Board shall give one signed reproducible mylar to the applicant for filing in the office of the Saratoga County Clerk.

The official signature of the Board must be placed on each plat no later than six (6) months from the date of the Board's authorizing resolution or motion. The original Board authorization shall expire if not enacted within six (6) months.

If approval is granted with some conditions, the Planning Board shall empower the Chairperson of the Planning Board to sign the Plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval.

240-4.6 STANDARDS GOVERNING CLUSTERING

Any average density development considered shall conform to the following standards which are to be regarded as minimum requirements:

A. This procedure shall apply generally to residential zoned land which shall be a contiguous parcel a minimum of ten (10) acres in size. In addition, it shall be determined that such development will not be detrimental to the health, safety or general welfare of persons residing in the vicinity, or injurious to property or improvements in close proximity, and that the proposed development is in conformity with the objectives of the City's Master Plan, and that the gross density will be no greater than if the tract were developed in accordance with the existing zoning requirements.

B. When such development is proposed adjacent to any existing residence or residential area, a suitable buffer area, as the Planning Board determines, but at least forty (40) feet in depth, shall be left between the closest lot line of any lot in an existing residential development area or a conventionally platted residential map that has been filed with the Saratoga County Clerk,
and the closest structure in the residential cluster development contained on a clustered lot.

C. The development shall have dedicated, as a minimum, for open space purposes the same percentage of the entire tract as that by which the lots have on the average been reduced. The area dedicated for open space purposes, including playgrounds and parks, shall be in a location and shape approved by the Planning Board during subdivision review and in addition, the Planning Board, as a condition of approval, may establish such conditions on the ownership, use and maintenance of such open space lands as it deems necessary to assure the preservation of such lands for their intended purpose.

D. The size of lots in an average density development may vary from the normal requirements of the district, but no dimensional or area requirement of the district shall be reduced below the following standards:

(1) Single-family detached houses: single-family detached houses may be grouped in clusters with maximum lot size reduction for each as follows:

Minimum Lot Size - 10,000 sq. ft.
Yard Requirements:  
Front - 30 feet
Rear - 20 feet
Side - 10 feet

(2) Single-family detached developments shall meet the following standards:

The net population density and building density of any area shall remain unchanged and shall conform to the minimum average density and maximum coverage requirements of this Zoning Ordinance.

E. All the land not contained in the lots or the road right-of-way, if provided, shall be contiguous and of such size and shape as to be usable for recreation, either passive or active.

(1) Such land may: (1) be dedicated to the City, provided the City is willing to accept such dedication; (2) be transferred to a not-for-profit corporation approved by the Attorney General's Office, pursuant to Section 352(e) of the General Business Law, comprised of owners of lots within the development; or (3) be transferred to a bona fide charitable not-for-profit corporation whose purposes include the acceptance of land for open space, conservation, protection of environmentally
sensitive areas, or the like. The applicant shall notify the Planning Board of its intention prior to the grant of final subdivision approval, and shall supply the Planning Board with such reasonable documentation that it may request evidencing its intentions and indicating the ability and/or willingness on the part of the proposed recipient to receive such lands for such purpose. In addition, as appropriate, the applicant may be required by the Planning Board to incorporate into the deeds of all property within the development a clause giving to the owners an easement or other interest in such open land which shall be used for recreation or other like purposes and, further, provide the City of Saratoga Springs with an easement providing for the same, which may be enforced by the City to insure the continued use of the property as common area. No structure save those incidental to the recreational functions shall be permitted thereon.

(2) Common open space shall, unless otherwise waived by the Planning Board, be directly accessible to each residential unit.

(3) The open space lands shall be subject to taxation, unless deeded to the City or to a qualified charitable corporation.

F. In the event that the organization established to own and maintain common property, or any successor organization, shall fail to maintain the common property in reasonable order and condition in accordance with the plan, the City of Saratoga Springs may assume responsibility for such maintenance and assess the cost equally against the properties within the development.

G. The developer shall be responsible for maintaining open space until such time as it is legally accepted by the City, Homeowner's Association or other designated entity.
ARTICLE V
SITE PLAN REVIEW/APPROVAL

240-5.1 INTENT

A. The intent of site plan approval is to promote the health, safety and general welfare of the City. A clean, wholesome, attractive environment is declared to be of importance to the health, welfare and safety of the inhabitants of the City and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the City.

B. It is further the intent to ensure the reasonable overall conservation, protection, preservation, development, and use of the natural and man-related resources of the City, by regulating land use activity within the City through review and approval of site plans. It is not the intent to prohibit per se any land use activity, but to allow all land use activities which will meet the standards set forth in this Article.

240-5.2 DELEGATION TO PLANNING BOARD (Amended 11/18/91)

A. The power to approve, approve with modifications or disapprove site plans in accordance with the intent established in Section 5.1 above, is granted to the Planning Board in accordance with Section 30-a of the General City Law.

B. It shall be the duty of the Building Inspector to refer to the Planning Board plans for any identified actions listed below which require such reference in conformity with the purposes set forth in Section 5.1 above. The Planning Board shall not accept any application for review that includes a parcel which has a pre-existing reported written violation pertaining to any provisions of this Zoning Ordinance, unless and until the same is brought into compliance.

C. The Planning Board shall conduct site plan review for the following types of actions:

(1) Any application for a building permit to construct, erect, build, improve, remodel, renovate, demolish, convert or change the use of a building which shall be used for any nonresidential purpose or use, except in cases where the action will not change
the site's parking demand, and/or not change the lot coverage by more than two percent (2%) or 1,200 square feet, whichever is less, from a prior approved site plan or from the lot coverage that existed on or before July 7, 1971.

(2) Any application for a certificate of tenancy involving a change in use for any non-residential purpose or for any use which has a different parking demand as set forth in Article XI and/or not change the lot coverage by more than two (2%) or 1,200 square feet, whichever is less, from an approved site plan or from the coverage that existed on or before July 7, 1971.

(3) Any application for a building permit to construct, erect, build, improve, remodel, renovate, demolish, convert or change use of a building which shall contain more than two (2) family residential units in any UR-4 or UR-6 district except in cases where the action will not change the site's parking demand, and/or not change the lot coverage by more than two percent (2%) or 1,200 square feet, whichever is less, from a prior approved site plan or from the lot coverage that existed on or before July 7, 1971.

(4) Any application for a building permit to implement a special use permit.

(5) Any application for a building permit to implement a use variance except in cases where the only use on the parcel is one or two residential units, and/or where the action will not change the site's parking demand, and/or not change the lot coverage by more than two percent (2%) or 1,200 square feet, whichever is less, from a prior approved site plan or from the coverage that existed on or before July 7, 1971.

(6) Any amendment of a previously approved site development plan that changes the site's parking demand, and/or the lot coverage by more than two percent (2%) or 1,200 square feet, whichever is less, from an approved site plan.

(7) Any action or site alteration which adds more than 1,200 square feet of impervious surface to a lot in any industrial, commercial, institutional, or multi-family district.
D. The Planning Board has the power to waive site plan requirements for any of the actions identified in Section 5.2(C) only if the action is within the C-1 District and the property has a structure built on or before July 6, 1961, and such structure occupies ninety percent (90%) of the area of the lot.

240-5.3 SKETCH PLAN REVIEW

A. Any owner or lessee of land may, prior to applying for site plan approval, submit to the Planning Board at least twenty-one (21) days prior to the regular meeting of the Planning Board twelve (12) copies of a sketch plan of the proposed site plan for purposes of preliminary discussion.

(1) The submission of a sketch plan is an option available to the applicant. It is a pre-application procedure. The applicant may exercise this option for a pre-application discussion for the purpose of seeking advice and direction.

(2) Pre-application does not require formal application to the Planning Board or the payment of a fee.

B. The sketch plan submittal should include:

(1) A statement and rough sketch (24" x 36") showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;

(2) A sketch or map of the area which clearly shows the location of the site with respect to nearby street rights-of-way, properties, easements, utilities and other pertinent features; and

(3) A topographic or contour map of adequate scale and detail to show site topography.

C. The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of this Article for street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing
services and other pertinent information the Board deems necessary.

D. Except for unusual circumstances the applicant will be limited to two (2) pre-application discussions before the Planning Board.

E. The Planning Board shall not collect a fee for sketch plan review of a proposed site plan.

240-5.4 SITE PLAN REVIEW FORMAL SUBMISSION (Amended 9/8/92)

A. Any owner, purchaser under contract or lessee may file a completed application for site plan review with twelve (12) copies of the site plan, SEQRA forms, and any supporting documents to the Planning Board at least twenty-one (21) days prior to the regular meeting of the Planning Board. All plans shall be prepared by a New York State licensed professional engineer, landscape architect, or architect unless waived by the Planning Board. The chairman of the Planning Board or his designated staff has the right to reject any application submitted if it fails to meet the minimum submittal requirements.

B. The official time of submission of the site plan shall be considered to be the date of the first meeting of the Board for which the site plan is scheduled for discussion.

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

D. Fees. The Planning Board shall collect a fee with all applications which shall be determined by fee schedule set forth in Section 13.6.

The Planning board may also collect costs from an applicant for costs incurred by the Planning Board for consultation fees, special studies or other extraordinary expenses in connection with the review of a proposed site plan. Such costs shall be charged to or passed through to the applicant and shall not exceed one hundred dollars ($100.00) per one thousand (1,000) square feet of gross interior floor area of non-residential space, or fifty dollars ($50.00) per residential unit, residence or lot for residential space.

E. The site plan submitted shall be 24" x 36" drawn to a scale of not more than one (1) inch equals fifty (50) feet and shall include the following information:
(1) All existing and proposed property lines, building setback lines, easements and right-of-way lines, with dimensions, azimuths or angle data and curve data.

(2) All existing zoning, special permit or variance information.

(3) 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 one (1) inch equals fifty (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.

(4) The tax map sheet, block and lot number of parcel and the names of owners of all adjacent properties.

(5) Street names.

(6) A North arrow and a scale.

(7) A title block identifying project name, address and applicant and property owner.

(8) Site location map (key 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.

(9) Vicinity map - A map at an appropriate scale shall be submitted which shows in a generalized manner all properties, structures, utilities, subdivisions, roads, and easements within three hundred (300) feet of the project site.

(10) 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.

(11) Water courses, marshes, designated wetlands, rock outcrops and other important land or geological features.

(12) The location of proposed outdoor storage, if any.
(13) Provision for pedestrian access, sidewalks and bike paths, if any. All plans shall show provisions for designing for the physically impaired.

(14) The location, design specifications and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls, berms and fences.

(15) 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).

(16) 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 to show their adequacy for serving the proposed project.

(17) Vehicular circulation shown providing adequate turn around area for emergency vehicles, safe accessibility to all required off-street parking, on-site loading and maneuvering space, trash/garbage pickup area, and eliminating standing or waiting traffic within the public right-of-way.

(18) 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.

(19) 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.

(20) 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.

(21) Existing street lights 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.

(22) A landscape plan delineating the existing and proposed plant material shall be provided. Existing wooded and/or natural landscaped areas shall be shown and noted as to whether they are proposed to remain or to be removed. Existing specimen or individual trees and shrubs and all shrub masses shall be shown and labeled with the botanical and common name and noted as to whether they shall remain or be removed. All trees and shrubs to be removed subject to the provisions of Chapter 240-12.23 (Soil Disturbing Activities) 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 and their ultimate maximum size at maturity, and the quantity of each plant material specified.

(23) 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. A storm water management report shall be submitted providing certification of the design to show that there is adequate disposal capacity for the drainage water 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.

(24) Record of application for and approval status of all necessary permits from state, county and local officials.

(25) Identification of any state, county or local permits required for the project's execution.

(26) Location and design for storm water management facilities.

(27) Location of at least one (1) 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.

(28) Other elements integral to the proposed development as considered necessary by the Planning Board.

F. The Planning Board's review of the site plan shall include, as appropriate, but is not limited to, the following general considerations:

(1) Location, arrangement, size, design and general site compatibility of buildings and signs. Adequacy and arrangement of area and security lighting in both on site and off site illumination.

(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 stormwater and drainage facilities.

(6) Adequacy of water supply, including pressure and quantity. If supply is other than that provided by the City, information as to the quality of the water shall be provided.

(7) Adequacy of sanitary sewer including size and inverts; or adequacy of sewerage disposal facilities, including, if applicable, soil borings, perc tests, soil characteristics and certification as to proposed system adequacy as a permanent system.

(8) Adequacy, type, size, and arrangement of trees, shrubs and other landscaping constituting a visual screen and/or buffer between the project site and adjoining properties, including the maximum retention of desirable or specimen existing vegetation. Parking, service areas, and loading and maneuvering areas shall be reasonably
landscaped and screened from view of adjacent properties and from within project site.

(9) Adequacy of fire lanes and other emergency zones. Location and arrangement of fire hydrants, stand pipes, and/or drafting or pumping facilities.

(10) Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

G. If appropriate, prior to taking action on a site plan of real property specified in Section 239-m of the General Municipal Law, the Board shall make referrals to the county planning agency or, in the absence of such agency, to a metropolitan or regional agency having jurisdiction in accordance with Section 239-1 and m of the General Municipal Law.

(1) If within thirty (30) days after receipt of a full statement of such referred matter, the planning agency to which referral is made, or an authorized agency of said agency disapproves the proposal or recommends modification thereof, the Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the members thereof and after the adoption of a resolution fully setting forth reasons for such contrary action and shall transmit said resolution to the County within seven (7) days.

(2) If such a planning agency fails to report within such period of thirty (30) days or such longer period as may have been agreed upon by it and the referring agency, the Board may act without such report.

(3) In unusual circumstances, prior to receiving comments from the County, the Planning Board may approve a project contingent upon a favorable decision by the County. The Board's contingent approval will be void if unfavorable comments are received from the County.

(4) The Chairperson shall read the report of the county planning agency at the public meeting on the matter under review.

H. Prior to granting any approvals relative to the proposed application, the Planning Board shall conduct a SEQRA
review and determination in accordance with NYS Environmental Conservation Law 6 NYCRR Part 617.

I. Within forty-five (45) days from the date of official submittal, the Planning Board shall act by roll call vote on the site plan. The Planning Board shall either approve, conditionally approve with or without modification, or disapprove the site plan. The Board shall specify in writing its reasons for any such disapproval. If the Board fails to disapprove the site plan within the forty-five (45) days prescribed above, the site plan shall be deemed approved. The forty-five (45) days during which the Planning Board must take action may only be extended by mutual consent of the applicant and the Planning Board.

J. Upon approval, one (1) reproducible set of mylars and two (2) paper prints (24" x 36") of the site plan shall be provided by the applicant. In addition, if the site plan has been computer generated, the applicant shall provide the city with a disc copy of such plans. Each plan shall bear an original seal and signature of the professionals responsible for the preparation of the site plan. (Amended 6/7/93)

(1) Each plan shall include the following form:

Approved under authority of a resolution adopted ____________ by the Planning Board of the City of Saratoga Springs.

__________________________ Chairperson
Date Signed ____________________

(2) The Chairperson shall sign site plan and it shall be filed in the office of the Planning Board.

(3) The official signature of the Board must be placed on the site plan no later than six (6) 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 said six (6) month period.

(4) If final approval is granted with conditions, the Planning Board shall empower the Chairman of the Planning Board to sign the site plan upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval.

(5) Before the site plan is signed by the Chairperson of the Planning Board, it must be accompanied by a
performance guarantee as set forth in Section 5.8. The site plan shall provide 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.

(6) Before the site plan is signed by the Chairperson of the Planning Board, it must meet all construction standards adopted by the office of City Engineer and/or as set forth in Chapter 240.

240-5.5 EFFECT OF BOARD ACTION

A. The building inspector shall refuse any building permit application where site plan approval is required but disapproved by the Planning Board.

B. A certificate of occupancy shall not be issued by the building inspector until inspection procedures as set forth in Section 5.8 have been met.

240-5.6 EXPIRATIONS & EXTENSIONS

A. Site plan approval shall expire after one (1) year of the date of approval of the site plan if actual construction has not been begun by the applicant. Actual construction is hereby defined as the placing of construction materials in their permanent position, fastened in a permanent manner, except that where a basement or cellar is being excavated, such excavation shall be deemed to be actual construction; where demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such demolition and removal shall be deemed to be actual construction. An applicant whose site plan approval has expired may resubmit a new site plan.

B. The Planning Board may, in its sole discretion, at the applicant's written timely request and, in any event, at least thirty (30) days prior to the expiration of the initial one-year approval, grant the applicant an extension of time within which to comply with the site plan, provided that the applicant has made reasonable, good faith efforts to complete construction and implement the site plan as provided within the aforesaid one-year period, and further provided that such extension shall in no event exceed one (1) year. No further extensions shall be permitted.
240-5.7 DECLARATION OF COVENANTS, RESTRICTIONS, CONDITIONS 
AND EASEMENTS

The Planning Board may request as part of the final site plan 
approval process that the applicant execute and cause to be 
recorded in the Saratoga County Clerk's office, a declaration of 
covenants, restrictions, conditions and easements, imposing 
affirmative duties on the applicant in conjunction with and in 
furtherance of the site plan.

240-5.8 PERFORMANCE GUARANTEES (Amended 11/18/91, 9/8/92)

A letter of credit, performance bond, or equivalent security 
shall be delivered to the City to guarantee thereby to the City 
that the applicant shall faithfully cause to be constructed and 
completed within a reasonable time the required improvements as 
indicated on the site plan.

A. Procedures. The City shall require Letters of Credit, 
performance bonds or equivalent security for any 
construction involving grading, curbs, sidewalks, 
utilities, street lighting, driveways, parking lots, 
plantings, signs, etc., as indicated on the site plan. 
No financial guarantees are required for construction of 
a structure covered by a building permit.

(1) Letter of Credit, performance bond or equivalent 
security are to be written to cover the full 
estimated cost of site work required by the site 
plan. The estimates shall be in accord with 
standards established by the City Engineer.

(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 estimates shall be 
approved by the Planning Board after receiving an 
advisory opinion from the City Engineer. Upon 
specific resolution, the Planning Board may 
delegate to the City Engineer the approval of the 
amount for a specific letter of credit.

(3) The Letter of Credit, performance bond or 
equivalent security must be submitted to the City 
prior to final approval of a site plan.

(4) The Letter of Credit, performance bond or 
equivalent security is to identify the "City of 
Saratoga Springs" as the beneficiary and will state 
that funds may be collected at an 
institution/location within forty (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 letter of credit, performance bond or equivalent security will be reimbursed to the City from the amount set aside in the performance guarantee. The aforementioned cost shall not exceed one percent (1%) of the total amount of the letter of credit, performance bond or equivalent security.

(5) The expiration date for the Letter of Credit, performance bond or equivalent security may be set by applicant but in no case can it be longer than 24 months from the date of issuance.

(6) With thirty days written notice, Letters of Credit, performance bond or equivalent security may be extended for a period not to exceed 12 months at each occurrence. All extensions require a motion of approval by the Planning Board. For each extension the Planning Board can require a revised cost estimate and alter the sum required on the Letter of Credit, performance bond or equivalent security.

(7) Letters of Credit, performance bond or equivalent security will be canceled by written notice from the City once the applicant has satisfactorily completed all required construction. All requests for extension of time and/or reduction shall be accompanied by an application fee as set forth in Section 13.6.

(8) With thirty (30) days notice the applicant may request an amendment to any Letter of Credit, performance bond or equivalent security for a reduction of the original amount after a portion of the required improvements is completed. Upon receiving such a request, the Planning Board will instruct the City Engineer to inspect the improvements. If the inspection is satisfactory upon recommendation by the City Engineer, the Planning Board will by motion determine if such a reduction is appropriate and, if so, reduce by motion the amount required and proof of this reduction will be set forth in a letter by the City Attorney and forwarded to the appropriate bank who will in turn issue an amended Letter of Credit, performance bond or equivalent security to the City.
(9) All Letters of Credit, performance bonds or equivalent security shall comply with current codes established by the State of New York. Such securities shall be issued by a bank, bonding or surety company approved by the City attorney and shall also be approved by such City attorney as to form, sufficiency and manner of execution.

(10) The Planning Board, in their sole discretion, may waive the requirement for a letter of credit, performance bond or equivalent security for a site plan if the cost of the site improvements are less than ten thousand ($10,000.00) dollars.

B. As Built Drawings Required. No required improvements shall be considered to be completed until the installation of the improvements has been approved by the City Engineer and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. As built drawings shall meet the requirements established by the City Engineer. If the applicant completes all required improvements, then two reproducible sets of "as-built" drawings shall be presented to the Planning Board. Such "as-built" drawings shall have a seal and signature of the site plan designer/engineer and shall have the following form:

Record Drawing Certification:

I, ____________________________, Registered Professional Engineer No. _____________, in the State of New York, do hereby certify that this drawing stamped by me as "As-Built" shows the actual facilities for this project as they were installed in the field.

C. Inspections of Improvements.

(1) Pre-Construction Conference. Under normal conditions a pre-construction meeting shall be held with the City Engineer to discuss construction schedules and inspection requirements. No construction on the site plan should occur before this conference.

(2) Notification.

(a) The owner or designated representative shall be responsible for notifying the City Engineer forty-eight (48) hours prior to commencing any work.
(b) The City Engineer, upon notification, will inspect or designate an independent consultant to inspect the required construction activity. All inspection fees shall be paid in advance by the applicant to the City on a rate established annually by the City Council. The inspection fees for the site plan shall not exceed two percent (2%) of the cost of the installation of the required improvements.

(c) Such notification is generally required prior to each of the following phases of construction:

[1] Site clearing.


(d) In addition, forty-eight (48) hours notification will be required prior to resuming work if contractor is absent from the site for more than seven (7) days.

(e) All these items and any others designated by the City Engineer shall be inspected before work is covered up or it will be subject to rejection or excavation and inspection at the applicant's expense prior to acceptance by the City.

(3) **Proper Installation of Improvements.** If the designated City Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance guarantee, that any of the required improvements have not been constructed in accordance with plans and specifications approved and filed by the applicant, or the construction standards adopted by the office of the City Engineer and in force at the time such
approval was given, he 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 bond.

(4) **Issuance of Stop Orders.** Whenever the City Engineer has reasonable grounds to believe that work on any site improvement is occurring either in violation of the provisions of this Article, not in conformity with any application made, permit granted or other approval issued hereunder, or in an unsafe or dangerous manner, the City Engineer shall promptly notify the appropriate person(s) responsible to suspend work on any such building or structure or the use of any such land. Such person(s) shall forthwith immediately cease and suspend such activity until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work or use may be resumed and may be served upon the person(s) whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the improvements under construction and additionally sending a copy of the same to the applicant listed on the site plan application by certified or registered mail. The City Engineer, on his own initiative, may inspect and issue a stop order. He does not have to receive written notice of an alleged violation.

(5) **Emergency Action.** If, in the opinion of the City Engineer, a violation exists which requires immediate action to avoid a direct hazard or imminent danger to the health, safety, or general welfare of the public, the City Engineer may direct such violation to be immediately remedied or may take direct action on his own initiative to abate the hazard or danger. Any costs incurred by such action shall be paid for by the owner of such property. If a person other than the owner is responsible for the violation, such person shall be jointly and severally liable, together with such owner, for any such costs. The City Engineer shall keep on file an affidavit stating with fairness and accuracy the items of expense and date of execution of action taken, and is furthermore 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.
240-5.9 DESIGN AND CONSTRUCTION STANDARDS

A. The Planning Board shall adopt and maintain a set of design and construction standards which shall apply to all actions within the City of Saratoga Springs which require site plan review.
ARTICLE VI

SPECIAL USE PERMIT

240-6.1 INTENT

The intent of this Article is to set forth additional requirements which shall apply to certain land uses and activities which due to their characteristics, or the special characteristics of the area in which they are to be located, require special consideration so that they may be properly located and planned with respect to the objectives of this Zoning Ordinance, their effect on the surrounding properties and community character, and the ability of the City to accommodate the growth resulting from the proposed use without undue adverse effect on the City.

While recognizing that certain types of uses may be desirable or necessary in the City, their nature can cause certain problems or difficulties. Consequently, particular uses are controlled by a special use permit procedure which requires additional regulations designed for each use in order to mitigate such problems or difficulties and to minimize the impact of these upon the zoning district in which such use is located.

The special uses for which conformance to additional standards is required by this Article shall be deemed to be the demonstration of permitted uses in their respective districts, subject to adequate proof of the satisfaction of the requirements and standards set forth herein. All such uses are declared to possess characteristics of such unique and special forms that each specific application shall be considered an individual case, and the grant of a special use permit for one use in a zoning district shall be limited to its own facts and circumstances, and shall have no precedential effect entitling or implying that a similar use would be capable of satisfying the requirements and standards set forth herein.

240-6.2 DELEGATION TO PLANNING BOARD

The City's Planning Board is hereby authorized to administer and carry out the intent established in Article 6.1 above.
A. It shall be the duty of the Building Inspector to refer to the Planning Board all uses identified in Article II, Section 2.6 which require special use permits.

B. Upon receipt of an application for a special use permit, the Planning Board shall initiate coordinated review and/or establish itself as lead agency and commence an environmental review pursuant to the applicable provisions of SEQRA 6 NYCRR Part 617. At the discretion of the Planning Board, and with the consent of the applicant, SEQRA review of a special use permit application may be delayed until immediately prior to the granting of the special use permit approval, or any other approval or permit, whether such approval or permit is issued by a department or board of the City of Saratoga Springs, or any other governmental agency.

C. The Planning Board shall require the applicant to furnish such preliminary plans, drawings and specifications as may be required for review under Article V, Site Plan Review and Approval Procedure. In making its review on the proposed special use, the Planning Board shall consider, among other things, that the use in the proposed location would not be detrimental to the health, safety and general welfare of the community and is reasonably necessary for the convenience of the community, the nature of the proposed special use and its compatibility with the existing character of the neighborhood in which the use would be located, and whether adequate safeguards are present to minimize possible detrimental effects of the proposed use on adjacent property. The Planning Board may require such changes therein in relation to the site plan and building facade, including but not limited to, yards, parking, driveways, driveway entrances and exits and the location, design and height of buildings and enclosures and landscaping as it may deem best suited to ensure safety, to minimize traffic hazards or difficulties, to enhance the aesthetic appearance of the building and site, and to safeguard adjacent properties from any detrimental impacts associated with the special use.

D. The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the application.

E. The official time of submission of the special use permit application shall be considered to be the date of
the first meeting of the Board for which the application is scheduled for discussion.

F. Approval Procedure.

(1) Within forty-five (45) days of the official submittal date of the application, the Planning Board shall hold a public hearing on such application.

(2) The applicant shall pay for and cause notice of the time and place for any required hearings of such application in the form prescribed by the Board to be printed in a newspaper of general circulation in the City of Saratoga Springs once a day for three successive days upon which the publication is regularly issued, the first publication of which shall be a Friday at least ten (10) but not more than twenty (20) days before the hearing. An affidavit of the publisher of the newspaper in which such notice is printed, or the principal clerk of such publisher, showing such publication shall be filed with the Board before the time of such hearing.

(3) At least seven (7) days, but not more than twenty (20) days, before the date of the hearing the applicant shall mail a copy of legal notice of the hearing to all owners of property within one hundred (100) feet in a RR-1 (Rural Residential-1) district and within two hundred fifty (250) in all other districts of the applicant's parcel. The name and address of property owners notified shall be identified from the latest records on file in the City Assessor's Office. Prior to the time of the hearing, the applicant must file with the Clerk of the Board a Certificate of Mailing from the Post Office that notice was sent to all property owners.

(4) The Board shall mail notices of the hearing to the parties and to the Regional State Park Commission having jurisdiction over any state park or parkways within five hundred (500) feet of the property affected by such appeal, at least five (5) days prior to the hearing.

Prior to taking action on a special use permit application of real property as specified in Section 239-m of the General Municipal Law, the Board shall make referrals to the county planning agency or, in the absence of such agency, to a
metropolitan or regional agency having jurisdiction in accordance with Section 239-1 and m of the General Municipal Law.

(a) If within thirty (30) days after receipt of a full statement of such referred matter, the planning agency to which referral is made, or an authorized agency thereof disapproves the proposal or recommends modification thereof, the Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action and shall transmit said resolution to the County within seven (7) days. The Chairperson shall read the report of the county planning agency at the public meeting on the matter under review.

(b) If such a planning agency fails to report within such period of thirty (30) days or such longer period as may have been agreed upon by it and the referring agency, the Board may act without the agency's report.

(c) Prior to receiving comments from the County, the Planning Board may give approvals to a project contingent upon a favorable decision by the County. The Board's contingent approval will be void if unfavorable comments are received from the County.

(6) Prior to granting any approvals relative to the proposed application, the Planning Board shall undertake SEQRA review and determination in accordance with NYS Environmental Conservation Law 6 NYCRR Part 617.

(7) The Planning Board shall have the option to request the Zoning Board of Appeals, the Historic Review Commission, or any other committee or agency, to review a request for a special use permit and provide a recommendation to the Planning Board.

(8) The Planning Board shall render its decision to approve, disapprove or approve with modifications within 45 days of the termination of the public hearing. Failure to do so shall constitute approval as submitted.

G. As a condition of approval of a special use permit, the
Planning Board may require a performance bond or letter of credit to guarantee satisfactory performance of the required improvements. Such performance bond or letter of credit shall be part of or in addition to any required by the Planning Board as part of a site plan review application.

H. The Planning Board, as a condition of granting any special permit, may specify its term of validity. There are three (3) types of permits which may be granted by the Planning Board, described as follows:

(1) Permanent - permits a specific use to continue indefinitely until the specific use ceases for any reason for a period of six (6) consecutive months.

(2) Temporary - permits a specific use to continue until a specific date, at which time the special use permit shall automatically terminate and the use shall be permanently discontinued. This type shall not be extendable.

(3) Renewable - permits a specific use to continue until a specific date, unless renewed or extended by the Planning Board for an additional period of time. If not extended, the use shall be permanently discontinued. It is the responsibility of the applicant, and not the City of Saratoga Springs, or any Board, officer, or employee thereof, to initiate the request for the renewal or extension prior to the expiration of the original term of such renewable special use permit. If not extended or renewed prior to the date set for expiration, the right to continue such special use shall terminate on such expiration date, subject to the right of the applicant to seek an extension or renewal. An application for the extension or renewal of a renewable special use permit shall be made in accordance with the applicable provisions then applying to special use permits, as if it was an original request.

(4) Any applicant who receives a temporary or renewable special use permit and who decides to proceed with the special use, does so realizing that the temporary special use permit has a fixed duration, and that all rights to continue that use terminate upon the expiration of the specified time, and that the renewable special use permit may not be extended beyond its original term. The applicant, in accepting a temporary or renewable special use permit, acknowledges and agrees that such special
use permit confers no rights or privileges other than those specifically contained therein.

I. The Planning Board shall attach such conditions and safeguards to the special use permit as are determined by the Planning Board to be necessary or desirable to ensure conformance with the letter and spirit of all applicable standards and requirements, and to protect the public health, safety and general welfare. The Planning Board may require any off-site, off-premise improvements that might be necessary to mitigate the impacts of the proposal.

J. Fees. See Section 13.6 for fees associated with a special use permit.

240-6.4 STANDARDS FOR SPECIAL USE PERMITS

A. Before granting approval to any special use, the Planning Board shall determine whether the proposed special use will, among other things, satisfy the following considerations:

(1) That the use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts.

(2) That the use will not prevent the orderly and reasonable use of permitted or legally established uses in the district wherein the proposed use is to be located.

(3) That the public health, safety, general welfare or order of the City will not be adversely affected by the proposed use in its location.

(4) That the use will be in harmony with and promote the general purposes and intent of the Master Plan and the Zoning Ordinance.

(5) That the character of the existing uses and approved future development in the district and the peculiar suitability of the location for the proposed special use.

(6) That the conservation of property values and the encouragement of the most appropriate use of land.

(7) That the effect that the location of the proposed use may have on the increase of vehicular traffic congestion on public streets and highways.
(8) That the proposed site provides adequate parking facilities to protect against hazardous traffic and/or parking conditions.

(9) That the availability of adequate and proper public or private facilities for water and for the treatment, removal or discharge of sewage, refuse or effluent (whether liquid, solid, gaseous or otherwise) that may be caused by or as a result of the proposed use.

(10) Whether the use, or materials incidental thereto or produced, may give off obnoxious odors, smoke or soot or will cause disturbing emissions of electrical charges, dust, light, vibration or noise detrimental to the public health, safety and general welfare.

(11) Whether operations of the special use will cause undue interference with the orderly enjoyment by the public of parking or of recreational facilities, if existing or if proposed by the City or by other governmental agencies.

(12) That the proposed use will not interfere with the preservation of the general character of the neighborhood in which such building is to be placed or such use is to be conducted.

(13) Whether a hazard to life, limb or property because of fire, flood, erosion or panic may be created by reason of or as a result of the use or by the structures to be used thereon or by the inaccessibility of the property or structures thereon for the convenient entry and operation of fire and other emergency apparatus or by the undue concentration of assemblage of persons upon such plot.

(14) Whether the use or the structures to be used therefor will cause an overcrowding of land or undue concentration of population.

(15) Whether the physical characteristics and topography of the proposed site make it suitable for the proposed special use.

(16) Whether the use to be operated is in such proximity to a church, school, theater, recreational area or other place of public assembly so as to constitute a danger to the health, safety or general welfare of the people of the City of Saratoga.
(17) Whether the proposed special use provides sufficient landscaping and/or other forms of buffering to protect surrounding land uses.

240-6.5 EXPIRATION

Unless otherwise specified or extended by the Planning Board, decision on any request for a special use permit granted after the effective date of this chapter shall expire if the applicant fails to obtain the necessary building permit to construct any existing building(s) and begin actual construction or to comply with the conditions of said authorization within one (1) year from the filing date of such decision thereof. Unless otherwise specified or extended by the Planning Board, all special use permits granted prior to effective date of this chapter shall expire if the applicant fails to obtain the necessary building permit and begin actual construction or comply with the conditions of said authorization within one (1) year from the effective date of this chapter.

240-6.6 REVOCATION OF PERMIT

A use authorized by special permit may be revoked by the Planning Board if it is found and determined, after a public hearing, that there has been a material failure of compliance with any one (1) of the terms, conditions, limitations or requirements imposed by said permit.

240-6.7 ENFORCEMENT

All special use permits shall be subject to the provisions of Article XIII of this zoning regulation.
ARTICLE VII

HISTORIC REVIEW APPROVAL

240-7.1 INTENT AND PURPOSE

The City Council of the City of Saratoga Springs hereby declares as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts is 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 which constitute its heritage, this chapter 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 and thereby providing support and stimulus to the economy; and to ensure the harmonious, orderly and efficient growth and development of the City. In keeping with the purposes of Article I, the City Council of the City of Saratoga Springs hereby establishes a procedure for maintaining architectural standards in the construction of new buildings and projects and in the modification or removal of existing buildings and landscapes and providing and implementing a coordinated and comprehensive plan for the preservation of historic districts and of City landmarks. The City Council hereby establishes and designates certain historic districts and City landmarks, which shall be the designated areas and premises set forth in Section 7.20.

240-7.2 DELEGATION TO DESIGN REVIEW COMMISSION

The City's Design Review Commission is hereby charged with the responsibilities of administering and carrying out the intent established in Section 7.1 above.

240-7.3 APPLICATION PROCEDURES

A. It shall be the duty of the Design Review Commission to review plans for any identified actions listed below and such review shall be in conformity with the purposes set forth in Section 7.1 above. The Commission shall not accept any application for review that includes a parcel which has a reported written violation pertaining to any provision of this Zoning Ordinance.
B. The Commission shall review all applications for the following actions that lie within the City Landmarks and Historic Districts set forth in Section 7.20 or unless otherwise noted in Section 7.20:

(1) Any action involving exterior changes which requires the issuance of a building permit or demolition permit.

(2) Any application for a sign or sign structure.

(3) Any of the following actions:

(a) Removal or addition of exterior architectural features from a structure.

(b) Removal or replacement of a slate, tile, wood-shingle or standing seam metal roof, or replacement or covering of such a roof with a different material.

(c) Enclosure of porches with screens or storm windows or other permanent material.

(d) Installation of storm/screen windows on a structure.

(e) Placement of solar panels, radio transmission antennas, satellite dishes, and shutters to exterior of structure or yard.

(f) Removal or replacement of a brick, slate or marble walk or driveway, or replacement or covering of such a feature with a different material.

(g) Construction of new walks/driveways.

(h) Construction or removal of fences, walls, and architectural or sculptural screens, within the required front yard setback area, which exceed three (3) feet in height.

C. Applications are not necessary for any actions which involve the ordinary maintenance or repair of any exterior feature in a historic district which does not involve a change in design, material or outer appearance thereof.

D. The Design Review Commission shall not collect a fee for any applications.
240-7.4 ACTIONS OF THE COMMISSION (Amended 1/22/91)

A. The Commission may approve without reservations or may conditionally approve, subject to specified modifications, or may disapprove any application as set forth in Section 7.3 hereof, provided that a finding of excessive dissimilarity or inappropriateness shall state not only that such excessive dissimilarity or inappropriateness exists, but further that it is of such a nature as to be expected to provoke one (1) or more of the harmful effects set forth in Section 7.1 hereof and that the finding is not based on personal preference as to taste or choice of architectural style.

B. The Design Review Commission may impose appropriate conditions and safeguards in connection with its approval, including but not limited to the following:

(1) Nature and quality of materials.

(2) Manner of construction.

(3) Design and other elements set forth in Section 7.10.

C. Applications which have been approved by action of the Design Review Commission shall be signed and dated by the Chairman of the Design Review Commission.

D. The Commission must act on all applications within sixty (60) days of its receipt.

240-7.5 EFFECT OF COMMISSION ACTION

A. The Building Inspector shall refuse any permit application disapproved by the Commission as provided in Section 7.4. He may approve any application conditionally approved by the Commission as soon as the conditions specified in such conditional approval have been fulfilled, either by taking remedial or corrective action as required by the conditional approval, if appropriate, or submitting revised plans, drawings and specifications to incorporate the conditions in the repair or construction of such building or site. If the Commission shall have approved any building permit application and such application shall otherwise be in conformance with all codes and ordinances of the City of Saratoga Springs, then the Building Inspector shall forthwith issue the permit applied for. He shall likewise issue the permit as applied for in the case of any building permit application referred to such
Commission and on which such Commission has failed to act within sixty (60) days of such reference by him to the Commission.

B. A certificate of occupancy shall not be issued until a field inspection is made by the Building Inspector to ascertain that site improvements and construction have been made in compliance with the approval granted by the Design Review Commission.

240-7.6 HARDSHIP CRITERIA AND PROCEDURES (Amended 6/7/93)

A. An applicant whose application to the Commission has been denied may apply to the Zoning Board of Appeals for relief on the grounds that the Commission standards are working a hardship upon the applicant. In order to prove the existence of a hardship, the applicant shall establish that:

(1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible, if the application is denied. "Dollars and cents proof" shall be presented to the Zoning Board of Appeals by the applicant which demonstrates to the satisfaction of the Zoning Board of Appeals that the applicant's claim of hardship is well-founded.

(2) The property cannot be adapted for any other use permitted by the Zoning Ordinance in the Zoning District in which the property is located, whether by the current owner or by a purchaser, which would result in a reasonable return.

(3) In an application for demolition, reasonable good faith efforts to find a purchaser interested in acquiring the property and preserving it were made and have failed.

B. After receiving written notification from the Commission of the denial of an application to the Commission, an applicant may commence the hardship process with a hardship application to the Zoning Board of Appeals. No building permit or demolition permit shall be issued unless the Zoning Board of Appeals makes a finding that a hardship exists.

C. The Zoning Board of Appeals shall hold a public hearing on the hardship application at which an opportunity will be provided for proponents and opponents of the application to present their views. Such a hearing will
be within ninety (90) days of filing of the hardship application. Notice of the hearing shall be printed in a newspaper of general circulation in the City of Saratoga Springs at least one (1) time and at least five (5) days, but not more than ten (10) days, before the hearing. The cost of the legal notice shall be paid by the applicant.

D. The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in the preservation of the property.

E. Decisions on hardship applications shall be made not later than sixty (60) days from the date of the final hearing. All decisions of the Zoning Board of Appeals shall be in writing. A copy shall be filed with the City Clerk's office for public inspection. The Zoning Board of Appeals' decision shall state the reasons for granting or denying the hardship application.

240-7.7 CONSULTATION WITH ZONING BOARD OF APPEALS

Upon request of the Zoning Board of Appeals, the Commission shall consult with and advise the Zoning Board of Appeals with respect to any variance or special use permit which it is required to pass under the provisions of law or of this chapter.

240-7.8 CONSULTATION WITH PLANNING BOARD

Upon request of the Planning Board, the Commission shall consult with and advise the Planning Board with respect to any site plan on which it is required to pass under the provisions of law or of this chapter.

240-7.9 OBJECTIVES TO GUIDE THE COMMISSION

In reviewing all such applications, the Design Review Commission shall act to accomplish the following:

A. To eliminate existing incongruous uses or structures or other blighting factors and to prevent the creation of any new such conditions.

B. To preserve significant landscape features.

C. To strengthen the environmental setting of the historic district.
D. To assure architectural compatibility, such as aesthetic, historical and architectural values, architectural style, design, arrangement, texture, material and color.

E. To provide controls for signs, fences, outdoor lighting, utility services, and accessory buildings.

F. To establish appropriate protective interests, such as easements, covenants or similar agreements.

G. To employ, where justified, the use of special techniques or policies so as to improve the quality of the area, or where economic assistance is warranted, to provide such aids or other incentives so that privately owned projects may realize a reasonable economic return.

H. To prevent the demolition or destruction of significant structures, terrain, landscape or scenic views whose preservation is an objective of the districts or landmarks.

240-7.10 STANDARDS TO GUIDE THE COMMISSION

The Commission shall be guided by the following standards in approving or disapproving applications:

A. General Principles.

(1) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

(2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.

(3) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that are incompatible shall be discouraged.

(4) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in
their own right, and this significance shall be recognized and respected.

(5) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.

(6) Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials or historic landscape features shall not be undertaken.

(8) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

(9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

B. Design Guidelines. In applying the principles for review, the Commission shall consider whether the proposed alteration or construction is compatible with the landmark, historic property and/or the surrounding properties in the historic district with regard to:

(1) Height. The height of a building shall be compatible with the surrounding buildings.

(a) Generally, maximum building height shall not be greater than the taller of the next two (2) abutting structures on each side of the building site, provided such structures are in
conformance with bulk regulations of the Zoning District.

(b) Generally, minimum building height of a street facade shall not be less than the lower of the next two (2) abutting structures on each side of the building site, provided such structures are in conformance with bulk regulations of the Zoning District.

(2) **Scale** - the relationship of a building and its elements to human size, form, and perception. The scale of a building shall be compatible with the surrounding buildings.

(3) **Proportion** - the relationship among the dimensions of various elements.

(a) **Front Facade.** The relationship of the width of a building to the height of the front elevation shall be compatible with the surrounding buildings. The facade of structures erected on single house lots should be proportioned so that the height equals at least one and one-half (1/2) times the width.

(b) **Openings.** The relationship of the width of windows and doors to their height shall be compatible with the surrounding buildings.

(4) **Rhythm** - the pattern resulting from repeated elements such as window and door openings, columns, arches, and other facade elements. The rhythmic relationship between a building's facade elements shall be compatible with the surrounding buildings. In cases where new construction occupies more than one (1) house lot, the rhythm of the separate building units existing on the street shall be carried across the facade. Some of the ways this may be achieved include the grouping of openings in clusters, the employment of reveals in wall plans, or the use of structural bays.

(5) **Directional Expression.** The directional expression of a building shall be compatible with the dominant horizontal or vertical expression of the surrounding buildings.

(6) **Massing and Open Space.** The relationship of a building to open space between it and adjoining buildings shall be compatible with the character of the surrounding area.
(7) **Setback.** The front yard setback for the building line of all new construction shall be no closer to the street than the closest, or no further from the street than the farthest, of the next two (2) abutting structures on each side of the building site, provided such structures are in conformance with area regulations of the Zoning District.

C. **Major Building Elements.**

(1) **Storefronts.** Existing historic storefronts shall be retained and rehabilitated whenever possible. Storefronts which have been altered or removed shall be restored or compatibly redesigned.

(2) **Doors.** Existing historic doors and door openings shall be retained and rehabilitated wherever possible. Restoration of historic openings is to be encouraged where they have been previously altered. Where doorways must be altered to meet current building code and safety requirements, doors and entranceways shall be designed also to respect the exterior architectural integrity of the building.

(3) **Windows.** Existing historic windows and window openings shall be retained and rehabilitated wherever possible. Restoration of historic openings is to be encouraged where they have been previously altered.

(4) **Roofs.** Features which give a roof its essential historic character shall be preserved whenever possible. Roof designs for new structures shall be compatible with surrounding buildings.

D. **Materials and Colors.**

(1) Materials used in new construction shall be compatible with those traditionally used in the surrounding area. Contemporary materials such as glass, curtain walls, concrete, etc., are acceptable, provided that the overall texture, color and detail of the building is compatible with the surrounding buildings.

(2) Colors used in new construction shall be compatible with surrounding buildings. In the case of existing historic buildings, architectural features shall be restored with colors and finishes appropriate to the nature of the materials and to the historic character of the building. Where
documented colors are not used, historic colors appropriate to the building's predominant style(s) shall be encouraged. Color guidelines are advisory only.

E. **Landscape.** Landscaping shall be compatible with the character of the individual building as well as with the surrounding buildings and landscape features.

F. **Demolition.**

(1) In the case of structures of architectural or historical significance, the developer shall be required to show good cause as to why such structures cannot be preserved. All applications for demolition shall be required to show why structures cannot be preserved, except in the case of structures identified as having no architectural or historical significance (non-contributing).

(2) Applications for demolition shall include plans for development of site following demolition. Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project. The time between demolition and commencement of new construction shall not exceed six (6) months.

(3) Relocating structures of architectural or historical significance may be permitted as an alternative to demolition.

240-7.11 **SEVERABILITY OF PROVISIONS**

The provisions of this section shall be deemed to be severable, and if any of such provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this section.

240-7.12 **EXPIRATION**

Unless otherwise specified or extended by the Commission, decisions on all applications granted after the effective date of this amendment shall expire if the applicant fails to obtain the necessary building permit to construct any project and begin actual construction or to comply with the conditions of said authorization within one (1) year from the filing date of such decision thereof. Unless otherwise specified or extended by the Commission, all approvals on applications granted prior to June 16, 1986, shall
expire if the applicant fails to obtain the necessary building permit and begin actual construction or comply with the conditions of said authorization by June 17, 1987.

240-7.13 DESIGNATION OF LANDMARKS OR 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 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 historic personages;

(3) Embodies the distinguishing characteristics of an architectural style;

(4) Is the work of a designer whose work has significantly influenced an age; 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 of the City of Saratoga Springs may designate a group of properties as an historic district if it:

(1) Contains properties which meet one (1) or more of the criteria for designation of a landmark.

(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 all procedures established in Section 15.3 of this chapter shall apply. In addition, at least ten (10) days prior to the public hearing on a proposed designation, notice shall be sent, by mail, to the owner of record of the property or properties proposed for designation, describing the property proposed and announcing a public hearing by the City Council to consider the designation. Once the City Council has published legal notice of the public hearing as set forth in Section 15.3 of this chapter, no building permits shall be issued by the Building Inspector for a property proposed to be designated as a landmark or for properties within the
boundaries of the proposed historic district until the City Council has made its decision.

240-7.14 RESERVED FOR FUTURE USE

240-7.15 RESERVED FOR FUTURE USE

240-7.16 RESERVED FOR FUTURE USE

240-7.17 RESERVED FOR FUTURE USE

240-7.18 RESERVED FOR FUTURE USE

240-7.19 RESERVED FOR FUTURE USE

240-7.20 CITY LANDMARKS AND HISTORIC DISTRICTS

A. City Landmarks.

(1) Tax Map Number 165.44, Block 1, Lot 31 and being commonly known as "123-125 Maple Avenue" and generally referred to as the "Bryan House", shall require review approval for all actions identified in Section 7.3B.

(2) Tax Map Number 165.67, Block 1, Lot 24, and being commonly known as "297 Broadway" and generally referred to as the "Drink Hall", shall require review approval for the following actions:

(a) All actions identified in Section 7.3B.

(b) All actions involving the removal or alteration of any interior feature. Only ordinary maintenance or repair of any interior feature is excluded from review.

(3) Tax Map Number 165.00, Block 4, Lot 1, and being located on East Congress Street and generally referred to as the "Canfield Casino", shall require review approval for the following actions:

(a) All actions identified in Section 7.3B.
(b) All actions involving the removal or alteration of any interior feature. Only ordinary maintenance or repair of any interior feature is excluded from review.

(4) Tax Map Number 165.52, Block 4, Lot 37, and being commonly known as "474 Broadway" and generally referred to as "City Hall", shall require approval for the following actions:

(a) All actions identified in Section 7.3B.

(b) All actions involving the removal or alteration of any interior feature. Only ordinary maintenance or repair of any interior feature is excluded from review.

(5) Tax Map Number 165.00, Block 4, Lot 1, and being located on Broadway and generally referred to as "Congress Park", shall require review approval for the following actions:

(a) All actions identified in Section 7.3B.

(b) All actions involving the 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, 1920's 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) Tax Map Number 165.52, Block 1, Lot 76 and Tax Map Number 165.44, Block 2, Lots 6, 22, 23, 24 and 25, and being located on High Rock Avenue and generally referred to as "High Rock Park" shall require review approval for the following actions:

(a) All actions identified in Section 7.3B.
(b) All actions involving the 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) Tax Map Number 165.60, Block 2, Lot 3, and being located at "60 Lake Avenue" and generally referred to as the "Central Fire Station" shall require review approval for the following actions:

(a) All actions identified in Section 7.3B.

(b) All actions involving the removal or alteration of any interior feature. Only ordinary maintenance or repair of any interior feature is excluded from review.

B. Historic Districts.

(1) Commencing at a point in the north line of Fourth Street, one hundred (100) feet westerly of the west line of Broadway; running thence in a southerly direction parallel with and one hundred (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 High Street; thence southerly along the easterly line of High Street to 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 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 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 one hundred thirty-five (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 ten (10) feet (plus or minus); thence northerly fifty (50) feet (plus or minus); thence westerly twenty-five (25) feet (plus or minus); thence northerly to the northern line of Madison Avenue; thence easterly two hundred (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 one hundred sixty (160) feet (plus or minus) north of the northern boundary of Fifth Avenue; thence westerly to a point two hundred and twelve (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 one hundred fifty-eight (158) feet (plus or minus) east of the eastern line of Ludlow Street; thence northerly one hundred forty (140) feet (plus or minus); thence westerly to a point forty-seven (47) feet (plus or minus) east of the eastern line of
Ludlow Street, thence southerly sixty-three (63) feet (plus or minus); thence westerly to the western line of Ludlow Street; thence northerly to a point ninety (90) feet (plus or minus) from the northern line of Caroline Street; thence westerly one hundred (100) feet (plus or minus); thence northerly seventy (70) feet (plus or minus); thence westerly two hundred (200) feet (plus or minus); thence southerly eighty (80) feet (plus or minus); thence westerly to western line of Nelson Avenue; thence northerly to the northern line of Mitchell Place; thence westerly two hundred fifty (250) feet (plus or minus); thence northerly to the northern line of Diamond Street; thence easterly to a point seventy-two (72) feet (plus or minus) east of the eastern line of the unnamed alley between Marion Place and Nelson Avenue; thence northerly eighty (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 two hundred fifteen (215) feet (plus or minus) from the eastern line of East Harrison Street; thence northerly one hundred (100) feet (plus or minus); thence westerly along a line one hundred (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 one hundred sixty-nine (169) feet (plus or minus); thence northerly along the eastern side of the unnamed private drive and extending to a point ninety (90) feet (plus or minus) from the southern line of York Avenue and one hundred twenty (120) feet (plus or minus) from the westerly line of East Harrison Street; thence easterly to a point forty two (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 one hundred thirty-eight (138) feet (plus or minus); thence westerly to a point on the western line of East Harrison Street one hundred fifty-two (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 one hundred (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 one hundred fifty (150) feet (plus or minus) west of the western line of Circular Street to a point one hundred (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 fifty (50) feet (plus or minus); thence southeasterly forty (40) feet (plus or minus); thence southerly one hundred fifty-three (153) feet (plus or minus) to the northern line of Lake Avenue; thence southerly across Lake Avenue to a point one hundred (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 one hundred thirty-five (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 ninety-eight (98) feet (plus or minus); thence southerly to a point one hundred (100) feet north of the northern line of Spring Street; thence westerly along this line one hundred (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 one hundred (100) feet easterly of the east line of Broadway; thence northerly parallel with and one hundred (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 two hundred eighty-six (286) feet (plus or minus) along the southern line of Van Dam Street; thence southerly eighty-four (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 one hundred (100) feet (plus or minus) westerly from the western line of Clinton Street; thence southerly one hundred sixty (160) feet (plus or minus) to the southern line of Railroad Alley; thence twenty-four (24) feet (plus or minus) easterly along the southern line of Railroad Alley; thence southerly one hundred thirty-seven (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 one hundred six (106) feet (plus or minus) westerly from the western line of Clinton Street; thence one hundred (100) feet (plus or minus) southerly; thence thirty-six (36) feet (plus or minus) westerly; thence thirty-five (35) feet (plus or minus) southerly; thence fifteen (15) feet (plus or minus) westerly; thence forty-five (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 one hundred (100) feet (plus or minus) westerly from the western line of Clinton Street; thence southerly two hundred fifteen (215) feet (plus or minus) to a point one hundred fifteen (115) feet (plus or minus) from the northern line of Division Street and one hundred (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 one hundred fifteen (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 three hundred thirty-two (332) feet (plus or minus) south of the southern line of Cherry Street; thence easterly one hundred fifty (150) feet (plus or minus) to the western line of Franklin Street; thence south to the southern line of Washington Street; thence westerly one hundred forty-five (145) feet (plus or minus) along the southern line of Washington Street; thence southerly eighty-six (86) feet (plus or minus); thence westerly thirty
seven (37) feet (plus or minus); thence northerly fourteen (14) feet (plus or minus); thence westerly forty-nine (49) feet (plus or minus); thence northerly twenty-four (24) feet (plus or minus); thence westerly ninety-nine (99) feet (plus or minus); thence northerly seventy-nine (79) feet (plus or minus) to a point on the southern line of Washington Street three hundred thirty-five (335) feet (plus or minus) from the western line of Franklin Street; thence westerly one hundred two (102) feet (plus or minus) along the southern line of Washington Street; thence southerly sixty-two (62) feet (plus or minus); thence westerly fifty (50) feet (plus or minus); thence southerly eight (8) feet (plus or minus); thence westerly fifty-six (56) feet (plus or minus) to a point on the eastern line of Beekman Street one hundred fifty (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 sixty (60) feet (plus or minus) northerly of the northern line of Congress Street; thence easterly one hundred (100) feet (plus or minus); thence northerly one hundred sixty-one (161) feet (plus or minus) to a point on the south line of Washington Street sixty-eight (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 one hundred forty-one (141) feet (plus or minus) from the eastern line of Franklin Street; thence northerly forty-six (46) feet (plus or minus); thence easterly fifteen (15) feet (plus or minus); thence northerly one hundred forty-two (142) feet (plus or minus); thence, easterly forty-five (45) feet (plus or minus); thence northerly one hundred fifty-nine (159) feet (plus or minus); thence westerly twenty (20) feet (plus or minus); thence northerly fifty (50) feet (plus or minus); thence easterly one hundred (100) feet (plus or minus); thence northerly two hundred five (205) feet (plus or minus) to a point on the southern line of Division Street one hundred fifty-nine (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 two hundred (200) feet (plus or minus) easterly from the eastern line of Clinton Street; thence northerly two hundred twenty (220) feet (plus or
minus); thence westerly sixty-seven (67) feet (plus or minus); thence northerly two hundred ninety (290) feet (plus or minus); thence westerly one hundred fifty (150) feet (plus or minus) to a point on the eastern line of Clinton Street one hundred twenty (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 one hundred (100) feet (plus or minus); thence northerly four hundred ninety (490) feet (plus or minus) to a point on the southern line of Exchange Alley one hundred (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.
ARTICLE VIII
ARCHITECTURAL REVIEW

240-8.1 INTENT AND PURPOSE

The City Council of the City of Saratoga Springs hereby finds that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings erected in any neighborhood adversely affects the desirability of the immediate area and neighboring areas for residential and business purposes or other use and by so doing impairs the benefits of occupancy of existing property in such areas, impairs the stability and value of both improved and unimproved real property in such areas, prevents the most appropriate development of such areas, produces degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety, comfort and general welfare of the inhabitants thereof and destroys a proper relationship between the taxable value of real property in such areas and the cost of municipal services provided therefor. It is the purpose of this section to prevent these and other harmful effects of such exterior appearances of buildings erected in any neighborhood and thus to promote the health, safety, comfort and general welfare of the community, to promote the public convenience and prosperity, to conserve the value of buildings and to encourage the most appropriate use of land within the designated areas set forth in Section 8.15.

240-8.2 DELEGATION TO DESIGN REVIEW COMMISSION

The City's Design Review Commission is hereby charged with the responsibilities of administering and carrying out the intent established in Section 8.1 above.

240-8.3 APPLICATION PROCEDURES

A. It shall be the duty of the Building Inspector to refer to the Design Review Commission plans for any identified actions listed below and which requires such reference in conformity with the purposes set forth in Section 8.1 above. The Commission shall not accept any application for review that includes a parcel which has a reported written violation pertaining to any provision of this zoning ordinance. The Commission shall review all applications for the following actions that lie within the districts set forth in this Article:
(1) Any action involving exterior changes which requires the issuance of a building permit or demolition permit.

(2) Any application for a sign or sign structure.

B. Applications are not necessary for any actions that also require historic review action as set forth in Article VII.

C. Applications are not necessary for any actions which involve the ordinary maintenance or repair of any exterior feature in an architectural review district which does not involve a change in design, material or outer appearance thereof.

D. The Design Review Commission shall collect a fee with all applications which shall be determined by the fee schedule set forth in Section 13.6 herein.

240-8.4 ACTIONS OF THE COMMISSION

A. The Commission may approve, conditionally approve subject to specified modifications, or disapprove any application for a building permit referred to it by the Building Inspector as set forth in Section 8.3 hereof, provided that such disapproval shall be by the majority vote of all the members of said Commission present at any meeting where said vote is taken, and provided that the Commission finds that the building for which the permit was applied would, if erected, be so detrimental to the desirability, property value or development of the surrounding area as to provoke one (1) or more of the harmful effects set forth in Section 8.9.

B. The Design Review Commission may impose appropriate conditions and safeguards in connection with its approval, including but not limited to the following:

(1) Nature and quality of materials.

(2) Manner of construction.

(3) Design and other elements set forth in Section 8.9.

C. Applications which have been approved by action of the Design Review Commission shall be signed and dated by the Chairman of the Design Review Commission.
D. The Commission must act on all applications within sixty (60) days of its receipt.

240-8.5 EFFECT OF COMMISSION ACTION

A. The Building Inspector shall refuse any permit application disapproved by the Commission as provided in Section 8.4. He may approve any application conditionally approved by the Commission as soon as the conditions specified in such conditional approval have been fulfilled, either by taking remedial or corrective action as required by the conditional approval, if appropriate, or submitting revised plans, drawings and specifications to incorporate the conditions in the repair or construction of such building or site. If the Commission shall have approved any building permit application and such application shall otherwise be in conformance with all codes and ordinances of the City of Saratoga Springs, then the Building Inspector shall forthwith issue the permit applied for. He shall likewise issue the permit as applied for in the case of any building permit application referred to such Commission and on which such Commission has failed to act within sixty (60) days of such reference by him to the Commission.

B. A certificate of occupancy shall not be issued until a field inspection is made by the Building Inspector to ascertain that site improvements and construction have been made in compliance with the approval granted by the Design Review Commission.

240-8.6 HARDSHIP CRITERIA AND PROCEDURES (Amended 6/7/93)

A. An applicant whose application to the Commission has been denied may apply to the Zoning Board of Appeals for relief on the grounds that the Commission standards are working a hardship upon the applicant. In order to prove the existence of a hardship, the applicant shall establish that:

(1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible, if the application is denied. "Dollars and cents proof" shall be presented to the Zoning Board of Appeals by the applicant which demonstrates to the satisfaction of the Zoning Board of Appeals that the applicant's claim of hardship is well-founded.
(2) The property cannot be adapted for any other use permitted by the Zoning Ordinance in the Zoning District in which the property is located, whether by the current owner or by a purchaser, which would result in a reasonable return.

(3) In an application for demolition, reasonable good faith efforts to find a purchaser interested in acquiring the property and preserving it were made and have failed.

B. After receiving written notification from the Commission of the denial of an application to the Commission, an applicant may commence the hardship process with a hardship application to the Zoning Board of Appeals. No building permit or demolition permit shall be issued unless the Zoning Board of Appeals makes a finding that a hardship exists.

C. The Zoning Board of Appeals shall hold a public hearing on the hardship application at which an opportunity will be provided for proponents and opponents of the application to present their views. Such a hearing will be within ninety (90) days of filing of the hardship application. Notice of the hearing shall be printed in a newspaper of general circulation in the City of Saratoga Springs at least one (1) time and at least five (5) days, but not more than ten (10) days, before the hearing. The cost of the legal notice shall be paid by the applicant.

D. The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in the preservation of the property.

E. Decisions on hardship applications shall be made not later than sixty (60) days from the date of the final hearing. All decisions of the Zoning Board of Appeals shall be in writing. A copy shall be filed with the City Clerk's office for public inspection. The Zoning Board of Appeals' decision shall state the reasons for granting or denying the hardship application.

240-8.7 CONSULTATION WITH ZONING BOARD OF APPEALS

Upon request of the Zoning Board of Appeals, the Commission shall consult with and advise the Zoning Board of Appeals with respect to any variance or special use permit which it is required to pass under the provisions of law or of this chapter.
240-8.8 CONSULTATION WITH PLANNING BOARD

Upon request of the Planning Board, the Commission shall consult with and advise the Planning Board with respect to any site plan on which it is required to pass under the provisions of law or of this chapter.

240-8.9 STANDARDS TO GUIDE THE COMMISSION

The Commission shall be guided by the following standards in approving or disapproving applications to the Commission:

A. Design Guidelines. (Amended 6/7/93) In applying the principles for review, the Commission shall consider whether the proposed alteration or construction is compatible with the structures on the property and/or the surrounding properties with regard to:

(1) Height. The height of a building shall be compatible with the surrounding buildings.

(a) Generally, maximum building height shall not be greater than the taller of the next two (2) abutting structures on each side of the building site, provided such structures are in conformance with bulk regulations of the Zoning District.

(b) Generally, minimum building height of a street facade shall not be less than the lower of the next two (2) abutting structures on each side of the building site, provided such structures are in conformance with bulk regulations of the Zoning District.

(2) Scale - the relationship of a building and its elements to human size, form, and perception. The scale of a building shall be compatible with the surrounding buildings.

(3) Proportion - the relationship among the dimensions of various elements.

(a) Front Facade - The relationship of the width of a building to the height of the front elevation shall be compatible with the surrounding buildings. The facade of structures erected on single house lots should be proportioned so that the height equals at least one and one-half (1/2) times the width.
(b) Openings - The relationship of the width of windows and doors to their height shall be compatible with the surrounding buildings.

(4) Rhythm - the pattern resulting from repeated elements such as window and door openings, columns, arches, and other facade elements. The rhythmic relationship between a building's facade elements shall be compatible with the surrounding buildings. In cases where new construction occupies more than one (1) house lot, the rhythm of the separate building units existing on the street shall be carried across the facade. Some of the ways this may be achieved include the grouping of openings in clusters, the employment of reveals in wall plans, or the use of structural bays.

(5) Directional Expression. The directional expression of a building shall be compatible with the dominant horizontal or vertical expression of the surrounding buildings.

(6) Massing and Open Space. The relationship of a building to open space between it and adjoining buildings shall be compatible with the character of the surrounding area.

(7) Setback. The front yard setback for the building line of all new construction shall be no closer to the street than the closest, or no further from the street than the farthest, of the next two (2) abutting structures on each side of the building site, provided such structures are in conformance with area regulations of the Zoning District.

B. Materials and Colors.

(1) Materials used in new construction shall be compatible with those traditionally used in the surrounding area. Contemporary materials such as glass, curtain walls, concrete, etc., are acceptable, provided that the overall texture, color and detail of the building is compatible with the surrounding buildings.

(2) Colors used in new construction shall be compatible with surrounding buildings. In the case of existing historic buildings, architectural features shall be restored with colors and finishes appropriate to the nature of the materials and to the historic character of the building. Where documented colors are not used, historic colors
appropriate to the building's predominant style(s) shall be encouraged. Color guidelines are advisory only.

C. Landscape. Landscaping shall be compatible with the character of the individual building as well as with the surrounding buildings and landscape features.

D. Demolition.

(1) In the case of structures of architectural or historical significance, the developer shall be required to show good cause as to why such structures cannot be preserved. All applications for demolition shall be required to show why structure cannot be preserved.

(2) Application for demolition shall include plans for development of site following demolition. Such plans must include an acceptable timetable and guaranties which may include performance bonds/letters of credit for demolition and completion of the project. The time between demolition and commencement of new construction shall not exceed six (6) months.

(3) Relocating structures of architectural or historical significance may be permitted as an alternative to demolition.

240-8.10 EXPIRATION

Unless otherwise specified or extended by the Commission, decisions on all applications granted after the effective date of this amendment shall expire if the applicant fails to obtain the necessary building permit to construct any project and begin actual construction or to comply with the conditions of said authorization within one (1) year from the filing date of such decision thereof. Unless otherwise specified or extended by the Commission, all approvals on applications granted prior to the effective date of this chapter shall expire if the applicant fails to obtain the necessary building permit and begin actual construction or comply with the conditions of said authorization within one (1) year from the effective date of this chapter.

240-8.11 RESERVED FOR FUTURE USE

240-8.12 RESERVED FOR FUTURE USE
240-8.14 ARCHITECTURAL REVIEW DISTRICTS

The following areas shall be designated architectural review districts except for properties subject to historic review as set forth in Section 7.20:

A. 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 one hundred (100) feet in depth, whichever is greater, and extending southward along Broadway to the City line.

B. 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 one hundred (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 one hundred (100) feet in depth, whichever is greater, and extending easterly and southeasterly along Union Avenue to the City Line.

C. Beginning at the intersection of the center line of Lake Avenue (or NVS 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 one hundred (100) feet in depth, whichever is greater, and extending eastward along Lake Avenue to the City line.

D. 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 one hundred (100) feet in depth, whichever is greater, and extending eastward to the City line.

E. 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 one hundred (100) feet in depth, whichever is greater, and extending northward along Marion Avenue to the City line.

F. 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 one hundred (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.

G. 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 one hundred (100) feet in depth, whichever is greater, and extending westward along Church Street to the City line.

H. 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 one hundred (100) feet in depth, whichever is greater, and extending westward along Washington Street to the City line.

I. 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 one hundred (100) feet in depth, whichever is greater, and extending southerly or southwesterly along Ballston Avenue to the City line.

J. 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 one hundred (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.
ARTICLE IX

NONCONFORMING USES, STRUCTURES & LOTS

240-9.1 INTENT  (Amended 10/19/92)

A. Unless otherwise provided for elsewhere in this chapter, any use of land or structure, which use was lawful at the time of the effective date of this chapter, may be continued; provided, however, that such use or structure shall have continued in operation, does not constitute a nuisance and shall not be enlarged, altered or changed in area, activity or content during its continuance, except as provided otherwise by proper authority.

B. Any use or structure 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 nonconforming under this chapter.

240-9.2 AUTHORITY TO CONTINUE  (Amended 10/19/92)

A. The use or occupancy of a nonconforming structure which was a lawful structure at the time of the effective date of this chapter may be continued; provided, however, that no enlargement, change or alteration shall be permitted upon such structure, except upon a finding by the Zoning Enforcement Officer that such enlargement, change or alteration will produce greater compliance with this chapter and that the use within such structure is in conformity with the requirements of this chapter; and further provided that no enlargement, change, or alteration of a structure housing a nonconforming use shall be permitted, except upon a finding by the Board of Appeals that such enlargement, change or alteration will permit greater compliance with the provisions of this or other appropriate regulations, as required by the Board of Appeals, and is installed or instituted to minimize the detrimental effects of the nonconforming use upon adjoining conforming uses.

B. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure, or part thereof, declared to be unsafe by any official charged with providing for the public safety, which strengthening or restoration is ordered by such official.
C. Any building, other structure or use of land which is made nonconforming by any lot size, open space, height or building size regulations of this chapter, or by any subsequent amendments thereto, may be continued, except as hereinafter provided.

240-9.3 ALTERATIONS (Amended 10/19/92)

A structure containing a nonconforming use may not be renovated or structurally altered during its life to an extent exceeding, in aggregate cost, fifty percent (50%) of the market value of the building unless said building is changed to a conforming use. The market value shall be the product of the structure's current assessed value as indicated on the City's Assessment Records times the City's Equalization Rate. Nothing in this chapter shall prevent the renovation or repair of nonstructural members or the maintenance of a structure made necessary by ordinary wear and tear. Under this provision a nonconforming use within a structure shall not be substantively extended or physically expanded.

Any portion of a structure that is determined to be nonconforming in regard to any provision of this chapter shall not be renovated or structurally altered for a nonconforming use except under the regulations set forth in the preceding paragraph; but may be renovated or structurally altered, but not expanded, if occupied by a conforming use.

240-9.4 EXTENSION (Amended 10/19/92)

A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a structure which existed prior to the enactment of this chapter shall not be deemed the extension of such nonconforming use. An extension of a nonconforming use shall include any activities or actions that expand the area or volume occupied by a nonconforming use. Such activity or action shall include, but not be limited to, the physical expansion of a nonconforming use into previous underutilized, vacant or new constructed space; the increase in size of any parking related to a nonconforming use; and, the increase in any item that will result in a larger parking requirement as defined in Chapter 240-11.

Any portion of a structure that is determined to be nonconforming in regard to any provision of this chapter shall not be extended unless such extension is in conformance with this chapter or any necessary variances are obtained from the Zoning Board of Appeals.
240-9.5 DESTRUCTION OF STRUCTURE (Amended 10/19/92)

Nothing in this chapter shall prevent the restoration, rebuilding or repairing of any structure containing a nonconforming use, which structure has been damaged by fire, acts of God or any act of a public enemy, subsequent to the effective date of this chapter, provided that such restoration or construction is commenced within one (1) year after the destruction and is completed within one (1) year of the date of issuance of a building permit. For any structure containing a nonconforming use which is destroyed, by any cause, to an extent exceeding seventy-five percent (75%) of its market value, the future structure or use on the site shall conform to this chapter. The market value shall be the product of the structure's current assessed value as indicated on the City's Assessment Records times the City's Equalization Rate.

240-9.6 CHANGES IN USE (Amended 11/18/91)

Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only under the following conditions:

A. Such change shall be permitted only upon issuance of a special use permit.

B. The applicant shall show that the nonconforming use cannot reasonably be changed to a use permitted in the district where such non-conforming use is located.

C. The applicant shall show that the proposed change will be less objectionable in external effect than the existing non-conforming use with respect to:

1. Traffic generation and congestion, including truck, passenger car and pedestrian traffic.

2. Noise, smoke, dust, noxious matter, heat, glare and vibration.

3. Storage and waste disposal.

4. Appearance.

With any change in use from a nonconforming use, any nonconforming area dimension on the premises shall cease to be a valid pre-existing nonconforming use.
240-9.7 DISPLACEMENT

No nonconforming use shall be extended to displace a conforming use.

240-9.8 DISTRICT CHANGES

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

240-9.9 DISCONTINUANCE (Amended 10/19/92)

Whenever a nonconforming use or a nonconforming structure has been discontinued for a period of one (1) year, such structure shall not be reused without appropriate variances or only in conformity with the provisions of this chapter, or such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this chapter.

240-9.10 ACCESSIBILITY TO PUBLIC RIGHT-OF-WAY

No building permit or certificate of occupancy shall be issued for any new land use activity where there is no reasonable access from the lot or area upon which such activity is located to an existing public street; provided, however, that this provision shall not prohibit the continued use of any structure or lot as such use existed at the effective date of this provision.

240-9.11 CONSTRUCTION APPROVED PRIOR TO ADOPTION OF OR AMENDMENT TO CHAPTER

Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued, provided that active and substantial construction shall have been originated prior to the enactment of this chapter, and further provided that the entire building shall be completed according to such plans filed within two (2) years from the effective date of this chapter.
ARTICLE X

SIGNS

240-10.1 GENERAL CONSIDERATIONS

A. All signs shall be erected and constructed in a fashion so as not to obstruct traffic, cause visual blight, nor detract from the value of property adjacent to that property upon which said sign is erected. All signs shall be compatible within the context of its visual and physical environment. In making such determination, consideration shall be given but need not be limited to the following elements:

(1) Size, bulk, and mass.
(2) Texture and materials.
(3) Colors.
(4) Lighting and illumination.
(5) Orientation and elevation.
(6) General and specific location.
(7) Proximity to streets, highways and mass transit routes.
(8) Design, including size and character of lettering, logos, and related contents.
(9) Background or field, including the skyline.
(10) Character of structural members.
(11) Frequency and nature of all general and business signs and official regulatory signs and devices which are within the immediate field of vision.

240-10.2 GENERAL SIGN REGULATIONS

A. Permits required. No person, firm or corporation shall hereafter erect, re-erect, construct or structurally alter a sign or sign structure without a permit first having been issued by the Building Inspector. The fee for said permit is listed in Section 13.6. Every
application for a sign permit shall be accompanied by plans to scale, showing the area of the sign, the position of the sign in relation to nearby buildings or structures, the location of the building, structure or lot to which or upon which the sign is to be attached or erected, the method of illumination, if any, and such other information as the Building Inspector shall require to show full compliance with this and all other laws and ordinances of the City. If it appears that the proposed sign is in compliance with all such requirements and laws, the permit shall be issued, but should the work authorized under the permit not be completed within a year after the date of issuance, the permit shall become null and void.

B. **Permit exemptions.** Signs identified in Section 10.3A are exempt from a permit.

C. **License required.** No person, firm or corporation shall engage in the business of erecting, structurally altering or relocating signs within the City of Saratoga Springs without first obtaining a license therefor. Said license shall be issued by the City Clerk upon payment of the fee listed in the "Fee Schedule" Section 13.6, and shall be for one (1) calendar year.

D. **Bond or insurance requirements.** No person, firm or corporation shall install, erect or maintain any sign or medium of display or advertising, electric or otherwise, until such person, firm or corporation has filed with the City Clerk a certificate of an insurance company duly authorized to do business in New York State that there is in effect an insurance policy insuring the applicant against any and all claims for bodily injury or damage to property that in any way results from such a sign or marquee, said policy to be at least in the amount of five hundred thousand dollars ($500,000.00) combined single limit, for bodily injury and property damage. This requirement shall also apply to all existing signs, whether conforming or non-conforming. The certificate shall also state that the policy shall not be cancelled or in any way amended, changed or altered without giving the City Clerk thirty (30) days notice thereof. If a surety bond is filed in lieu of a certificate of liability, such bond shall be approved by the Commissioner of Accounts and shall be conditioned for the installation and erection of signs in accordance with the ordinances and codes of the City of Saratoga Springs and the Laws of the State of New York and shall provide for the indemnification of the City of Saratoga Springs for any and all damage for liability which may accrue against it by reasons of its existence, erection,
demolition, repair, removal or defects in or collapse of any sign for a period of one (1) year after erection and for such additional periods of time that such sign is maintained or serviced by or under the direction of the maker of such bond. Such bond shall further provide for the indemnification of any person, firm or corporation who shall, while upon public property or in any public place, incur damage for which the principal named in the bond is legally liable.

E. Unsafe and unlawful signs. If the Building Inspector shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this section, he shall give written notice to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within ten (10) days after such notice, such sign or other advertising structure shall be removed or altered to comply with the Building Inspector at the expense of the permittee or owner of the property upon which it is located. The Building Inspector shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Building Inspector, in addition to exercising any and all other remedies provided for in this chapter for a violation hereof, may, in addition, cause any sign or other advertising structure which is an immediate peril to the health or safety of persons or property to be removed summarily and without notice by City employees. Any expense incident thereto shall be paid by the owner of the building, structure or lot to which such sign is attached.

F. Removal of certain signs. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or lot upon which such sign may be found within thirty (30) days after written notification from the Building Inspector, and, upon failure to comply with such notice, the Building Inspector is hereby authorized to exercise any and all remedies provided for in this chapter for a violation hereof.

G. Nonconforming Signs. In the event a sign lawfully erected prior to the effective date of this Article does not conform to the provisions and standards of the Article, then such signs, except those granted by a variance from the Zoning Board of Appeals, should be
modified to conform or be removed according to the following regulations:

(1) If a nonconforming sign includes such features included under the Prohibitions provision in Section 10.3B, then such sign shall be modified by its owner to comply, or be removed within thirty (30) days after the owner receives written notice from the Building Inspector to so comply. Upon failure to comply with such notice, the Building Inspector is hereby authorized to exercise any and all remedies provided for in this chapter for a violation hereof.

(2) All nonconforming signs in effect on the date of the adoption of this amendment, shall be replaced, remodeled or otherwise brought into conformance or removed within three (3) years of the effective date of this amendment.

(3) A nonconforming sign shall not be enlarged or replaced by another nonconforming sign.

H. **Penalty for failure to apply for sign permit.** Any person who proceeds to erect, re-erect, construct or structurally alter any sign without first applying for and obtaining the necessary permit, shall be considered in violation of a section or sections to this chapter pertaining thereto, and shall be subject to prosecution according to Article XIII. Further, he shall be required upon receipt of a written notice from the Building Inspector, to file application for the necessary permit or permits, and shall be required to pay fees as specified in Section 13.6.

**240-10.3 SPECIFIC SIGN REGULATIONS**  
(Amended 1/22/91)

A. **Exempt signs (require no permits).** The following types of signs may be erected and maintained without permits or fees, providing such signs comply with the general requirements of this Article and other conditions specifically imposed by the regulations:

(1) Historical markers, tablets, statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel, or similar material; and emblems installed by governmental agencies, religious or non-profit organizations; not exceeding six (6) square feet.
(2) Flags and insignia of any government, except when displayed in connection with commercial promotion. Such flags or insignias shall not exceed one hundred fifty (150) square feet per face in area.

(3) On-premise directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, internally illuminated or non-illuminated, not exceeding four (4) square feet per face and four (4) feet in height. Business names shall not be allowed.

(4) Non-illuminated warning, private drive, posted or no trespassing signs not exceeding two (2) square feet per face.

(5) One on-premise wall sign, in connection with any residential building in any zoning district, for permitted professional offices or home occupations, not exceeding one and one-half (1/2) square feet. Such sign shall state name and vocation only. Illumination shall not produce a direct glare beyond the limits of the property line.

(6) Number and name plates identifying residents, mounted on house, apartment or mailbox, not exceeding one and one-half (1/2) square feet in area.

(7) Lawn signs identifying residents, not exceeding one and one-half (1/2) square feet. Such signs are to be non-illuminated except by a light which is an integral part of a lamp post if used as a support, with no advertising message thereon.

(8) Private-owner merchandise sale signs for garage sales and auctions, not exceeding four (4) square feet for a period not exceeding seven (7) days.

(9) Temporary non-illuminated "For Sale", "For Rent", real estate signs and signs of similar nature, concerning the premises upon which the sign is located.

(a) In a residential zoning district, one sign not exceeding four (4) square feet per side. In a business or institutional zoning district, one sign not exceeding twenty (20) square feet. In an industrial zoning district, one sign not exceeding forty (40) square feet. All such signs shall be removed within thirty (30) days.
after the sale, lease or rental of the premises.

(b) Temporary non-illuminated directional signs for real estate sales shall be permitted within the City right-of-way only on Saturdays and Sundays. Such signs shall not exceed four (4) square feet.

(c) One temporary non-illuminated "For Sale" sign may be erected on-premise in an approved major subdivision. Such sign shall not exceed forty (40) square feet and shall be removed within thirty (30) days of the sale of seventy-five percent (75%) of the lots or units.

(10) One temporary sign for a roadside stand selling agriculture produce grown on the premises in season, providing that such sign not exceed twenty-four (24) square feet.

(11) Temporary, non-illuminated window signs and posters not exceeding thirty (30) percent or one hundred (100) square feet, whichever is less, of the window surface.

(12) Holiday decorations, including lighting, are exempt from the provisions of this Article and may be displayed in any district without a permit for a period not to exceed eight (8) weeks.

(13) At gasoline stations a sign attached on gasoline pumps, displaying the price of fuel not exceeding two (2) square feet.

(14) Temporary on-premise directional signs for meetings, conventions, and other assemblies, not exceeding four (4) square feet.

(15) One sign, not exceeding ten (10) square feet in all zoning districts, listing the architect, engineer, contractor and/or owner, on premises where construction, renovation, or repair is in progress.

(16) Political posters, banners and signs, not exceeding four (4) square feet in the residential districts nor sixteen (16) square feet in the non-residential districts, providing:

(a) Placement shall not exceed sixty (60) days, and must be removed within fifteen (15) days after the election or political event.
(b) The names and addresses of the sponsor and the person responsible for removal are identified on the sign.

(17) Analog clocks which do not exceed twenty-four (24) square feet. Digital time and temperature signs are prohibited.

(18) Murals not exceeding fifty (50) percent or two hundred (200) square feet, whichever is less, of the total area of a building facade provided it contains no advertising message thereon.

B. Prohibitions. The following types of signs are prohibited:

(1) No permanent or temporary sign shall be erected or placed within 150 feet of a signalized intersection or fifty (50) feet of an unsignalized intersection of any streets in such a manner as to cause a traffic hazard at the intersection; or at any location where, by reason of the position, shape, or color of the sign it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words, "Stop", "Look", "Drive-in", "Left", or any other words, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

(2) No sign shall project into the public right-of-way, except as approved by the City's Department of Public Works after consultation with the Department of Public Safety.

(3) No luminous sign, indirectly illuminated sign, or lighting device shall be placed or directed so as to cause glaring or non-diffuse beams of light to be cast upon any public street, highway, sidewalk, or adjacent premises, or otherwise to cause glare or reflection that may constitute a traffic hazard or public nuisance. No sign shall in its construction employ any mirror or mirror-like surface, nor any day-glowing or other fluorescent paint or pigment.

(4) No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights. All luminous signs, indirectly illuminated signs, and lighting devices shall employ only lights emitting light of constant intensity. All bare
incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view.

(5) No sign or part thereof shall contain or 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. The said 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. No sign or part thereof may rotate or move back and forth.

(6) No signs shall be placed, painted or drawn upon trees, man-made or natural features, excluding buildings, on the site, or on utility poles, bridges, culverts, towers or similar structures.

(7) Off-premise signs or billboards shall not be permitted in any district. All signs shall be located on the same site as they identify or advertise. Off-premise directional signs for community activities and major attractions shall be permitted within the public right-of-way with approval from the Department of Public Works.

(8) No permanent free standing sign, except those exempted in Article 10.3-A and those identified in Article 10.3-C-1-(b), (c), (d), (e) and (f), shall be permitted in any residential zoning district. All other permanent signs permitted in residential zoning districts shall be attached to the principal structure.

(9) Sandwich board signs, except those exempt in Section 10.3, shall not be permitted in any district.

(10) Portable signs shall not be permitted in any district.

(11) Signs are prohibited on all roof surfaces, or any other similar surfaces, that have a slope of less than 3:12 and they are prohibited on that portion of the surface that is higher than twenty (20) feet from the ground level.

(12) Off-premise copy-change or bulletin board signs shall not be permitted in any district.
C. Signs Permitted with Permit.

(1) Permanent Signs. Within any zoning district, the following permanent signs may be erected upon the issuance of a permit, provided however that such a subsection shall not serve to expand the number of signs otherwise allowed, pursuant to the next subsection on business and institutional or industrial districts:

(a) Off-premise directional signs for the convenience of the general public and for the purpose of directing persons to a not-for-profit activity, service or community facility may be erected, providing such signs do not exceed one and one-half (1/2) square feet. Message shall be limited to name or identification, arrow or direction, and distance. Advertising messages shall be prohibited. Such signs must be located within the public right-of-way and have approval from the City's Department of Public Works.

(b) Signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs or societies, may be erected on the premises of such institutions. One (1) such sign or bulletin board not exceeding forty (40) square feet may be erected.

(c) For multiple residences or apartment developments, one (1) sign advertising availability of several residence units, not exceeding four (4) square feet. One (1) such sign shall be permitted for each parcel.

(d) Recreational areas, golf clubs, ski areas, and other similar facilities permitted by the zoning ordinance shall in all zones be permitted one (1) sign not exceeding forty (40) square feet.

(e) Signs necessary for the identification, operation or production of a public utility, not exceeding forty (40) square feet, may be erected on the premises of such public utility.

(f) For residential subdivisions or projects one (1) sign which identifies the project by name and address may be erected near the principal entrance. The one (1) sign shall not exceed
ten (10) square feet. Such sign shall not be placed within the public right-of-way and provision for its permanent maintenance must be made.

(2) Within any business, institutional or industrial district the following permanent signs may be erected upon the issuance of a permit:

(a) Only one (1) free standing sign shall be permitted on any parcel. The total area for a free standing sign shall not exceed forty (40) square feet per side. A single free standing sign may be used to identify more than one on-premise establishment.

(b) Only one (1) wall sign per establishment shall be permitted unless that establishment has street frontage on more than one side.

[1] In such cases, one wall sign will be permitted for each side of the structure that the establishment has street frontage.

[2] The total area for wall signage shall not exceed fifteen (15) percent of the total area of the one building facade upon which the signage is placed or one hundred (100) square feet, whichever is less. A single wall sign may be used to identify more than one on-premise establishment. A sign directory is a wall sign. For buildings with multiple tenants having store fronts only, the facade rented by the tenant shall be considered as wall area for a sign. An establishment may have both a wall sign and/or a free-standing sign.

(c) One awning sign shall be permitted for each window or door of the facade covered by the awning. The sign or logo shall not exceed eight (8) inches in height and may only be affixed to the portion of the awning that is parallel to the facade of the building on which the awning is affixed.

(d) An establishment may have both wall signage and awning signage.
(e) An establishment may have a sign on a roof, provided that the roof has a slope greater than 3:12. The total area for a roof sign shall not exceed fifteen percent (15%) of the total area of the building silhouette on which it is placed or one hundred (100) square feet, whichever is less. Only one (1) roof sign per establishment shall be permitted unless that establishment has street frontage on more than one (1) side. No portion of any roof sign shall extend more than twenty (20) feet or less than ten (10) feet above the ground level. An establishment may have either a roof sign or a wall sign on a building frontage, but not both.

240-10.4 CONSTRUCTION STANDARDS (Amended 1/22/91, 4/6/92)

A. General Provisions.

(1) All signs shall comply with applicable regulations of the Building Code.

(2) All electrical signs shall be constructed in accordance with the standards of the National Electric Code.

(3) All free-standing signs shall be designed and constructed to withstand a wind pressure of not less than twenty (20) pounds per square foot or surface area.

(4) All signs, including wall-mounted signs, shall be securely anchored and shall not swing or move in any manner.

(5) All signs, sign finishes, supports and electric work shall be kept clean, neatly painted, and free from all hazards, such as, but not limited to, faulty wiring, and loose supports, braces, guys and anchors.

(6) All free-standing or wall signs shall employ acceptable safety material.

(7) All signs shall be painted and/or fabricated in accordance with generally accepted standards.
B. **Specific Regulations to Sign Types.**

(1) **Wall Signs.**

(a) Wall signs shall not extend beyond the ends or over the top of the walls to which attached, and shall not extend above the level of the second floor of the building.

(b) Wall signs except for certain electric signs shall not extend more than six (6) inches from the face of the buildings to which attached. Electric signs may extend a distance of up to fourteen (14) inches to accommodate a sign and a code-required transformer box, but in no case shall this box extend more than eight (8) from the face of the building to which it is attached.

(2) **Free-Standing Signs.**

(a) No free-standing sign may be located less than fifty (50) feet from any other free-standing sign.

(b) No free-standing sign shall be more than forty (40) square feet per side for a double-faced sign.

(c) No free-standing sign shall be more than twenty (20) feet in height above finished grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including supporting structures.

(d) No free-standing sign shall extend over or into the public right-of-way, nor shall it overhang the property lines.

(e) Free-standing signs under which a pedestrian walkway or driveway passes must have a ten (10) foot vertical clearance.

(4) **Other Signs.**

(a) **Window Signs.**
(i) No window sign shall be affixed to the exterior of the window. All exterior signs shall be classified as wall signs.

(ii) The area of a window sign shall not exceed thirty percent (30%) or one hundred (100) square feet, whichever is less, of the area of the window.

(b) **Awning Signs.**

(i) No sign shall project from an awning.

(ii) Awning graphics shall not exceed eight (8) inches in height and may only be affixed to the portion of the awning that is parallel to the facade of the building on which the awning is affixed.

(5) **Roof Signs**

(a) A roof sign must be installed in a plane parallel to the wall of the facade of the building which the roof covers. In no case shall a roof sign extend above the peak of the roof or above parapet wall of the building facade. The bottom portion of the roof sign, except for certain electric signs, shall not extend more than six (6) inches from the roof surface. Electric signs may extend a distance of up to fourteen (14) inches to accommodate a sign and a code-required transformer box, but in no case shall the bottom of this box extend more than eight (8) inches from the roof surface to which it is attached. All bracing for a roof sign shall be enclosed in a structure.

240-10.5 **APPEAL TO ZONING BOARD OF APPEALS**

Any person aggrieved by a decision of the Building Inspector relative to the provisions of this Article may appeal such decision in writing to the Board of Appeals as provided in the Zoning Regulations and shall comply with all procedural requirements prescribed by such Board.
ARTICLE XI

PARKING REQUIREMENTS

240-11.1 INTENT

The purpose of this Article is to establish requirements to prevent or alleviate the congestion of public streets and to promote the safety and welfare of the public by establishing off-street parking, loading and unloading of motor vehicles.

240-11.2 REQUIREMENTS FOR OFF-STREET PARKING (Amended 1/22/91, 10/19/92, 6/6/94)

A. General Requirements. For the uses listed in the table entitled "Off-Street Parking Schedule" located in Section 11.2C, off-street parking shall be provided as required and subject to the following rules and requirements:

(1) When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space. The demand for identical land uses on a site may be collectively calculated, but the demand for different land uses on a site must be independently calculated.

(2) When parking spaces are required on the basis of the number of square feet of floor area, the gross floor area devoted to the use shall be used.

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

(4) For uses not expressly listed in the mandatory off-street parking table, parking spaces shall be provided on the same basis as required for the most similar use listed, or as determined by the Planning Board where site plan approval is required, or by the Building Inspector in all other instances.
(5) In general, off-street parking shall be provided on the same lot or tax parcel as principal use. The required off-street parking may be provided on a separate lot or tax parcel that is within three hundred (300) feet of the parcel with the principal use, provided the two lots are under the same ownership and there are covenants which tie the two lots together.

(6) Off-street parking requirements are exempt for the utilization by any permitted use in the C-1 district.

B. Design Requirements.

(1) Each off-street parking space shall have the following minimum dimensions:

(a) Parallel parking:

[1] width = 9 feet

[2] length = 22 feet

[3] height = 7 feet

(b) Perpendicular parking:

[1] width = 9 feet

[2] length = 18 feet

[3] height = 7 feet

(c) For parking spaces that are at various angles in relation to curbs or aisles, the lines demarcating such parking spaces shall be drawn to contain within the same rectangular areas required by the above perpendicular parking standard.

(d) Parking spaces for physically impaired persons shall be at least eight (8) feet wide and shall have an adjacent aisle at least eight (8) feet wide. Two (2) accessible parking spaces may share a common access aisle.
(2) Parking area aisle widths shall conform to the following table which varies the width requirement according to the angle of parking:

<table>
<thead>
<tr>
<th>Parking Angle (Degrees)</th>
<th>Aisle Width (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>One-way traffic</td>
</tr>
<tr>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td>30</td>
<td>11</td>
</tr>
<tr>
<td>45</td>
<td>13</td>
</tr>
<tr>
<td>60</td>
<td>18</td>
</tr>
<tr>
<td>90</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>Two-way traffic</td>
</tr>
<tr>
<td>0</td>
<td>19</td>
</tr>
<tr>
<td>30</td>
<td>20</td>
</tr>
<tr>
<td>45</td>
<td>21</td>
</tr>
<tr>
<td>60</td>
<td>23</td>
</tr>
<tr>
<td>90</td>
<td>24</td>
</tr>
</tbody>
</table>

(3) For all off-street parking areas with more than four (4) spaces, driveways shall not be less than ten (10) feet in width for one-way traffic and twenty-two (22) feet in width for two-way traffic, except that 10 feet wide driveways are permissible for two-way traffic when:

(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.

Access drives to off-street parking areas shall occupy not more than twenty-five percent (25%) of the total lot frontage, except that in the case of lots with frontage in excess of one hundred fifty (150) feet, the aggregate width of such drives shall not exceed forty-eight (48) feet for each three hundred (300) feet or fraction thereof of lot frontage. Nothing in this Article shall prevent any lot from providing an access drive meeting the minimum requirements regardless of the frontage of such lot. (Amended 6/7/93)

(4) Except for parking areas for principal permitted uses in the UR-1, UR-2 and UR-3 zoning districts, all required off-street parking shall not be located within required yard areas in any district. The driveway and vehicle staging area for all drive-in facilities shall not be located within required yard areas of the district in which they are located.

(5) Accessible parking for physically impaired persons shall be provided in accordance with the following:
<table>
<thead>
<tr>
<th>Total Parking Spaces in Lot or Garage</th>
<th>Number of Accessible Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
</tr>
<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1000</td>
<td>2 percent of total</td>
</tr>
<tr>
<td>Over 1000</td>
<td>20 plus 1 for each 100 over 1000</td>
</tr>
</tbody>
</table>

Each accessible parking space shall be marked with a vertical sign.

(6) Except for unusual circumstances, all parking spaces will be constructed with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion and dust.

(7) Parking spaces in areas surfaced in accordance with Subsection 6 above shall be appropriately demarcated with painted lines or other markings.

(8) All parking areas shall be adequately lighted.

(9) In all parking areas of more than fifteen (15) spaces, landscaped areas amounting to ten percent (10%) of the total paved area of the lot shall be provided. The landscaped area must be provided via "islands" wholly contained within the paved area.

(10) All parking areas shall be adequately drained. All lots with more than four parking spaces shall have drainage connected to a public storm sewer, if such lot is within 500 feet of an available public storm sewer system.
C. **Off-Street Parking Schedule.** (Amended 6/7/93, 6/6/94, 6/6/95)

(1) Off-street parking spaces shall be provided and maintained by the owner of the property as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Residence</td>
<td>2 per unit, 1.5 per unit in a UR-4 or UR-5 District; and 1 per unit dedicated for elderly residences</td>
</tr>
<tr>
<td>Agricultural Activity</td>
<td>1 per employee</td>
</tr>
<tr>
<td>Art Gallery</td>
<td>1 per 400 sq. ft. of floor area plus 1 per 2 employees</td>
</tr>
<tr>
<td>Animal Clinic/Hospital/Kennels</td>
<td>1 per 200 sq. ft. of floor plus 1 per 2 employees</td>
</tr>
<tr>
<td>Apparel Cleaning/Dry Cleaning</td>
<td>1 per 200 sq. ft. of sales floor area plus 1 per 2 employees</td>
</tr>
<tr>
<td>Automotive Sales &amp; Service</td>
<td>1 per 200 sq. ft. of sales floor area plus 1 per 600 sq. ft. of service floor area plus 1 per company vehicle</td>
</tr>
<tr>
<td>Bakery Shop</td>
<td>1 per 200 sq. ft. of sales area plus 1 per 2 employees</td>
</tr>
<tr>
<td>Barber/Beauty Shop</td>
<td>1 per 200 sq. ft. plus 1 per 2 employees</td>
</tr>
<tr>
<td>Bottling Plant</td>
<td>1 per 2 employees plus 1 per company vehicle</td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>1 per 3 persons of design capacity</td>
</tr>
<tr>
<td>Boutique</td>
<td>1 per 300 sq. ft. of sales floor area and 1 per 2 employees</td>
</tr>
<tr>
<td>Bus Depot</td>
<td>1 per 5 seats in waiting room plus 1 per 2 employees</td>
</tr>
</tbody>
</table>


Business Office
1 per 400 sq. ft. of floor area

Building Material Storage & 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

Churches/Religious Places of Worship
1 per 10 seats

Civic Center/Convention Center
1 per 5 seats

Communication Services
1 per 400 sq. ft. of floor area plus 1 per company vehicle

Convenience Sales & Service
1 per 200 sq. ft. of sales floor area plus 1 per 2 employees

Construction 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

Convalescent Homes/Nursing Homes
1 per 2 beds plus 1 per 2 employees

Day Care Center
1 per employee

Drug Store
1 per 300 sq. ft. of sales area plus 1 per 2 employees

Eating & Drinking Establishments
1 per 4 seats plus 1 per 2 employees, except outdoor eating and drinking facilities that meet the requirements of the Chapter 240-12.25 shall have no minimum spaces required

Equipment Repair Shop
1 per 300 sq. ft. of sales area plus 1 per 2 employees
<table>
<thead>
<tr>
<th>Business Category</th>
<th>Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extraction Industry</td>
<td>1 per 2 employees plus 1 per company vehicle</td>
</tr>
<tr>
<td>Financial Institutions &amp; Banks</td>
<td>1 per 200 sq. ft. of floor area for customers and 1 per 2 employees</td>
</tr>
<tr>
<td>Florist</td>
<td>1 per 300 sq. ft. of sales area plus 1 per 2 employees</td>
</tr>
<tr>
<td>Fraternal Lodges/Clubs</td>
<td>1 per 4 seats plus 1 per 2 employees</td>
</tr>
<tr>
<td>Funeral Home</td>
<td>1 per 400 sq. ft. of floor area plus 1 per company vehicle</td>
</tr>
<tr>
<td>Furniture Store</td>
<td>1 per 400 sq. ft. of sales floor area</td>
</tr>
<tr>
<td>Garbage/Refuse Collection Business and Its Outdoor Storage</td>
<td>1 per 2 employees and 1 per company vehicle</td>
</tr>
<tr>
<td>Gasoline Service Stations</td>
<td>5 per facility</td>
</tr>
<tr>
<td>General Retail</td>
<td>1 per 300 sq. ft. of sales floor area and 1 per 2 employees</td>
</tr>
<tr>
<td>Greenhouses</td>
<td>1 per 300 sq. ft. of sales area plus 1 per 2 employees plus 1 per company vehicle</td>
</tr>
<tr>
<td>Group Entertainment (nightclubs, theaters, etc.)</td>
<td>1 per 4 seats</td>
</tr>
<tr>
<td>Horse Race Track &amp; Grandstand</td>
<td>1 per 4 seats</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>1 per bedroom plus 1 per 2 employees</td>
</tr>
<tr>
<td>Laboratory</td>
<td>1 per 2 employees</td>
</tr>
<tr>
<td>Laundromat</td>
<td>1 per 200 sq. ft. of floor area</td>
</tr>
</tbody>
</table>
Library
Machine Shop
Manufacturing (all)
Marina & Docks
Medical Offices/Clinics
Medical & Mental Health Hospital
Movie Theater
Museum
Neighborhood Center
Newspaper Plant
Nursery (plants)
Open Air Market
Outdoor Recreation (golf, etc.)

1 per 300 sq. ft. of floor area
1 per 300 sq. ft. of sales floor area plus 1 per 2 employees
1 per 2 employees plus 1 per company vehicle
1 per 3 slips
1 per 200 sq. ft. of floor area
1 per 2 beds plus 1 per 2 employees
1 per 4 seats
1 per 400 sq. ft.
1 per 400 sq. ft. of floor area
1 per 2 employees plus 1 per company vehicle
1 per 2 employees plus 1 per company vehicle
1 per 500 sq. ft. of sales area
1 per 200 sq. ft. of area within enclosed buildings, plus 1 for every three persons that the outdoor facilities are designed to accommodate when used to the maximum capacity

Miniature golf course, skateboard park, water slide, and similar uses - 1 per 300 sq. ft. of area plus 1 per 200 sq. ft. of building floor area; driving range - 1 per tee plus 1 per 200 sq. ft. in building floor area; Par Three Course - 2 per golf hole plus 1 per 200 sq. ft. of building floor area
Printing, Publishing or Engraving 1 per 2 employees plus 1 per company vehicle

Professional Offices 1 per 300 sq. ft. of floor area

Public Utility Facility 1 per 2 employees plus 1 per company vehicle

Real Estate Offices 1 per 300 sq. ft. of floor area plus 1 per employee

Recreation Facility (Indoor) 1 per 5 seats

Research and Development Facility 1 per 2 employees plus 1 per company vehicle

Retail Beverage/Recycling Centers 1 per 300 sq. ft. of sales floor area and 1 per 2 employees plus 1 per company vehicle

Riding Stable 1 per 2 horse stalls

Rooming Houses/Tourist Home/Bed & Breakfast 1 per each bedroom plus 2 per residential unit

Salvage & Scrap Processing 1 per 2 employees plus 1 per company vehicle

Self-Storage 1 per 2 employees

Solid Waste Transfer Station 1 per 2 employees plus 1 per company vehicle

Training & Education Services 1 per 5 students (over 16 years old) and 1 per each 2 employees

Trucking & Freight Terminals 1 per 2 employees and 1 per company vehicle

TV & Radio Station/Studios 1 per 2 employees plus 1 per company vehicle

Visitor's Center 1 per 400 sq. ft. of floor area

Warehousing 1 per 2 employees and 1 per company vehicle
240-11.3 REQUIREMENTS FOR OFF-STREET LOADING AREAS

A. Off-street loading spaces shall be provided as required and subject to the following rules and regulations:

(1) Non-residential uses: at least one (1) space for a building with a floor area of five thousand (5,000) to twenty thousand (20,000) square feet or fraction thereof, except where deliveries do not exceed one (1) vehicle per day no additional space will be required.

(2) Hotels: at least one (1) space per thirty thousand (30,000) feet of floor area; none required if the floor area is less than ten thousand (10,000) square feet.

(3) Industrial uses: at least one (1) space for five thousand (5,000) to ten thousand (10,000) square feet; for each additional seventy-five thousand (75,000) square feet, one (1) space is required.

(4) Each required off-street loading area shall have the following minimum dimensions:

\[
\begin{align*}
\text{Width} & = 12 \text{ feet} \\
\text{Length} & = 55 \text{ feet} \\
\text{Height} & = 14 \text{ feet}
\end{align*}
\]

(5) In general, off-street loading areas shall not be permitted in front of any principal building.

(6) Loading areas shall be located and designed so that the vehicle intended to use them can maneuver safely and conveniently to and from a public right-of-way, and can complete the loading and unloading operation without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

(7) No area allocated to loading and unloading may be used to satisfy the area requirements for off-street parking, except for satisfying the requirements for company vehicles, nor shall any portion of any off-street
parking area be used to satisfy the area requirements for loading and unloading facilities.

(8) Except for unique circumstances, all 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.

(9) All off-street loading areas shall be adequately drained and have adequate lighting.
ARTICLE XII
SUPPLEMENTAL REGULATIONS AND EXCEPTIONS

240-12.1 INTENT

The provisions of this chapter shall be subject to the exceptions, prohibitions, requirements and/or limitations as hereinafter provided.

240-12.2 NUMBER OF PRINCIPAL BUILDINGS (Amended 6/7/93)

No more than one principal building and/or use shall be established on any lot except, however, that upon application to and approval by the City Planning Board more than one principal use, permitted by this chapter, may be placed on a lot in any UR-4 or UR-5 multi-family residential or in any business, institutional or industrial district provided that each principal building is so sited as to meet the minimum area, width, and yard requirements of the zoning district in which said lot is situated. If minimum requirements are not met, then a variance is necessary by appeal to the Zoning Board of Appeals.

However, an exception to the above shall be the standards for siting warehousing and storage (including self-storage) facilities. The minimum area, width and yard requirement for multiple warehouse or storage structures shall be fifty percent (50%) of any requirement, except front, rear and one side yard if on the parcel's perimeter, of the zoning district in which said lot is situated.

240-12.3 SPECIAL FRONT YARD REQUIREMENTS

A. The minimum front yard setback requirement in a UR-1, UR-2 or UR-3 district shall be altered as follows from the requirements set forth in Articles III thru XXI: If there are existing principal structures on both parcels of land immediately adjacent to the said property and if both the adjacent structures fail to meet the existing minimum front yard requirements, then the minimum front yard requirement for said property shall be no closer to the street right-of-way line than the average distance of the existing setback for the adjacent structures.

B. Because of planned highway improvements and existing highway traffic speeds and noise, the minimum front yard setback requirements on the following highway segments shall be as follows:
(1) West Avenue: 80 foot minimum front yard requirement along west line of right-of-way from the intersection of Church Street (Route 9) to Grand Avenue.

(2) Route 9 (South Broadway): 80 foot minimum front yard requirement along both sides of right-of-way from the intersection of Crescent Street to the southern line of the City.

(3) Route 50 (Ballston Avenue): 80 foot minimum front yard requirement along both sides of right-of-way from the intersection of Geyser Road to the western line of the City.

240-12.4 HOME OCCUPATION (Amended 11/18/91, 9/8/92, 6/7/93)

A. In general:

(1) This chapter shall not prevent individuals, owners, lessees or purchasers under contract from conducting a business, trade, or profession specified below in their homes or residences, provided that they meet the standards set forth by these regulations. The property owner must co-sign any application from a lessee.

(2) The activity shall not alter the primary use of the premises as a residence and shall be limited to its utilization for other than residential uses to fifty (50) percent of the square footage of the principal floor of the residential unit, or up to one hundred (100) percent of the basement area of the residential unit, if such exists, and if the Home Occupation is to be exclusively carried out within the basement area.

(3) The average weekday vehicle trip ends generated by the residential unit and the home occupation use shall not exceed 15 trip ends, and any need for parking generated by the home occupation shall be met on-site and not in the required front yard.

(4) There shall be no external signage of such use except for one sign not exceeding one and one-half (1 1/2) square feet in area.

(5) Only one (1) home occupation shall be permitted for each resident unit or dwelling.
B. Home occupations shall be permitted by special use permit and only if incidental to the principal use. The following standards shall be met by the applicant and all persons engaged in such activities:

(1) Only the occupants of the residence and a maximum of one (1) non-resident employee may conduct the activity.

(2) In no way shall the appearance of the structure be altered nor shall the activity within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of noises, odors, or vibration.

(3) Display of products outside the residence shall not be allowed.

The retail sale of goods or articles not produced on the premises is prohibited.

C. There shall be no exterior storage of stock or equipment.

D. Signs advertising home occupations may be exhibited, provided:

(1) They are one and one-half (1 1/2) square feet or less in area.

(2) Any sign must be attached to a principal building.

(3) A sign may not be illuminated.

E. Permitted home occupations. Subject to the requirements herein, and notwithstanding anything to the contrary set forth above, customary home occupations include, but are not limited to, the following:

(1) Office facilities for accountants, architects, brokers, engineers, land surveyors, lawyers, insurance agents, realtors, and members of similar professions.

(2) Consultation or emergency treatment by a doctor or a dentist, but not the general practice of such profession.

(3) Office facility of a salesperson, sales representative or manufacturer's representative
provided that no retail or wholesale transactions are made on the premises.

(4) Office facilities for ministers, priests and rabbis.

(5) Home crafts such as model making, rug weaving, and lapidary work.

(6) Workshop or studio for an artist, photographer, craftsman, writer, composer, dress maker, tailor or computer programmer.

(7) Facilities for instruction to not more than three (3) pupils at any given time such as in music or dance.

(8) Homebound employment of a physically or mentally handicapped person who is unable to work away from home by reason of disability.

F. Prohibited home occupations. Notwithstanding anything contained herein to the contrary, permitted home occupations shall not, in any event, be deemed to include:

(1) Nursing homes, medical offices, clinics, or hospitals.

(2) Antique or furniture shops.

(3) Barbershops, hair stylists or beauty salons.

(4) Funeral homes, mortuaries or embalming establishments.

(5) Restaurants.

(6) Private clubs or lodges.

(7) Stables, kennels or animal hospitals.

(8) Boarding houses, tourist homes or "bed & breakfast" establishments.

240-12.5 JUNKYARDS

No junkyards shall be established in any district on or after the effective date of this chapter.
240-12.6 DRIVE-IN MOVIES

No drive-in movies shall be established in any district on or after the effective date of this chapter.

240-12.7 WALLS AND FENCES; OBSTRUCTIONS TO VISION AT STREET

Intersections: The yard requirements of this chapter shall not be deemed to prohibit any fence or wall not exceeding six (6) feet in height, except that:

A. Within any commercial or industrial district and along any boundary between any Residence District and any other district, the maximum permitted height of any fence or wall shall be increased to eight (8) feet, all such fences and walls shall be measured from the ground level at the base of the fence or wall, except that if a retaining wall, the height shall be measured from the average of the ground levels at each end of said retaining wall.

B. At all street intersections, no obstruction to vision (other than an existing building, post, column or tree) exceeding thirty (30) inches in height shall be erected or maintained on any lot within the triangle formed by the edge of pavement of the intersecting streets and a line drawn between points along such street lines thirty (30) feet distant from their point of intersection.

240-12.8 HELIPORTS

The location of any heliport shall be permitted by special use permit in districts identified in Article II, Section 2.6, and shall comply with local, state and federal regulations.

240-12.9 CESSPOOLS AND SEPTIC TANKS

A. No cesspool or drilled sink shall be permitted.

B. No such septic tank shall be permitted in low, swampy areas with a high water table (permanent, fluctuating or seasonal), areas with ledge rock, areas that are subject to flooding or areas that do not meet standard percolation tests as prescribed by the State of New York.

C. All septic tank installations shall otherwise conform to the requirements of the New York State Department of Health.
Swimming pools located in the City shall conform with the following requirements:

A. **Public swimming pool requirements.** Swimming pools which will be operated for gain or for which an admittance fee or membership will be charged, and swimming pools which will be operated for the membership of clubs, lodges and similar organizations, shall be permitted only under license of the City of Saratoga Springs and under such safeguards as the City Council may require. They will, in addition, be constructed and operated in accordance with the Uniform Fire Prevention and Building Code of the State of New York, the Sanitary Code of the State of New York, and the provisions contained in the National Electrical Code.

B. **Private swimming pools.** Private swimming pools may be installed only as accessory to a residence for the private use of the owners or occupants of such residence and their families and guests, and only on the conditions provided in this chapter, including compliance with the provisions of the New York State Uniform Fire Prevention and Building Code, Sanitary Code and National Electrical Code.

C. **Outdoor swimming pool requirements.** No swimming pool shall be installed or maintained out of doors unless:

1. Such pool is installed in the rear or side but not the front, yard of the premises and in compliance with all side and rear yard requirements of the New York State Fire Prevention and Building Code and this chapter. Any existing pool which is not located within the rear or side yard is hereby excepted.

2. Owners of all proposed permanently installed pools shall submit to the Building Inspector a proposed site plan for installation of such pool prior to construction.

3. Such pool shall be completely surrounded by a substantial nonclimbable fence constructed of natural or artificial materials. Such fence shall be not less than four (4) feet in height and not more than six (6) feet in height for a private pool, commercial pool or club pool. Such fence shall be supported with posts firmly embedded at intervals of not more than eight (8) feet. If of
wire mesh construction, this fencing shall not have openings, holes or gaps larger than two (2) inches in diameter. A residence, house or accessory building or structure may be used as part of such enclosure, and the height restrictions set forth above relative to fences shall not be applicable to such structure. The owners of aboveground pools whose solid walls prevent entrance to the pools, except by an entrance ladder, shall be deemed to comply with the fencing requirements of this chapter.

(4) No pool wall or related structure shall be located within eight (8) feet of an adjoining lot line.

(5) Where commercial or club pools are installed, said pools shall comply with the area, yard and other requirements of the Zoning Ordinance for those districts.

(6) Club swimming pools shall be permitted only as an accessory structure to a membership club in the zoning district where said club is a permitted use and subject to the area and yard requirements of that district.

(7) All gates or doors opening through enclosures around the swimming pool shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when the owner or occupant of the premises is not present at the swimming pool, except that the door of any residence which forms a part of the enclosure need not be so equipped. Such self-latching device shall be placed as high as possible on the gate, to insure it being out of reach of small children.

(8) An open and unobstructed maintenance area of at least three (3) feet in width shall be maintained between the fencing and the side walls of the pool.

D. **Loudspeaker, lighting restrictions.** No loudspeaker device, public-address system or other sound device, which can be heard beyond the lot lines of the premises in which any outdoor swimming pool is situated, may be operated in connection with such swimming pool, nor any lighting be installed in connection therewith which directs rays beyond the lot lines of the parcel of land upon which the swimming pool is situated.
E. **Permit subject to approval.** No work shall be commenced on the construction or installation of any swimming pool, including any excavation or removal of sand, gravel, topsoil or other materials, until and unless the plans and specifications therefor have been approved by the Building Inspector and a building permit issued therefor.

F. **Construction specifications and requirements.** The plans and specifications shall contain a certification that if the water for a swimming pool is supplied from a private well, there is no cross connection with the public water system; that if the water for such pool is supplied from the public water supply, the inlet shall be above the overflow level of the pool; that the drain of such swimming pool is adequate and within the subject premises and will not interfere with the public or private water supply system, with existing sanitary sewer facilities or with any public street or highway; and that the construction meets the minimum requirements of the New York State Uniform Fire prevention and building Code.

G. **Compliance with Sanitary Code.** Every swimming pool shall be used and maintained in accordance with the provisions of the New York State Sanitary Code and the rules and regulations of the City of Saratoga Springs' Health Department.

H. **Chemical treatment of water.** Every owner of every swimming pool shall chemically treat the water in a manner sufficient to maintain the bacterial standards established by the provisions of the State of New York Sanitary Code relating to public swimming pools.

I. **Compliance for existing pools.** The fencing requirements and loudspeaker and lighting restrictions of this chapter shall apply to existing pools within the City of Saratoga Springs, and the owners of said pools shall have sixty (60) days to comply with these requirements from the effective date of this chapter. In addition, the drains of such existing pools shall be within the subject premises, in accordance with 12.14(F) of this Article, and owners shall comply with this provision within sixty (60) days of the effective date of this chapter.

240-12.11 **RECREATION CENTERS**

During all periods of time after sundown that the recreation center shall be open and conducting the business of a recreation center, the entire premises, including land area wherein the public is invited, shall be fully and adequately lighted so that no area shall be in darkness.
240-12.12 STORAGE OF FLAMMABLE LIQUIDS

All storage facilities for flammable liquids shall conform to the requirements of any applicable federal and/or New York State law or regulation.

240-12.13 GARAGE SALES

No household, garage, porch or yard items for sale may be stored in the open, or continually displayed for more than four (4) days per month, within any residential district where the same may be construed by proper authority to be a menace to the public health or safety, or may be held to have a detrimental influence upon adjacent properties, or upon the neighborhood at large.

This prohibition should not be construed to ban household, garage, porch or yard sales themselves.

240-12.14 TEMPORARY ACCESSORY RESIDENCE (Amended 11/18/91, 9/8/92)

A. Legislative purpose. The City Council of the City of Saratoga Springs as a matter of public policy, realizes that there are times within a family when, for the good of the family, individuals who are within a lineal degree of consanguinity to the occupant of a single-family house or employees or guests of the same, desire to live under the same roof but in independent distinguishable living quarters. It further realizes that the house may have to be structurally altered because of this occupancy. The City Council if aware that such structural alteration violates this chapter but considers public policy above such temporary violation and to be in the best interests of the City. Therefore, it grants to the Building Inspector power to grant the right of a homeowner to structurally alter the residence into a temporary two-family residence. It is not the intent of this section to permit applications to be granted where the permitted second living unit will be rented.

B. The following regulations and criteria must be followed by the Building Inspector when granting such applications:

(1) The individual making the application must be the owner of the property.

(2) At the time of making such an application and upon each renewal application, there must be submitted a notarized statement that the owner is not to take
any financial compensation in the form of rent for
occupancy of the temporary accessory residence.

(3) A permit may not be granted to a house which has
less than one thousand (1,000) square feet and any
addition that is granted may not be more than
one-third (1/3) of the square footage of the
primary house. In addition, the temporary
accessory residence shall not have its own
exclusive entrance to the exterior of the building
and shall not have separate utility meters or
services from the street.

240-12.15 ANTENNAE AND SATELLITE DISHES

A. Prohibited Use.

(1) No person shall cause, suffer or permit the
erection and/or maintenance of any antenna or
satellite dish, which is more than four (4) feet in
height, width or depth, upon any lands owned by
them within the City unless in conformity with the
provisions herein set forth.

(2) Individual antennae and satellite dish shall be
prohibited in all zoning districts, except rural
residential district where they shall be permitted
as accessory uses. They shall be permitted in
other zoning districts which specifically permit
the installation of same, only upon the issuance of
a special use permit.

B. Size. No antenna or satellite dish erected or maintained
within the City shall exceed, in any dimension, fourteen
(14) feet in height, width or depth. All measurements of
height shall be taken from the base at ground level. All
measurements shall include all attachments, supports, and
other equipment attached to or being a part of the
satellite antenna. No part of the antenna or satellite
dish (except for footings or foundations or buried wire)
shall be located below ground level.

C. Location.

(1) No more than one (1) antenna or satellite dish
shall be located on any lot in a residential
district, and it shall be located in the rear yard
at ground level.

(2) No antenna or satellite dish shall be erected,
constructed, or maintained except as an accessory
structure to an existing one-family residence on the same lot in a rural residential district.

(3) All antennae or satellite dishes shall be located at least twenty-five (25) feet from the side and rear lot lines. When measuring side and rear setbacks, all cables, or other supports shall constitute a part of the antenna.

(4) No antenna or satellite dish shall be installed unless a building permit is obtained therefore. Antennae or satellite dishes granted by a special use permit, as provided for above, must also obtain site plan approval in accordance with the provisions of this chapter.

D. Approval procedure. (Amended 11/18/91)

(1) No antenna or satellite dish granted by a special use permit shall be constructed or erected until approved by the Planning Board, in accordance with procedures outlined in this chapter relative to site plan approval. The Planning Board may, by majority vote, waive the site plan requirement for an antenna or satellite dish if they, in their sole discretion, determine that no or few site improvements are necessary to accommodate the use.

(2) If the application is approved by the Building Inspector or Planning Board, the applicant shall submit and file with the City prior to the start of construction or prior to use, all FCC, NEC, FAA, and other State, Federal or Local permits or approvals which may be required for the construction of the antenna, and shall submit to the City upon completion of construction, or installation, a certification that the construction, or installation as completed, is in full compliance with the manufacturer's suggested installation procedures.

240-12.16 NON-RESIDENCE MOBILE HOME

A mobile home may be used for non-residential purposes in one of the following ways:

A. A mobile home may be located on the site of a construction project, survey project or other similar work project if used solely as a field office or work or tool house in conjunction with such project, provided such mobile home is temporary and removed from said site
within a reasonable time after the completion of such project; or

B. A mobile home may be used for business/office purposes, such as a bank branch, credit union office, professional office, etc., on a temporary basis while awaiting construction of a permanent facility, where such use is permitted, and as approved by the Planning Board in accordance with Article V herein.

240-12.17 INDIVIDUAL LOT MOBILE HOMES (Amended 6/7/93)

Single lot residential mobile homes shall not be allowed, except under extraordinary temporary conditions, e.g. emergency shelters, etc. Such temporary use shall require a temporary special use permit by the City Planning Board.

240-12.18 VEHICLE REFUELING STATIONS

Intent. The City of Saratoga Springs finds that although vehicle refueling stations are a necessary part of everyday life in this day of the internal combustion engine, they also present a considerable potential for risk to the public health, welfare and safety of the City and the inhabitants thereof. Accordingly, in order to provide for the safe and proper co-existence of vehicle refueling stations and other land uses permitted within the City, the City Council hereby establishes in any district where permitted, the following additional regulations which all vehicle refueling stations are hereby made subject to:

A. The area for use by motor vehicles, except access drives thereto, as well as any structures, shall not encroach on any applicable required yard area requirements contained in this Ordinance.

B. No fuel pump shall be located closer than twenty (20) feet from any street line, measured from the outside edge of the fuel island and the closest edge of the public right of way.

C. No vehicle refueling station property line shall be within five hundred (500) feet of a school, public library, theater, place of worship or other place of public assembly, as defined by the N.Y.S. Uniform Fire Prevention and Building Code, park, playground or fire station, nor within two hundred fifty (250) feet of ingress or egress ramps to limited-access highways, nor within two hundred fifty (250) feet of an abutting residential zone as measured linearly along the fronting street or streets.
D. All major repair work and servicing shall be done within a completely enclosed building. Such repair work shall not include body repair work nor spray painting.

E. Side and rear yards shall be paved or planted with trees and shrubs. At least a ten foot wide strip along the fronting streets, except for ingress and egress ramps, shall be landscaped. Landscaped areas shall be protected by raised concrete curbs with a minimum four-inch reveal.

F. No new or used cars, travel trailers or other trailers, or motorized mobile homes shall be sold or rented at a vehicle refueling station.

240-12.19 ADULT BOOK STORES AND ADULT ENTERTAINMENT ESTABLISHMENTS

A. Intent. In the development and execution of this chapter, it is recognized that Adult Book Stores and Adult Entertainment, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them 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, thereby have a direct deleterious affect on the health, safety and general welfare of the City and its inhabitants. The primary control or regulation is for the purpose of preventing a concentration of this use in any one area.

B. No adult book store and/or adult entertainment establishment shall hereafter be located within two thousand five hundred (2,500) feet from the nearest property line of any public, private or parochial school, library, park or playground, church, convent, monastery, synagogue or other place of worship. No adult book store shall hereafter be located within two thousand five hundred (2,500) feet from the nearest property line of an adult entertainment establishment.

C. In addition to the following, it shall be unlawful to hereafter open, establish, own or manage any adult book store and/or adult entertainment establishment within two thousand five hundred (2,500) feet from the nearest property line of any public, private or parochial school, library, park or playground, church, convent, monastery, synagogue or other place of worship.
D. **Penalties.** In addition to the penalties specified by Article II, Section 2.6 of this chapter, violation of this section is punishable by a fine not exceeding one thousand dollars ($1,000.00), or by imprisonment not exceeding six (6) months or by both fine and imprisonment. Each day or any portion thereof in which any violation of this section is committed, permitted 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.

**240-12.20 SOLAR ACCESS**

A. **Shading of Solar Collectors Unlawful.** Except as otherwise provided by this chapter, it is unlawful for the owner or possessor of real property to erect a building or other structure, or to allow a tree, shrub, or other flora to cast a shadow upon a solar collector which is greater than the shadow cast by a hypothetical wall six feet high located along the property line, between the hours of 8:00 a.m. and 4:00 p.m. during the period of the year from September 21 to March 21. All times of the day used in this correspond to Eastern Standard Time.

B. **Prior Nonconforming Uses.**

(1) Owners or possessors of real property on which a building or other structure existed at the time this chapter became effective, or on which trees, shrubs or other flora were growing at the time this chapter became effective, and which did cast a shadow during the designated hours greater than that allowed by "A" above, at the time of the installation of a solar collector, shall not be subject to the provisions of "A" except for meeting the limitations on prior nonconforming uses as specified in "2" of this section.

(2) A prior nonconforming use for a building or other structure shall not be excepted from the provisions of this chapter after it is destroyed to the extent that its fair market value is reduced at least fifty percent (50%). A prior nonconforming use for flora shall not be excepted from the provisions of this chapter after it is certified by the City Engineer or his designee to be dead. This
subsection shall not be construed to limit other means of terminating the exemption for nonconforming uses that have been or may be developed by the City Council.

(3) The owner or user of the solar collector shall bear the cost of initial removal of flora found to be unlawful or otherwise not grandfathered as a prior nonconforming use.

240-12.21 UNSAFE STRUCTURES

Upon written complaint or written notice by any person to the Building Inspector, or upon the Building Inspector's own initiative, that a structure may be unsafe:

A. The Building Inspector shall make an inspection of the structure and shall file a report of said inspection with the City Attorney and the Commissioner of Public Safety.

B. Upon the preliminary finding by the Building Inspector that the structure endangers the health, safety or welfare of the public, the Building Inspector shall serve notice upon the owner and all other persons having an interest in such property or structure, either personally or by registered mail addressed to the last known address as shown by the records of the Tax Assessors and/or in the Office of the County Clerk, containing a description of the premises, a statement of the particulars in which the structure is unsafe or dangerous and an order of the Building Inspector requiring the structure to be repaired or removed. If such service is made by registered mail, the Building Inspector shall cause a copy of said notice to be posted on the premises.

C. The owner so served shall have no more than ninety (90) days within which to commence the repair or removal of such structure.

D. The Building Inspector shall file a copy of said notice in the Office of the Saratoga County Clerk, which notice shall be filed by said County Clerk in the same manner as a Notice of Pendency, pursuant to Article 65 of the Civil Practice Law and Rules. The notice so filed shall be effective for a period of one (1) year from the date of filing; provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the City Attorney. The Saratoga County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the
presentation and filing of such consent or of a certified copy of such order.

E. The Building Inspector shall hold a hearing, notice of which and the time and place thereof is to be specified in the notice to repair or demolish, which shall be served upon the owner and such persons having an interest in the property or structure as is herein prescribed.

F. The Department of Public Works shall remove or contract for the removal of such structure in the event such owner fails or refuses to repair or remove the same within the time provided.

G. All costs and expenses incurred by the City in connection with the proceeding to repair or remove such structure, including the cost of actual removal of same, shall be assessed against the land on which such structure is located.

H. The powers conferred by this section shall be in addition to those contained in Section 59-13 of the Housing Code.

240-12.22 EXEMPTION FOR CERTAIN GOVERNMENTAL ACTIVITIES

A. Whenever an action is proposed by any agency, department, branch or division of New York State or of the United States, which involves the exercise of direct governmental functions, consistent with the purposes and jurisdiction of such agency, department, branch or division of New York State or of the United States, then such action shall be exempt from the provisions of this chapter. However, any action proposed by any agency, department, branch or division of New York State or of the United States, which is proprietary in nature, and does not involve the exercise of its governmental functions, then such action shall fully conform with all of the requirements and procedures set forth in this chapter.

B. All such proposed actions shall be referred to the Building Inspector, together with such maps, drawings, plans and other supplemental information as may be required to understand the nature, dimensions and purpose of such action. After a review of such maps, drawings, plans and other supplemental information, which comprise the action, the Building Inspector shall render a determination as to whether the proposed use is one which is governmental in nature, or whether the same is proprietary in nature. Any party with standing who is
aggrieved by such determination of the Building Inspector may appeal such determination to the Zoning Board of Appeals pursuant to the provisions of Article XIV of this chapter.

240-12.23 WATERCOURSE PROTECTION

A. PURPOSE: The purpose of these standards is to encourage planning and development of natural and man-made watercourses and adjacent lands in the City of Saratoga Springs, in ways which will restore, protect and enhance the recreational and visual amenities; preserve and protect the surface water carrying capacity; maintain surface absorption and water retention capabilities of adjacent land thereby minimizing sedimentation and erosion due to rapid runoff; to protect upstream and downstream land from increased potential for periodic excessive flooding due to removal of riparian vegetation, dredging, filling, damming or channelization; to prevent degradation or loss of stream related wetlands and their flora and fauna; to maintain the stream or waterway free from litter, trash and other debris; and to control adjacent activities that will cause organic or chemical pollution to such watercourses.

B. REGULATED WATERCOURSE AREAS: These watercourse protection standards are applicable to streams within the City of Saratoga Springs which are delineated on the most recent edition of the U.S. Geological Survey's 7.5 minute quadrangle maps for the City of Saratoga Springs which reaches, or stream segments, have an approximate mean high water channel top width that is ten (10) feet or greater but less than fifty (50) feet and to all adjacent areas lying within fifty feet (50) measured horizontally in each direction from the center line of the natural or man made water course.

Said maps are on file and copies are available for reference at the City Clerk's Office.

C. PROHIBITED ACTIVITIES: The following activities shall be prohibited within the regulated watercourse areas:

(1) The installation of any septic tank, leach field or other on-site sewage disposal facility.

(2) The storage or dumping of any waste material, junk, refuse, or other debris that would alter the natural contours or natural characteristics of the watercourse in excess of six (6) inches in depth.
(3) New construction of principal or accessory structures over five hundred (500) square feet in ground floor area.

(4) Alteration of the watercourse through piping, filling, excavation or the removal of vegetation except for the reasonable upkeep or preservation of the property, except as otherwise herein provided.

D. ACTIVITIES SUBJECT TO PERMIT: The following activities shall require the issuance of a Watercourse Disturbance Activity Permit before undertaking in the regulated watercourse areas:

(1) Any development activity subject to subdivision or site plan review.

(2) The installation, reconstruction, replacement or maintenance of public or private utilities.

(3) The installation, reconstruction or replacement of a culvert, bridge, or street crossing, or the replacement in kind of any existing structure.

(4) The discharge of storm water, ground water, or treated waste water.

(5) Grading, except for residential lawn maintenance or gardening activities, or agricultural uses.

(6) Removal of live vegetation, except for reasonable upkeep or the preservation of the property.

(7) The application of chemical fertilizers.

E. EXEMPT ACTIVITIES: The following activities shall, to the extent provided, be exempt from these permit requirements:

(1) Active 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 necessary, normal 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.

F. REVIEW AND ISSUANCE OF PERMITS:

(1) In those situations involving an application for permit, the applicant shall demonstrate the following:

(a) That there is no other reasonable alternative.

(b) That issuance of the permit will not violate the purposes of this law.

(2) The City of Saratoga Springs Building Inspector shall act on all permits, required by this section, only upon the approval and consent of the Saratoga Springs Planning Board. In its review of any application, the Planning Board shall coordinate its review to the extent applicable, integrate review of the watercourse protection permit application with the Planning Board's subdivision and site plan review and approval process.

G. APPLICATION PROCEDURES AND REQUIREMENTS:

(1) The property owner shall initiate a request for a watercourse protection permit by filing an application with the City of Saratoga Springs Building Inspector. The Building Inspector shall then refer all applications to the Saratoga Springs Planning Board for review. The application shall be accompanied by plans and other data, as required by the Planning Board, to satisfactorily demonstrate that the proposed activity will be consistent with the regulations and standards set forth in this section. In general, the plans and data which shall accompany the initial application shall, for proposed activities requiring site plan and/or subdivision review, be that same information as required by Section 5.1 of the City of Saratoga Springs Zoning Ordinance and/or the City of Saratoga Springs Subdivision Regulations, respectively.
(2) Upon the written approval and consent of the Saratoga Springs Planning Board, the Building Inspection shall issue a Watercourse Disturbance Activity Permit.

(3) The City of Saratoga Springs at the discretion of the City Planning Board as appropriately determined by the size of the proposed watercourse disturbance activity, may require a bond, letter of credit, or other financial security prior to the issuance of any Watercourse Disturbance Activity Permit to cover the cost of constructing and maintaining all soil erosion and sediment control measures which it deems necessary. The amount of the bond, letter of credit, or other financial security will not exceed one thousand dollars ($1,000.00) per acre.

H. FEE: Each application for a Watercourse Disturbance Activity Permit shall be accompanied by a fee as set forth in the fee schedule as determined by fee scheduling set forth in Section 13.6.

I. VIOLATIONS AND PENALTIES: Any violation of this provision is subject to the conditions as set forth in Article 13.

J. EXPIRATION: Any Watercourse Disturbance Activity Permit shall be valid for one (1) year from the date of issuance. If there is no substantial change in the conditions or the site and/or its environs, or this chapter, a Watercourse Disturbance Activity Permit may be extended by the Building Inspector for one additional one (1) year period upon written request by the applicant and due consideration of said request by the Building Inspector.

240-12.24 SOIL DISTURBING ACTIVITIES

A. PURPOSE AND AUTHORIZATION: It is the purpose of this chapter to protect the public health, safety, and welfare of the City of Saratoga Springs by regulating certain soil disturbing activities undertaken within the City of Saratoga Springs. This chapter will insure the protection of the City of Saratoga Springs' natural environment by minimizing the adverse effects which site preparation and associated construction activities may have on the soil, water, and vegetative resources of the City of Saratoga Springs.

B. PROHIBITED ACTIVITIES: No person (individual, corporation, partnership, association, trustee or other
legal non-government entity) will engage in any soil disturbing activity which changes the natural topography or vegetative cover of one and one half (1/2) or more acres including a series of adjacent or contiguous parcels of land in a RR-1 (Rural Residential District-1) or one half acre or more including a series of adjacent or contiguous parcels of land in an other zoning district within the City of Saratoga Springs, by any kind of soil disturbance (including but not limited to, excavation, grading and filling), or by the cutting of trees or clearing of any type of vegetation, without first submitting a Soil Erosion and Sediment Control Plan and being issued a Soil Disturbing Activity Permit.

C. EXCEPTIONS: Nothing contained within this chapter will preclude soil disturbing activities in the event of a bona fide emergency, for authorized governmental activities or for the customary cultivation of farmland associated with agricultural activities or for the non-commercial selective cutting of trees for firewood and/or woodland management purposes which shall not remove more than fifteen (15%) percent of the existing vegetation. Agricultural activities are all activities directly related to the growing or raising of crops or livestock for the sale of agricultural produce, including horticultural and fruit operations, but excluding timber harvesting.

D. APPLICATION PROCEDURES:

(1) The Building Inspector of the City of Saratoga Springs may only issue a Soil Disturbance Activity Permit to allow the conducting of a soil disturbing activity affecting one and one half (1/2) acres or more of land within a RR-1 (Rural Residential District-1), or one half (1/2) acre or more of land within all other zoning districts in the City of Saratoga Springs after receiving an approval of the Soil Erosion and Sediment Control Plan from the Saratoga Springs Planning Board. Such approval and consent shall be given by the City Planning Board only after said Board's review and approval of a suitable Soil Erosion and Sediment Control Plan submitted by the applicant which will adequately minimize the impact of the proposed soil disturbing activity upon the land and water resources of the City of Saratoga Springs.

(2) The City of Saratoga Springs at the discretion of the City Planning Board as appropriately determined by the size of the proposed soil disturbance activity, may require a bond, letter of credit, or
other financial security prior to the issuance of any soil disturbing activity permit to cover the cost of constructing and maintaining all soil erosion and sediment control measures which it deems necessary. The amount of the bond, letter of credit, or other financial security will not exceed one thousand dollars ($1,000.00) per acre.

(3) Whenever a Soil Disturbing Activity is proposed and such activity is also subject to the City of Saratoga Spring's site plan and/or subdivision review requirements, the City Planning Board will incorporate, to the extent practicable, the requirements of this option as part of such site plan and/or subdivision review process. Said process does not relieve, however, the applicant from fulfilling all the requirements of this chapter. In such instances, the City Planning Board, in its discretion, may waive the fee requirement for complying with this local chapter.

E. SUBMITTAL REQUIREMENTS FOR SOIL EROSION AND SEDIMENT CONTROL PLAN: A Soil Erosion and Sediment Control Plan shall consist of a sketch plan which fully identifies the degree of soil and vegetative alterations (including the harvesting of trees) being proposed and describes the land protection and structural soil conservation measures which will be implemented to effectively minimize soil erosion and sediment loss resulting from the proposed soil disturbing activity. Such sketch plan should generally be at a scale of 1\" = 100\' and shall 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) Completed Environmental Assessment Form.

(5) Any other information which the City of Saratoga Springs Building Inspector or Planning Board may deem necessary for its review of the project.
F. FEE: Each application for a soil disturbance activity permit shall be accompanied by a fee as set forth in the fee schedule in Section 13.6.

G. VIOLATIONS AND PENALTIES: Any violation of this provision is subject to the conditions as set forth in Article 13.

H. EXPIRATION: Any Soil Disturbing Activity Permit shall be valid for one (1) year from the date of issuance. If there is no substantial change in the conditions or the site and/or its environs, or this chapter, a Soil Disturbing Activity Permit may be extended by the Building Inspector for one additional one (1) year period upon written request by the applicant and due consideration of said request by the Building Inspector.

240-12.25 OUTDOOR EATING AND DRINKING FACILITIES (Amended 10/19/92)

A. Outdoor eating and drinking facilities shall be permitted in any district where eating and drinking establishments are permitted provided they are part of an indoor eating and drinking establishment. An outdoor eating and drinking facility where food or beverages are served or consumed is an area that may, or may not, have a roof, canopy, awning or tent over it, but for at least half its' perimeter, has seventy-five percent (75%) of its sides uncovered by any building material, including screening or netting.

B. The maximum number of seats permitted for any outdoor eating and drinking facility shall not exceed fifty (50%) percent of the number of seats that are in the indoor portion of the eating and drinking establishment.

C. Unless otherwise permitted by any state or federal law, outdoor eating and drinking areas cannot be occupied by patrons between the hours of 2:30 a.m. and 8:00 a.m. Outdoor eating and drinking facilities can only be operated during the period between March 1 and October 31 of a calendar year, and no music, from whatever source (acoustical, electric or other), may be played on the premises outdoors between the hours of 12 midnight and 8:00 a.m.

D. The establishment of any outdoor eating and drinking area(s) that have more than eighty (80) seats shall require site plan approval from the Planning Board.
ARTICLE XIII
ADMINISTRATION AND ENFORCEMENT

240-13.1 INTENT

The provisions of this Article are the officially adopted procedures, standards, decision criteria, and public notice requirements to be observed in administering this chapter, and are, therefore, an integral part of this chapter. They are intended to insure that all interested parties can effectively participate in land use and development decisions in the City.

240-13.2 ZONING OFFICER

A. The Land Use Regulations of the City of Saratoga Springs as embodied in this Zoning Ordinance shall be enforced by the Building Inspector, whose duties and powers are described in Section 13.3.

240-13.3 BUILDING INSPECTOR; PENALTIES FOR OFFENSES (Amended 9/8/92)

A. The Commissioner of Public Safety shall appoint a Building Inspector, who shall be charged with the general and executive administration of this chapter and the N.Y.S. Uniform Fire Prevention & Building Code. The Commissioner of Public Safety may appoint additional officers on a temporary or permanent basis. The Inspector shall have the following general duties:

1. To oversee and enforce all provisions of this chapter and all rules, conditions and requirements adopted or specified pursuant thereto.

2. To act promptly on all applications for building permits and certificates of occupancy.

3. To maintain files for all applications for building permits and plans submitted therewith and for certificates of occupancy and for records of all building permits and certificates of occupancy issued by him, which files and records are to be open to public inspection.

4. To record all identifiable complaints of violations of any provision of this chapter and the subsequent action taken on each such complaint, which shall be public records.
(5) To file a report with the Commissioner of Public Safety annually, summarized for the period since the most recent previous report, listing all building permits and certificates of occupancy issued by him and all complaints of violations and the subsequent action taken by him in each case.

B. The Inspector or his duly authorized assistants shall have the right to enter upon, examine and inspect, or cause to be entered, examined and inspected, any building or property at any reasonable time for the purpose of carrying out his duties and to determine compliance with the provisions of this Zoning Ordinance. A written report of each such examination and inspection shall be prepared on an appropriate form and kept on file by the Building Inspector.

C. **Powers and Duties of the Building Inspector.** In addition to all other authority conferred by law, the Building Inspector shall have the following specific powers and duties with respect to this chapter:

1. **Issuance of Building Permits.** No building or structure shall be constructed, erected, altered, reconstructed or enlarged until the Building Inspector has issued a building permit stating that the proposed use and structure comply with all applicable provisions of this chapter or variances granted.

2. **Issuance of Certificate of Occupancy.** No use shall be established or structure occupied until the Building Inspector has issued a Certificate of Occupancy stating that the use, land and structure comply with all applicable provisions of this chapter, and any other applicable regulations pertaining thereto, including the provisions of the Fire Prevention portion of the Uniform Code and these regulations, and that all plans provide for adequate protection from fire or explosion, including but not limited to accessibility to fire apparatus and adequate water supply. The Building Inspector may issue a temporary certificate of occupancy provided for in paragraph "F" of Section 13.5.

(a) More particularly, no Certificate of Occupancy shall be issued for any special use of a building or of land requiring Special Use Permit approval by the Planning Board unless and until such special permit approval has been granted by the Planning Board and all
conditions complied with. Similarly, no Certificate of Occupancy shall be issued for any building or land requiring site plan approval by the Planning Board, until such site plan approval has been granted by the Planning Board and all conditions complied with. Likewise, no Certificate of Occupancy shall be issued for any building or land requiring a variance of any kind or nature, until such variance(s) is granted by the Zoning Board of Appeals and all conditions complied with. Every Certificate of Occupancy for which a Special Use Permit or site plan approval has been granted, or if appropriate, for which all appropriate variance(s) have been granted by the Board of Appeals, shall contain a detailed statement of any condition to which the same is subject, and include, by attachment, a copy of such Zoning Board of Appeals or Planning Board decision.

(b) All changes of tenancy in all non-residential buildings shall require a building permit and either a Certificate of Occupancy, if any construction is planned or accomplished, or a certificate of tenancy if no construction is done. A new tenant shall apply to the Building Inspector for a permit prior to moving in. The new tenant will then notify the Building Inspector when their tenancy has begun. Inspections for Certificates of Occupancy or tenancy will normally be performed within the next 48 hours (working days) after the request for such inspection is made.

[1] For new commercial construction, the owner will apply for a building permit for the building shell to include areas for the general public. Each individual tenant will then get a permit and certificate of occupancy for their space prior to occupying that space.

[2] Certificates of Occupancy or tenancy for all non-residential space must be displayed in a prominent location where an inspector on a routine inspection can observe it. This applies to both tenant certificates as well as owner certificates for the building shell and public areas.
(3) **Issuance of Notices of Violation.** Whenever, in the opinion of the Building Inspector, after proper examination and inspection, there appears to exist a violation of any provision of this Zoning Ordinance, or of any rule or regulation adopted pursuant thereto, he shall serve a written notice by certified mail, registered mail or personal service upon the appropriate person(s) responsible for such alleged violation. Such notice shall be served in accordance with the requirements herein. The Building Inspector, on his own initiative, may inspect and serve notice. He does not have to receive written notice of an alleged violation.

(4) **Issuance of Stop Orders.** Whenever the Building Inspector has reasonable grounds to believe that work on any building or structure or any use of land is occurring either in violation of the provisions of this Zoning Ordinance, or the New York State Uniform Fire Prevention and Building Code, as adopted by and supplemented by the City of Saratoga Springs, not in conformity with any application made, permit granted or other approval issued hereunder, or in an unsafe or dangerous manner, the Building Inspector shall promptly notify the appropriate person(s) responsible to suspend work on any such building or structure or the use of any such land. Such person(s) shall forthwith immediately cease and suspend such activity until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work or use may be resumed and may be served upon the person(s) to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building under construction or premises in use and, additionally, sending a copy of the same to the applicant listed on the building permit application by certified or registered mail or by personally servicing the applicant. The Building Inspector, on his own initiative, may inspect and issue a stop order. He does not have to receive written notice of an alleged violation. The failure of any person to comply with the terms of a stop order issued pursuant to this paragraph shall constitute a separate violation of this chapter and shall be immediately subject to the enforcement provision in subsection E.

(5) **Emergency Action.** If, in the opinion of the Building Inspector, a violation exists which
requires immediate action to avoid a direct hazard or imminent danger to the health, safety, or general welfare of occupants of a building or to other persons, the Building Inspector may direct such violation to be immediately remedied or may take direct action on his own initiative to abate the hazard or danger. Any costs incurred by such action shall be paid for by the owner of such property. If an occupant or person other than the owner is responsible for the violation, such occupant or person shall be jointly and severally liable, together with such owner, for any such costs. The Building Inspector shall keep on file an affidavit stating with fairness and accuracy the items of expense and date of execution of action taken, and is furthermore 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.

(6) Other. The Inspector shall perform any other duties or responsibilities assigned by the Commissioner of Public Safety or as set forth in any other provision of this chapter.

D. Violations.

(1) Notice of Violation. A notice of violation of any provision of this Zoning Ordinance, or any rule or regulation adopted pursuant thereto, shall inform the recipient of:

(a) The nature and specific details of such violation;

(b) Recommended remedial action which, if taken, will effect compliance with the provisions of this chapter and with any rules and regulations adopted pursuant thereto;

(c) The date of compliance by which the violation must be remedied or removed; and

(d) The recipient's right to a hearing before the Commissioner of Public Safety or such persons as may be designated by the Commissioner of Public Safety for such purpose, as provided herein.

(2) Right to Hearing. Any person served with such notice of violation and who denies the existence of the violation or is allegedly aggrieved by the
required action necessary for compliance may, within ten (10) days of service of notice, request in writing a hearing before the Commissioner of Public Safety, or his designee, specifically noting the reasons why such hearing is requested.

(a) Within ten (10) days after receipt of such request for a hearing, the Commissioner of Public Safety, or his designee, shall acknowledge receipt in writing and set a time and place for such hearing to be held, not later than thirty (30) days after the date such request was received. Such hearing may be postponed beyond the thirty (30) day limit for reasonable cause, with notice of such postponement served to the person in a timely fashion.

(b) The only questions that may be raised at such hearings are:

(1) Whether the Building Inspector is proceeding without or in excess of his authority.

(2) Whether the Building Inspector has made a determination in error of law or of fact.

(c) After consideration of all testimony given at such hearing, the Commissioner of Public Safety, or his designee, shall either sustain, withdraw, or modify the notice of violation as originally served. If the notice is sustained or modified, the Commissioner of Public Safety, or his designee, shall set a new compliance date either consistent with the original notice of violation or extended as appropriate. Such extension shall only be permitted if there exists both reasonable evidence of intent to comply and reasonable conditions which prevent compliance by the previously specified date. Such notice shall be given in writing by the Commissioner of Public Safety, or his designee, and shall be served by certified mail, registered mail or personal service.

(3) An applicant may seek relief from the Zoning Board of Appeals of the City of Saratoga Springs for an existing violation of the Zoning Ordinance. Prosecution will be stayed from the date of the
application to the Zoning Board of Appeals to the date of the determination by the Zoning Board of Appeals.

(4) Any uses which were previously conforming in the zoning districts in which they were located, which are rendered non-conforming by the enactment of this chapter shall be grandfathered as a prior non-conforming use. All other violations shall be subject to the provisions of this Article.

(5) Criteria for granting relief from existing violations shall be the same as that for area/use variances cited in Article XIV of this Zoning Ordinance regarding Zoning Board of Appeals.

E. Enforcement, Remedies, Fees and Penalties.

(1) Civil Fees. Non-compliance of any provision or requirement of this Zoning Ordinance or of any statement, plan, application, permit, or certificate approved under the provisions of this Zoning Ordinance shall be considered a violation which shall give rise to a civil fee assessed at the rate of $20.00 a day for each day the violation exists up to a maximum of $1,000.00 for each such violation. The owner of a building premises, or part thereof, where such a violation has been committed or does exist shall be liable for such civil fee. All such fees shall be collectible by and in the name of the City. Each and every day that any such violation continues beyond the date of notification of violation, or, if appropriate, the date by which such violation was to be corrected pursuant to the direction of the Building Inspector, whichever is later, shall constitute a separate violation. Such notice shall be given in writing by the Building Inspector in the form of a citation and shall be served by certified mail, registered mail or personal service. The violator may contest this penalty by appealing to the City Court. If a determination is made in favor of owner, no fine will be assessed or any fine imposed. A fine will not accrue until ten (10) days after notice is received, except in case of failure to obey a stop work order issued pursuant to subsection C(4), in which case such fine will be assessed immediately upon noncompliance. The City may take appropriate remedies, including but not limited to, the imposition of a lien.
(2) **Criminal Penalty.** Violation of the Zoning Ordinance constitutes a criminal offense. If, after proper notification, the violation is ignored or not brought into satisfactory conformance, the Building Inspector or other appropriate authorized agent, officer or employee of the City may file an appropriate criminal prosecution instrument with the City Court, alleging a violation of the Zoning Ordinance. After the issuance of appropriate legal process upon the violator, a trial date will be set for the presentation of evidence proving, or tending to prove, the existence of a violation of the Zoning Ordinance. If found guilty after such trial, the City Court may impose an appropriate sentence and/or fine as to the Court may, in its discretion, deem appropriate. A fine of not more than $50.00 per day for each day the violation continues and/or a jail sentence of up to five (5) days may be imposed for the first violation. A fine of not more than $100.00 per day for each day the violation continues and/or a jail sentence of up to fifteen (15) days may be imposed for the second violation. A fine of not more than $250.00 per day for each day the violation continues and/or a jail sentence of up to thirty (30) days may be imposed for the third and any subsequent violations. The fines and/or jail sentences provided for above shall be exclusive of any civil fees otherwise accruing pursuant to paragraph (1) hereof, and the violator shall not receive any credit towards the payment of such fine as a result of any sums paid or payable as and for a civil fee.

(3) **Court Action.** The imposition of fees, fines and/or a jail sentence, as herein prescribed, shall not preclude the City or any agent, officer of employee of the City, from instituting appropriate legal action or proceedings in a court of competent jurisdiction to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain by injunction, correct or abate a violation or to prevent the illegal occupancy of a building, land or premises. In the event such an action is commenced, and the outcome is anything other than a finding in favor of the violator, the violator shall be responsible for all reasonable attorneys' fees incurred by or on behalf of the City, together with all costs and disbursements of the litigation.

(4) **Taxpayer Action.** If the Building Inspector fails or refuses to act upon or refer a violation of this
Zoning Ordinance to the City Attorney for legal action in accordance with the provisions contained herein within a ten (10) calendar day period following written request by any taxpayer to so proceed, then any three (3) or more taxpayers of the City may institute appropriate legal action in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Zoning Ordinance.

(5) Letters of Credit/Performance Bonds. The City of Saratoga Springs, or its authorized agents, officers or employees, may also in addition to taking any other action provided for herein, present for payment any letters of credit which are on file with the City of Saratoga Springs for purposes of insuring full and satisfactory compliance with the general requirements hereof or any special conditions attached by any authorized board or officer of the City of Saratoga Springs, or to make an appropriate claim against the issuer of any performance bond filed with the City of Saratoga Springs to insure full and satisfactory compliance with the general requirements of this chapter or any special conditions attached by any authorized board or officer of the City of Saratoga Springs, and may further take any and all necessary action, including the commencement of litigation, to obtain payment of the sums provided for in such letters of credit and/or performance bond. The City of Saratoga Springs may, at its option, utilize said sums to correct the violations, or may instead, place said sums in a general account maintained by the City of Saratoga Springs until such time as the violations are corrected by the violator.

(6) Non-exclusivity of Remedies. The City of Saratoga Springs, its authorized agents, officers or employees, or any or all of same, may proceed under any paragraph hereof, at any time, without respect to whether any other remedy has been imposed or sought by the City of Saratoga Springs, or any agents, officers or employees of same. The alternative remedies, fees and penalties provided for herein are not mutually exclusive, but rather, may be commenced, implemented and enforced simultaneously without regard to whether any other remedies, fees, or penalties have been sought or imposed.
240-13.4 BUILDING PERMITS (Amended 1/22/91)

A. No building or structure shall be constructed, erected, added to or structurally altered, and no building or other structure shall be moved, removed, added to or demolished, in whole or in part, or altered until a permit in conformance with the N.Y.S. Uniform Fire Prevention and Building Code therefor has been issued by the Building Inspector. Except upon a written order of the Zoning Board of Appeals, no such building permit or a Certificate of Occupancy shall be issued for any building where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this chapter.

B. Application. All persons desiring a building permit shall apply on an appropriate form stating the proposed work, use, occupancy and cost. The application for a permit shall be accompanied by one (1) copy of all building and site plans, drawn to scale, showing the actual dimensions of the plot to be built and the locations of the building and any accessory buildings to be created on the plot and the location of any proposed alterations, relocation, demolition or other structural change and any other pertinent information as may be necessary to determine and provide for the enforcement of this chapter. If approval of plans is required by the Planning Board, Zoning Board of Appeals, N.Y.S. Health Department or other agency for any of the proposed work, the applicant shall obtain such approval in writing and submit it along with the application for a building permit. The applicant shall also submit proof that there is in effect an owner's and contractor's protective liability policy, covering bodily injury and property damage, in amounts not less that five hundred thousand ($500,000.00) dollars per individual and five hundred thousand ($500,000.00) dollars per occurrence. The City Saratoga Springs shall be the insured on such policy.

C. Approval.

(1) The Building Inspector, upon determining that the proposed work, use and occupancy are in compliance with this chapter, the NYS Uniform Fire Prevention and Building Code, as adopted by and supplemented by the City of Saratoga Springs, and other applicable ordinances and regulations, may approve the application and issue a building permit in connection therewith.
(2) If the proposed work, use and occupancy do not comply with all sections of this chapter, a written order issued by the Zoning Board of Appeals excepting the applicant from compliance with such provisions shall be deemed sufficient to allow the issuance of a building permit.

D. **Disapproval.** Should the Building Inspector determine that the proposed work, use and/or occupancy are not in compliance with this and other applicable ordinances, codes or restrictions, he shall disapprove the application with a statement of reasons for such disapproval.

E. **Revocation of Building Permit.** The Building Inspector, for just cause, may revoke a building permit which he had issued. He shall notify the applicant in writing of his reasons for such revocation. The Building Inspector may revoke a building permit theretofore issued in the following instances:

(1) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based.

(2) Where he finds that the building permit was issued in error and should not have been issued in accordance with the applicable law.

(3) Where he finds that the work performed under the permit is not being executed in accordance with the provisions of the application, plans or specifications.

(4) Where the person to whom a building permit has been issued fails or refuses to comply with a stop order, as hereinafter defined, issued by the Building Inspector.

F. **Validity.** Each building permit issued shall remain valid for a period of twelve (12) months following the date of issuance.

G. **Fees.** Every application for a building permit shall be accompanied by a fee as listed in Article XIII, Section 6.
A. Application.

(1) All persons desiring permission for any of the following shall apply to the Building Inspector for a certificate of occupancy/tenancy:

(a) To occupy and use any part of a building or structure following construction, alteration, repair, extension, relocation or any structural changes, wholly or in part.

(b) To change the use of an existing building, wholly or in part.

(c) To change the use of a plot of land for other than agricultural purposes.

(d) To occupy and use vacant land.

(2) Any such application shall be made on an appropriate form stating the reason for such application and the location of the building or property in question. Such application shall be made concurrently with the application for a building permit, if such a permit is required.

(3) The applicant shall furnish such data and documents as may be required by the Building Inspector for the performance of his duty.

B. Approval.

(1) The Building Inspector shall issue a certificate of occupancy/tenancy for any of the reasons stated in Subsection A, after determining by inspection:

(a) That the premises comply with the conditions under which the building permit was issued, or

(b) That such occupancy will be in compliance with this chapter and all other applicable ordinances, codes and regulations.

(2) Such certificate, when issued, shall authorize the applicant to occupy and use the building or land in such manner as requested on the application.

C. Disapproval. Should the Building Inspector refuse to issue a certificate of occupancy/tenancy, he shall issue a statement of the reasons for such disapproval.
D. **Validity.** A certificate of occupancy/tenancy shall remain valid only as long as the specific conditions under which it was issued are maintained.

E. **Rescission.** The Building Inspector, for just cause and after a public hearing called for this purpose, may rescind a certificate of occupancy/tenancy which he has issued. He shall notify the applicant, in writing, of his reasons for such rescission.

F. **Temporary Certificate.** The Building Inspector may issue a temporary certificate of occupancy/tenancy under such rules and conditions as he may establish. Such a certificate shall be valid for a period of not more than ninety (90) days. One extension for not more than ninety (90) days may also be issued. The purpose of a temporary certificate is to allow the occupancy of a structure or premises for a defined temporary period of time, when full conformance with the requirements of this Zoning Ordinance, or the NYS Uniform Fire Prevention and Building Code, or any other applicable regulation, cannot be met by the applicant at the time of such request, due to weather conditions (i.e. landscaping, paving), or other circumstances beyond the immediate control of the applicant, and not caused by or due to the fault or neglect of the applicant. No final certificate of occupancy for any building shall be issued prior to the completion of the improvements and dedication of same to the local government, as required in the Planning Board's final approval. The structure or premises shall be brought into full compliance with the Zoning Ordinance, NYS Uniform Fire Prevention and Building Code, and any other applicable regulations pertaining thereto, prior to the expiration of the temporary certificate of occupancy, or the extension thereof. If full compliance is not achieved by the expiration date of the temporary certificate of occupancy or the valid extension thereof, the premises shall be immediately vacated, to remain so until full compliance is achieved. In the event that the structure and/or premises are not voluntarily vacated, the Building Inspector is authorized to issue a stop work order for the structure and/or premises, effecting an immediate cease and desist directive; impose civil fees; commence criminal prosecution; initiate civil injunctive or other appropriate relief; notify all interested parties, either orally or in writing, either personally or by mail, including all tenants and the insurance carrier insuring said premises, if known to the Building Inspector; and further, to present any performance bond or letter of credit filed with the City to insure full compliance with the provisions hereof to the appropriate
insurer or bank for payment. All remedies are cumulative, and may be sought simultaneously.

G. **Additional Copies.** The Building Inspector may issue additional copies of any occupancy certificate to the applicant, owner, lessee, tenant or other person who has direct concern with the building or property.

H. **Fees.** Every application for a certificate of occupancy shall be accompanied by a fee as listed in Article XIII, Section 6.

240-13.6 **FEES** (Amended 11/18/91, 2/18/92, 3/16/92, 9/8/92)

This Section shall contain a schedule of fees relating to applications, approvals, inspections and enforcement policies for the City of Saratoga Springs. This schedule may be amended at any time, after due process (notice and hearing) by the City Council.

A. **REZONING AND SITE DEVELOPMENT FEES**

(1) **Site Plan Reviews.**

(a) **Final approval.**

[1] **Residential uses:** one hundred dollars ($100.00) for first twenty units; two hundred dollars ($200.00) for twenty-one to fifty units; and four hundred dollars ($400.00) for more than fifty units.

[2] **Nonresidential** (commercial, industrial, institutional, etc.): two hundred dollars ($200.00) for first twenty thousand (20,000) square feet of building; three hundred dollars ($300.00) for more than twenty thousand but less than fifty thousand square feet of building; and five hundred dollars ($500.00) for fifty thousand square feet or more of building.

(b) **Site inspection fees.** Fee set annually by City Council resolution.

(c) **Extension or reduction of Letters of Credit:** one hundred dollars ($100.00).

(d) The applicant shall be responsible for all planning and engineering project review fees.
as may be established from time to time by the Saratoga Springs City Council.

(2) **Subdivision Approval.** The fees for subdivision approval are set forth independently in the Subdivision Regulations adopted by the Planning Board.

(3) **Planned Unit Development.**

(a) **Sketch plan approval:** five hundred dollars ($500.00) plus twenty-five dollars ($25.00) per acre.

(b) **Preliminary site plan approval:** no fee.

(c) **Final site plan approval** (by phase).

[1] **Same as site plan.**

[a] **Residential:** one hundred dollars ($100.00) for first twenty units, two hundred dollars ($200.00) for twenty-one to fifty units; and four hundred dollars ($400.00) for more than fifty units;

[b] **Nonresidential** (commercial, industrial, institutional, etc.): two hundred dollars ($200.00) for first twenty thousand (20,000) square feet of building; three hundred dollars ($300.00) for more than twenty thousand but less than fifty thousand square feet of building; and five hundred dollars ($500.00) for fifty thousand square feet or more of building.

(d) The applicant shall be responsible for all planning and engineering project review fees as may be established from time to time by the Saratoga Springs City Council.

[2] **If subdivision is involved.**

[a] **Preliminary approval:** two hundred dollars ($200.00) for first twenty lots; three hundred dollars ($300.00) for twenty-one to fifty
lots; and five hundred dollars ($500.00) for more than fifty lots.

[b] Final subdivision fees shall apply:

(i) Residential

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<th>Fee</th>
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<td>Minor</td>
<td>$50 plus $50 per lot</td>
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<tr>
<td>Major</td>
<td>$100 plus $50 per lot</td>
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(ii) Nonresidential.

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<th>Type of Subdivision</th>
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<tbody>
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[c] Recreation Fee/Assessment (For Subdivisions): 10% of the total acreage or $500.00 per unit.


[4] Extension or reduction of Letters of Credit: One hundred dollars ($100.00).

4) Historic review. No Fee.

5) Architectural review. Fifty dollars ($50) per structure.

6) SEQR environmental reviews.

(a) Draft environmental impact statement review: two hundred dollars ($200) plus ten dollars ($10) per page over twenty (20) pages.

(b) Final environmental impact statement review: two hundred dollars ($200) plus ten dollars ($10) per page for any new materials not included in the draft environmental impact statement.

(c) City-prepared environmental impact statement: the fee shall equal the cost of preparation with SEQR regulations.
(d) Legal notices. The fee shall equal the actual cost.

(e) In accord with SEQR Regulations, the total fee charged by the City may not exceed two percent of the total project cost; and for non-residential construction projects, the fee charged by the City may not exceed one-half of one percent of the total project cost.

(7) **Petition for an amendment or revision of Zoning Ordinance.** One hundred ($100) plus twenty-five ($25) per acre.

(8) **Appeal: Interpretations and Variances.**

(a) **Interpretation applications to Zoning Board of Appeals.** Fifty ($50). No fee if part of application for use and/or area variance.

(b) **Variance applications to Zoning Board of Appeals.**

[1] **Use Variance.** Two hundred ($200).

[2] **Area Variance.** One hundred ($100). No fee if part of application for use variance.

(c) **Extension of expiration date of variances:** Fifty (50.00) Dollars.

(9) **Special Use Permit:**

(a) **Applications to Planning Board for special use permits:** One Hundred ($100.00) Dollars.

The applicant shall be responsible for all planning and engineering project review fees as may be established from time to time by the Saratoga Springs City Council.

(b) **Applications to Planning Board for extension of expiration date for special use permits:** Fifty ($50.00) Dollars.

(10) **Soil erosion and sediment control plan.** Twenty-five ($25) plus ten ($10) per acre.

The applicant shall be responsible for all planning and engineering project review fees as may be
established from time to time by the Saratoga Springs City Council.

(11) **Watercourse disturbance activity permit review by the Planning Board.** Twenty-five ($25) plus ten ($10) per acre.

The applicant shall be responsible for all planning and engineering project review fees as may be established from time to time by the Saratoga Springs City Council.

B. Building fees.

(1) **New residential construction.**

   (a) One (1) and two (2) families: sixty dollars ($60.) per unit, plus five cents ($0.05) per square foot of floor area.

   (b) Three (3) or more families: sixty dollars ($60.) per unit, plus five cents ($0.05) per square foot of floor area.

(2) **New commercial construction and additions to commercial buildings.**

   (a) Up to twenty thousand (20,000) square feet of floor area: sixty dollars ($60.) per tenant, plus eighteen cents ($0.18) per square foot.

   (b) For the next fifty thousand (50,000) square feet of floor area: twelve cents ($0.12) per square foot.

   (c) Thereafter: six cents ($0.06) per square foot.

(3) **New charitable, religious or educational buildings.**

   (a) Up to twenty thousand (20,000) square feet of floor area: sixty dollars ($60.) per tenant, plus nine cents ($0.09) per square foot.

   (b) For the next fifty thousand (50,000) square feet of floor area: six cents ($0.06) per square foot.

   (c) Thereafter: three cents ($0.03) per square foot.
(4) Minor alterations involving no structural work and affecting less than fifty percent (50%) of the building.

(a) One (1) and two (2) families: twenty dollars ($20) per unit.

(b) Three (3) or more families: forty dollars ($40) per unit.

(c) Commercial: sixty dollars ($60.) per tenant, plus two cents ($0.02) per square foot of floor area being renovated.

(5) Major alterations involving no structural work and affecting more than fifty percent (50%) of the building.

(a) One (1) and two (2) families: forty dollars ($40.) per unit.

(b) Three (3) or more families: sixty ($60.) per unit.

(c) Commercial: sixty dollars ($60.) per tenant, plus three cents ($0.03) per square foot of floor area being renovated.

(6) Major alterations involving structural work.

(a) One (1) and two (2) families (also additions): forty dollars ($40.) per unit, plus four cents ($0.04) per square foot of floor area being renovated or added on.

(b) Three (3) or more families (also additions): sixty dollars ($60.) per unit, plus four cents ($0.04) per square foot of floor area being renovated or added on.

(c) Commercial sixty dollars ($60.) per tenant, plus four cents ($0.04) per square foot of floor area being renovated.

(7) Alterations to charitable, religious or educational buildings: sixty dollars ($60.), plus three cents ($0.03) per square foot of floor area being renovated.

(8) Residential accessory buildings: ten cents ($0.10) per square foot of floor area.
(9) Signs: fifteen dollars ($15), plus thirty cents ($0.30) per square foot of gross area of the sign face(s).

(10) Siding: no fee.

(11) Pools: thirty dollars ($30)

(12) Satellite receiving antennas: thirty dollars ($30).

C. Certificate of occupancy fees.

(1) Certificates applied for in conjunction with a building permit: no fee.

(2) Certificates for change in use or occupancy not requiring construction or alteration: twenty dollars ($20).  

(3) Temporary certificates and for each extension: twenty dollars ($20).

(4) Additional copies for any certificate: five dollars ($5).

(5) Certificates of Tenancy: twenty dollars ($20).

D. Plumbing Permit Fees

(1) Basic Charge:

   (a) Permanent Occupancy: ten dollars ($10.) per dwelling unit.

   (b) Transient Occupancy: ten dollars ($10.) per sleeping room.

   (c) Commercial: twenty dollars ($20.) per tenant space.

   (d) All others: twenty dollars ($20.) per building.

(2) In addition to the basic charge: two dollars ($2) per fixture and/or plumbing component, including the following:

   (a) Water closet
   (b) Bidet
   (c) Urinal
   (d) Lavatory
(e) Bathtub (with or without shower)
(f) Shower stall
(g) Showers (group) - per head
(h) Service sink
(i) Kitchen sink
(j) Laundry tray
(k) Dishwasher
(l) Hose bibb
(m) Dental unit
(n) Dental lavatory
(o) Drinking fountain
(p) Floor drain
(q) Washing machine connection
(r) Hot water tank
(s) Hot tub or jacuzzi
(t) Roof drain
(u) Other

(3) Plumbing license: fifty dollars ($50.).

(4) Private Sewage Disposal System Permit: thirty dollars ($30.).

E. Miscellaneous fees.

(1) License for erecting, structurally altering or relocating signs within the City of Saratoga Springs for one (1) calendar year: fifty dollars ($50.).

(2) Soil disturbing activity permit: fifty dollars ($50.).

(3) Watercourse disturbing activity permit: fifty dollars ($50.).

(4) Flood Hazard Development Permit: fifty dollars ($50.).

F. Penalties.

(1) Violation of construction building permit/certificates of occupancy, civil: twenty dollars ($20.) per day up to one thousand dollars ($1,000.) maximum for each offence.
ARTICLE XIV

APPEALS

240-14.1 FINDINGS OF FACT

The City Council of the City of Saratoga Springs hereby establishes a policy and procedure to hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of any zoning ordinance adopted by the City.

240-14.2 DELEGATION TO ZONING BOARD OF APPEALS

The City's Zoning Board of Appeals is hereby charged with the responsibilities of administering and carrying out the intent established in Article 14.1 above.

240-14.3 INTERPRETATIONS

The Zoning Board of Appeals shall have the power to take on appeal from an order, requirement, decision or determination made by an administrative official, or on request by an official, board or agency of the City, to decide any of the following questions:

A. Determination of the meaning of any portion of the text of this Zoning Ordinance or of any conditions or requirement specified or made under the provisions of this Zoning Ordinance.

B. Determination of the exact location of any district boundary shown on the Zoning Map.

240-14.4 VARIANCES

The Zoning Board of Appeals shall have the power to vary or adapt the strict application of any of the requirements of this chapter in accordance with the provisions of Article 5-A, Section 81.4 of the General City Law. The Zoning Board of Appeals shall not accept any application for review of a variance that includes a parcel which has a reported written violation pertaining to any provision of this zoning that is not the subject of the application.
A. A variance in this chapter shall be defined by the following:

(1) **Area Variance.**

(a) Appellant requests relief—usually of a dimensional nature. The area variance has no relation to a change of use; it is primarily a grant to construct, erect, alter or use a structure for a permitted use in a manner other than that prescribed by the restrictions of the Zoning Ordinance.

(b) **Criteria.** In granting an area variance, the Zoning Board of Appeals shall determine whether practical difficulties have been shown by the applicant, if the strict application of the Zoning Ordinance is not varied. The Zoning Board of Appeals shall at all times utilize the then prevailing standard of practical difficulties as the same is interpreted and defined from time to time by the Courts of the State of New York. To assist the Zoning Board of Appeals and the applicant in the presentation and review of evidence tending to demonstrate practical difficulties, the following points, which presently comprise the judicial standard most frequently expressed by the Courts as constituting practical difficulties, are elaborated. However, due to the dynamic nature of this standard, reference should always be made to the then prevailing judicial standard, which shall supersede and control any such determination.

[1] Significant economic injury; this alone shall not be a determining factor, in and of itself.


[3] Whether the difficulty alleged was self-created, which shall not preclude the grant of a variance by itself, but may be considered by the Zoning Board of Appeals as a factor in making its determination.
[4] Whether the alleged difficulty may be avoided by means other than a variance.

[5] Notwithstanding the presentation of proof sufficient to meet the above standards, the variance request may be denied by the Zoning Board of Appeals if the Board finds that the public health, safety and welfare will be served by upholding the application of the standard and denying the variance, unless the same causes severe economic hardship to the applicant which must be demonstrated to the satisfaction of the Board with "dollars and cents" proof.

[6] Any request for an area variance which shall affect a change in density or permissible use shall be considered as a use variance and decided under the criteria for the same.

(2) **Use Variance.**

(a) The appellant seeks a use on his land which is not allowed in the district.

(b) **Criteria.** In granting a use variance, the Zoning Board of Appeals shall determine whether unnecessary hardship has been shown by the applicant, if the strict application of the Zoning Ordinance is not varied. The Zoning Board of Appeals shall at all times utilize the then prevailing standard of unnecessary hardship as the same is interpreted and defined from time to time by the Courts of the State of New York. To assist the Zoning Board of Appeals and the applicant in the presentation and review of evidence tending to demonstrate unnecessary hardship, the following points, which presently comprise the judicial standard most frequently expressed by the Courts as constituting unnecessary hardship, are elaborated. However, due to the dynamic nature of this standard, reference should always be made to the then prevailing judicial standard, which shall supersede and control any such determination. The variance request may be granted only if each of the following points has been satisfied by the applicant:
That the land in question cannot yield a reasonable return if used for any purpose permitted by the Zoning Ordinance, including specially permitted uses, unless previously requested and denied. In order to make such a determination, sufficient "dollars and cents" evidence on the record must exist to substantiate that this criteria is met.

The owner is singularly disadvantaged due to unique circumstances pertaining to the parcel for which relief is sought, and is not due to a general condition created by the Zoning Ordinance which similarly affects other property located in the same zoning district.

That the use sought to be authorized by the variance will not alter the essential character of the locality or neighborhood in which it is located.

That the hardship was not self-created. A hardship is self-created when the applicant knowingly acquires property for a prohibited use or if the hardship is caused by improvements to the land constructed by the applicant with knowledge of the restrictions for which the relief is sought.

B. General Criteria.

(1) The granting of the variance is necessary for reasonable use of land or building and said variance is the minimum variance within the same use that will accomplish this purpose; and

(2) The granting of the variance will be in harmony with the general purpose of this chapter and will not be injurious to the neighborhood and public welfare.

C. Conditions. The Zoning Board of Appeals, in granting any variance, shall prescribe any conditions that it deems to be necessary or desirable, provided the same are permissible pursuant to Article 5A, Section 81 of the City Law.

D. Compliance. The granting of a variance to this chapter shall not obviate the necessity of complying with all
other applicable provisions of this chapter in every other respect.

E. **Review.** The Zoning Board of Appeals shall have the option to request the Planning Board to review a request for a variance, and make a recommendation to the Zoning Board of Appeals. The Zoning Board of Appeals, in making its determination on the zoning variance request, shall consider the Planning Board's recommendation to the extent permitted under the applicable standard of practical difficulties or unnecessary hardship pertaining to such zoning variance request.

F. **Appeals.**

1. **Application.** All appeals shall be made in the form and manner prescribed in the rules of procedure adopted by the Zoning Board of Appeals and stated herein. Every appeal or application shall refer to the specific provision of this chapter that is involved, the decision, requirement, act or failure to act of the Building Inspector, as the case may be.

2. **Decisions.**

   a. Every decision of the Zoning Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the City Clerk, together with all other documents pertaining thereto.

   b. The Zoning Board of Appeals may reverse, affirm, wholly or partly, or modify any order, requirement or decision, as it deems necessary, in any case referred to it, and therefore shall have all the powers of the Building Inspector from whom the appeal was taken. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to affirm any appeal upon which the Board is required to pass.

3. **Stay of proceedings.** Any appeal, properly filed, shall stay all actions under such action appealed from, unless the Building Inspector from whom the appeal is taken certifies to the Zoning Board of Appeals that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to person or property.
(4) Restraining order. The Zoning Board of Appeals shall have the power to grant a restraining order to stay all proceedings in furtherance of the action appealed from, over any action by the Building Inspector from whom the appeal is taken, upon notice to said officer and on due cause shown.

240-14.5 PROCEDURE (Amended 1/22/91, 9/8/92)

The Zoning Board of Appeals shall act in strict accordance with the procedure specified by law and this Zoning Ordinance.

A. Meetings. Meetings shall be held at the call of the Chairman or at such other times as the Zoning Board of Appeals may determine. A quorum shall consist of four (4) members. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, and shall keep records of its examinations and other official actions.

B. Application. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board and shall be accompanied by a fee as established by the City Council and listed in Section 13.6. Every appeal or application shall refer to the specific provision of this Zoning Ordinance that is involved and shall precisely set forth either the interpretation that is claimed or the details of the variance that is applied for and the grounds on which it is claimed that such variance should be granted.

C. Public Notice and Hearing. The Board shall fix a time and place for a public hearing on any such appeal or application, and shall provide notice as follows:

(1) By publishing at least ten (10) but not more than twenty (20) calendar days prior to the date thereof a legal notice in the official newspaper of the City.

(2) By requiring the applicant to provide notice at least seven (7) but not more than twenty (20) calendar days prior to the date thereof of the substance of every appeal for a variance except for that of an area variance and/or interpretation together with a notice of the hearing thereon by mailing such to the owners of all property within one hundred (100) feet in a RR-1 (Rural Residential-1) district and within two hundred fifty (250) feet in all other districts of that held by the applicant from the boundaries of the
land involved in such appeal. The notification distance for an area variance and/or and interpretation shall be one hundred (100) feet in all districts. Applicant shall submit copies of notice, list of names and receipt from Post Office to the Clerk. Compliance with this notification procedure shall be certified by the Clerk of the Zoning Board of Appeals.

(a) The names of owners notified shall be taken as such appear on the latest records on file in the Office of the City Assessor.

(b) Provided that there shall have been substantial compliance with these provisions, the failure to give notice in exact conformance herewith shall not be deemed to invalidate an action taken by the Zoning Board of Appeals in connection with granting or denying an appeal for a variance.

(3) If the land involved in the appeal lies within five hundred (500) feet of the boundary of any other municipality, the Secretary of the Zoning Board of Appeals shall also submit at least ten (10) calendar days prior to the public hearing to the municipal clerk of such other municipality or municipalities a copy of the notice of the substance of every appeal together with a copy of the official notice of such public hearing.

D. Required Referral. A full statement of any appeal that meets the referral requirements of Sections 239 l and m of the General Municipal Law shall also be referred prior to the public hearing to the Saratoga County Planning Board for its review. No action shall be taken by the Zoning Board of Appeals on such appeal until an advisory recommendation has been received from the County Planning Board or thirty (30) calendar days have elapsed since the County Board received such full statement.

E. Decisions. Every decision of the Zoning Board of Appeals shall be recorded in accordance with standard forms adopted by the Board and shall fully set forth the circumstances of the case and shall contain a full record of the findings on which the decision is based. Every decision shall be by resolution of the Board, with each such decision being filed in the Office of the City Clerk within ten (10) calendar days thereof. If applicable, a report on the action taken shall also be filed within seven (7) calendar days of said action with the Saratoga County Planning Board.
F. **Attachment of Conditions.** In all cases where the Zoning Board of Appeals grants a variance from the strict application of the requirements of this Zoning Ordinance, it shall be the duty of such Board to attach such conditions and safeguards as may be required in order that the result of its action shall be as nearly as possible in accordance with the spirit and intent of this Zoning Ordinance. Such conditions may include requirement of bond/letter of credit if improvements to site are required and Planning Board or City Council has not imposed same.

G. **Expiration.** Unless otherwise specified or extended by the Zoning Board of Appeals, decision on any request for a variance granted shall expire if the applicant fails to obtain the necessary building permit to construct any existing building(s) and begin actual construction or to comply with the conditions of said authorization within one (1) year from the filing date of such decision thereof. Unless otherwise specified or extended by the Zoning Board of Appeals, all variances granted prior to October 24, 1987, shall expire if the applicant fails to obtain the necessary building permit and begin actual construction or comply with the conditions of said authorization by October 24, 1988.

H. **Strict Construction.** All the provisions of this Zoning Ordinance relating to the Zoning Board of Appeals shall be strictly construed. The Zoning Board of Appeals, as a body of limited jurisdiction, shall act in full conformity with all provisions of law and of this Zoning Ordinance and in strict compliance with all limitations contained therein, provided, however, that if the procedural requirements set forth in this Zoning Ordinance have been substantially observed, no applicant or appellant shall be deprived of the right of application or appeal.
ARTICLE XV

GENERAL/MISCELLANEOUS

240-15.1 INTERPRETATION

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or deed restrictions, the most restrictive, or that imposing the higher standards, shall govern.

240-15.2 REPEALER

Ordinance Number D111 establishing a Comprehensive Zoning Plan in the City of Saratoga Springs enacted by the City Council on July 6, 1961, together with all changes and amendments thereto, is hereby repealed and superseded by this chapter, with the provision that violations of these ordinances and all amendments thereto shall remain violations to the extent that the matters in violation do not conform to the provisions of this chapter.

240-15.3 AMENDMENTS  (Amended 6/7/93)

A. The City Council may, from time to time, on its own motion or on petition, or by recommendation of the Planning Board or Zoning Board of Appeals, amend, supplement, modify or repeal, in whole or in part, this chapter or the boundary of a district established by this chapter. Such notice shall take place after a public notice and hearing as required by the General City Law. In cases involving a petition or a Board recommendation, the City Council shall decide, in its discretion, whether such petition or recommendation has merit for review. If it is determined that the petition or recommendation has merit, the petition shall be progressed as set forth below.

B. Any such proposed change in the text or zoning district boundary that has been determined by the City Council to have merit for review shall be submitted to the Planning Board at least thirty (30) days prior to publishing the newspaper notice of public hearing.
C. The Planning Board in its written report shall recommend favorably the adoption of any proposed change only if it meets the following conditions:

(1) The revision is not contrary to the general purposes and intent of this chapter; and

(2) The revision is accordant with the comprehensive Master Plan.

D. The Planning Board's advisory report shall be submitted to the City Council within thirty (30) days after receiving notice from the City Clerk for the proposed change.

E. Newspaper notice. At least ten (10) days prior to a scheduled public hearing on a change, a notice announcing the time and place and giving a description of the regulations, boundaries and areas involved in the proposed change shall appear in a newspaper having general circulation in the City.

F. Public hearing. No change of the Zoning Ordinance text or map shall be effective until a hearing has been held and the public has had occasion to be heard.

G. Written notice of hearing.

(1) At least thirty (30) days prior to a scheduled hearing, written notice of any proposed change affecting property within five hundred (500) feet of the boundaries of any county, town, village, city or state park, reservation or parkway shall be given to the respective clerk or other person performing such duties or to the commission, authority or other body having jurisdiction over the area concerned. Said county, town, village, city or state park, reservation or parkway have the right to appear and to be heard at such hearing, but shall not have the right of review by a court as provided in Article 78 of the Civil Practice Law and Rules.

(2) At least thirty (30) days prior to a scheduled hearing, written notice of any proposed change affecting property within the protectively zoned area of a housing project authorized under the Public Housing Law shall be given to the housing authority in charge of the project and to the government providing financial aid or assistance thereto.
(3) For all petitions involving zoning map amendments, public hearing notice shall be provided to adjacent property owners. At least seven (7) days, but not more than twenty (20), before the date of the City Council hearing, the petitioner shall mail a copy of legal notice of the hearing to all owners of property within one hundred (100) feet in a RR-1 (Rural Residential-1) district and within two hundred fifty (250) feet in all other districts of the petitioner's parcel. The name and address of property owners notified shall be identified from the latest records on file in the City Assessor's Office. Prior to the time of the hearing, the petitioner must file with the Clerk of the City Council a Certificate of Mailing from the Post Office that notice was sent to all property owners.

H. Publication and posting.

(1) Every zoning ordinance, every amendment thereto and every map incorporated therein, shall be entered into the minutes of the City Council, and notice thereof shall be published once in a newspaper of general circulation in the City. Such publication may be done by publishing a notice containing a brief description of the new ordinance, amendment, or map. Such notice shall specify that a copy of the entire ordinance, amendment or map is available for inspection at the City Clerk's office.

(2) A copy of the entire ordinance, amendment and any incorporated map 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 ordinance, amendment or map shall be made available for inspection at the office of the City Clerk.

(3) Affidavits of publishing and posting shall be filed with the City Clerk.

I. Effective Date.

(1) An amendment or revision to this chapter involving solely a change in boundaries shall become effective only when:

(a) the revision has been duly adopted, and

(b) the revision has been drawn on the official zoning map, and
(c) proper entry of the revision has been recorded on the map referring to the revision number, its location in the public record, and the date of adoption, and

(d) the amendment or revision is published as specified in this section.

(2) All other amendments or revisions shall take effect upon publication as specified in this section.

J. Protest. Signatures required. A protest against a proposed amendment or revision of this chapter must be signed by the owners of the following:

(1) Twenty percent (20%) or more of the land area included in the proposed amendment or revision;

(2) Twenty percent (20%) or more of the land area immediately adjacent and extending one hundred (100) feet therefrom; or

(3) Twenty percent (20%) or more of the land directly opposite thereto and extending one hundred (100) feet from the street, road or highway frontage of such opposite land.

K. Vote requirements for protests. No protested amendment or revision shall become effective unless three-fourths (3/4) of the members of the City Council vote favorably on such amendment or revision.

L. Fee. Every petition for an amendment or revision to this chapter shall be accompanied by a fee as hereinafter provided for in Section 13.6 which shall be used to defray the cost of investigation, studies or advertising as may be necessary to present such amendment or revision for adoption.

240-15.4 SEVERABILITY

The provisions of this chapter are severable. If any Article, section, subdivision or provision of this chapter shall be invalid, such invalidity shall apply only to the Article, section, subdivision or provision adjudged invalid, and the rest of this chapter shall remain valid and effective.
240-15.5 SAVING CLAUSE

The adoption of this chapter shall not affect or impair any act done, offense committed, or right incurred or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this chapter takes effect under the chapter relative to use districts in said town.

240-15.6 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.
ZONING MAPS

1. ZONING MAP #1 - OUTER AREA
2. ZONING MAP #2 - INNER AREA
3. ZONING MAP INSERTS:
   A. HENRY STREET/CIRCULAR STREET AREA
   B. EAST AVENUE/FOREST AVENUE AREA
   C. MAPLE DELL AREA
   D. EXCELSIOR AVENUE/HIGH ROCK AVENUE AREA
   E. DIVISION STREET AREA
   F. MYRTLE STREET/SEWARD STREET AREA
   G. NELSON AVENUE/UNION AVENUE AREA
   H. LAKE AVENUE/EXCELSIOR SPRINGS AVENUE AREA
   I. BROADWAY/LINCOLN AVENUE AREA
   J. JEFFERSON STREET/EAST BROADWAY AREA
   K. WEST AVENUE AREA
4. HISTORIC ZONING DISTRICTS
5. ARCHITECTURAL REVIEW DISTRICTS
MAP INSERT A

AREA: HENRY ST./CIRCULAR ST.

ZONING MAP
CITY OF SARATOGA SPRINGS

NOTE: MAPS ARE NOT DRAWN TO SCALE

DATE: JUNE 1, 1990
MAP INSERT B

AREA: EAST AVE./FOREST AVE.

ZONING MAP
CITY OF SARATOGA SPRINGS

NOTE: MAPS ARE NOT DRAWN TO SCALE

DATE: JUNE 1, 1990
MAP INSERT C

AREA: MAPLE DELL

ZONING MAP
CITY OF SARATOGA SPRINGS

NOTE: MAPS ARE NOT DRAWN TO SCALE

DATE: JUNE 1, 1990
MAP INSERT D

AREA: EXCELSIOR AVE./HIGH ROCK AVE.

ZONING MAP
CITY OF SARATOGA SPRINGS

NOTE: MAPS ARE NOT DRAWN TO SCALE

DATE: JUNE 1, 1990
MAP INSERT E

AREA: DIVISION STREET

ZONING MAP
CITY OF SARATOGA SPRINGS

NOTE: MAPS ARE NOT DRAWN TO SCALE

DATE: JUNE 1, 1990
MAP INSERT F

AREA: MYRTLE ST./SEWARD ST.

ZONING MAP
CITY OF SARATOGA SPRINGS

NOTE: MAPS ARE NOT DRAWN TO SCALE

DATE: JUNE 1, 1990
MAP INSERT G

AREA: NELSON AVENUE/UNION AVENUE

ZONING MAP
CITY OF SARATOGA SPRINGS

NOTE: MAPS ARE NOT DRAWN TO SCALE

DATE: JUNE 1, 1990
MAP INSERT I

AREA: BROADWAY/LINCOLN AVE.

ZONING MAP
CITY OF SARATOGA SPRINGS

NOTE: MAPS ARE NOT DRAWN TO SCALE

DATE: JUNE 1, 1990
MAP INSERT J

AREA: JEFFERSON STREET / EAST BROADWAY

ZONING MAP
CITY OF SARATOGA SPRINGS

NOTE: MAPS ARE NOT DRAWN TO SCALE

DATE: JUNE 1, 1990