ZONING ORDINANCE

Chapter 135

From the

CODE

of the

City of

SARATOGA SPRINGS

GENERAL CODE PUBLISHERS CORP.
Spencerport, New York 14559
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COUNTY OF SARATOGA
STATE OF NEW YORK

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Chapter 135

ZONING

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[HISTORY: Adopted City of Saratoga Springs Common Council 7-6-61, as Ordinance No. DIII. Amendments noted where applicable.]
ARTICLE I

Purposes

§ 135-1. Purposes.

The restrictions and regulations described in the text, schedule of district regulations and maps that constitute this chapter are adopted in accordance with a comprehensive plan and are in the interest of the protection and promotion of the public health and welfare of the City of Saratoga Springs, and shall be deemed specifically to include the following, among others:

A. The facilitation of the provision of adequate and public service and facilities.

B. The preservation and protection of residential lands, both visually and physically from those of nonresidential use, and, wherever reasonable, the elimination of nonconforming uses which have a deleterious effect on their surroundings.

C. The reduction and prevention of traffic hazards and congestion.

D. The general enhancement of city appearance.

E. The conservation of property values through the encouragement of the most appropriate use of land within the municipality.

ARTICLE II

Terminology

§ 135-2. Interpretation and use of words.

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words
used in the present tense include the future, and the plural includes the singular; the word "lot" includes the words "plot" or "parcel;" the word "building" includes the word "structure;" the word "shall" is always mandatory; the word "may" is permissive; or "used" shall be considered as though followed by the words "intended for, arranged for, or designed to be used or occupied."

§ 135-3. Definitions.

ACCESSORY USE — A term applied to a use, building or other structure customary to the principal use but incidental to, subordinate to, and located on the same lot as the principal use.

ALTERATION — As applied to a building, any change or rearrangement in the nonstructural parts, or an enlargement of said building or structure.

ALTERATION (structural) — As applied to a building, any change in its supporting members, such as bearing walls, columns, beams or girders.

APARTMENT HOUSE — A building arranged, intended or designed to be occupied by three (3) or more families living and cooking independently of each other.

AREA, BUILDING — The total of 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.

AREA, NET SITE — The total area within the property lines excluding external streets.

ATTIC — That space within a building which is immediately below and wholly or partly enclosed by the roof framing. An attic with a finished floor shall be counted as one-half (½) story in determining the permissible number of stories.
BASEMENT — A story partly underground but having at least one-half \((\frac{1}{2})\) 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.

BILLBOARDS — See signs, advertising.

BOARDINGHOUSE — Any dwelling in which at least two (2) rooms, but 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 boardinghouse.

BUILDING — Any structure other than a boundary wall or fence.

BUILDING, ACCESSORY — See Accessory Use.

BUILDING, DETACHED — A building fully surrounded by open space on the same lot.

BUILDING, FRONT LINE OF — The line of that face of the building nearest the front line of the lot. This face does not include any porch or steps, but means the actual front wall of the building. A corner lot shall be treated as though having two (2) front lines. [Amended by Ordinance No. 541, 8-1-63]

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.

BUILDINGS, PRINCIPAL — A building in which is conducted the main or principal use of the lot on which said building is situated.
BUILDING, SEMI-DETACHED — A building attached by a party wall to another building of the same type on an adjacent lot, but having one (1) side yard.

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

CELLAR — A story partly underground and having more than one-half ($\frac{1}{2}$) of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissable number of stories.

CLUB, MEMBERSHIP — An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, providing there are not conducted any merchandising or commercial activities except as required generally for the membership and purposes of such club.

COURT, INNER — A court enclosed on all sides by exterior walls of a building, or by exterior walls and lot lines on which walls are allowable.

COURT — An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two (2) or more sides by the walls of such building.

COURT, OUTER — A court enclosed on not more than three (3) sides by exterior walls and lot lines on which walls are allowable, with one (1) side or end open to a street, driveway, alley or yard.

COVERAGE — That percentage of the plot or lot area covered by the building area.
CURB LEVEL — The officially established grade of the curb in front of the mid-point of the lot.

DOG KENNEL — A structure used for the harboring of more than three (3) dogs that are more than six (6) months old.

DUMP — A lot, or land, or part thereof, used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

DWELLING — A building designed or used as the living quarters for one or more families. The term “dwelling,” “one-family dwelling,” “two-family dwelling,” or “dwelling group” shall not be deemed to include automobile court, rooming house or tourist home.

DWELLING, ONE-FAMILY — A detached building designed for or occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY — A building designed for or occupied exclusively by two (2) families living independently of each other.

DWELLING, MULTIPLE — A building used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, flats and group houses.

DWELLING, ROW OR GROUP — A building consisting of a series of nonelectricating one-family sections having a common wall between each two (2) adjacent sections.

DWELLING UNIT — A dwelling or portion thereof providing complete living facilities for one (1) family.

FAMILY — One (1) or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house, club, fraternity or hotel.

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FLOOR AREA —

A. The sum of the gross horizontal areas of the several floors of a building or buildings. Measurements shall be taken from the outer face of exterior walls or from the center line of walls separating two (2) buildings. More specifically, the “floor area” shall include:

1. Basement and cellar space.

2. Floor space for mechanical equipment with structural headroom of seven (7) feet, six (6) inches or more.

3. Elevator shafts and stairwells at each floor.

4. Penthouses.

5. Interior balconies and mezzanines.

6. Enclosed porches.

7. Accessory buildings.

B. However, the “floor area” of a building shall include:

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.

GARAGE, PRIVATE — An enclosed space for the storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one (1) car is rented to a nonresident of the premises.

GARAGE, PUBLIC — Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.
GARDEN APARTMENT — An apartment structure or structures no more than three (3) stories in height. [Added 7-7-71]

GASOLINE 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.

GOVERNMENT AND COMMUNITY SERVICE FACILITIES — Those buildings and/or grounds needed to service the municipality.

GRADE ESTABLISHED — The elevation of the center line of the streets as officially established by the city authorities.

GRADE, FINISHED — The completed surfaces of lawns, walks and roads brought to grade as shown on the official plans or designs relating thereto.

HOME OCCUPATION — An occupation for gain or support conducted only by members of a family residing on the premises, except that one (1) person outside the family may be employed, and conducted entirely within the dwelling, provided that no article or service is sold or offered for sale except such as may be produced by said residents.

HOSPITAL, GENERAL MEDICAL AND SURGICAL ONLY — A hospital other than for mental patients, contagious or infectious diseases, or liquor or drug addicts.

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.

HOUSE TRAILER — Any portable or mobile vehicle used, or designed to be used for living quarters. See also City Ordinance CDLXXXII.*

* Editor’s Note: This is Chapter 121, Trailers.
JUNKYARD — Any lot or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in operating condition or for the sale of parts thereof.

LAUNDERETTE — A business premises equipped with individual clothes-washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or apartment hotel.

LINE, STREET — The dividing line between the street and the lot.

LOADING SPACE — The area required for parking delivery trucks and similar vehicles, which in this ordinance is held to be an area twelve (12) feet wide by forty (40) feet long by fourteen (14) feet in height.

LODGING HOUSE — A building in which at least two (2) rooms are rented and in which no table board is furnished.

LOT — A parcel of land unimproved or occupied or designed to be occupied by a building and the accessory buildings or uses customarily incident to it, including such open spaces as are arranged and desired to be used in connection with such buildings. [Added 7-7-71]

LOT, CORNER — A parcel of land at the junction of and fronting on two (2) or more intersecting streets.

LOT, DEPTH OF — A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

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

LOT, THROUGH — An interior lot having frontage on two (2) parallel or approximately parallel streets.

LOT, WIDTH OF — The mean width, measured at right angles to its depth.

LOT LINES — Any line dividing one (1) lot from another.

MOBILE HOME — Any portable vehicle which is designed to be transported on its own wheels or those of
another vehicle, which is used, designed to be used and capable of being used as a detached single-family residence, and which is intended to be occupied as permanent living quarters containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities and plumbing and electrical connections for attachment to outside systems. [Added 7-7-71]

MOBILE HOME LOT — A designated site of specific total land area which is located within a mobile home park for the accommodation of one (1) mobile home and its occupants. [Added 7-7-71]

MOBILE HOME PARK — Any parcel of land which is planned and improved for the placement of two (2) or more mobile homes which are used as dwellings and for occupancy for more than ninety (90) consecutive days. [Added 7-7-71]

MOBILE HOME STAND — A durable surface located on a mobile home lot which is to be used for the placement of and capable of supporting, a mobile home. [Added 7-7-71]

MOTEL — A building or group of buildings, whether detached or in connected units, used as individual sleeping units or dwelling units, designed primarily for transient automobile travelers and providing for accessory off-street parking. The term "motel" includes buildings designated as tourist courts, auto courts, motor lodges and by similar appellations.

MOTOR VEHICLE REPAIR SHOP — A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles.

NONCONFORMING USE — Use of a building or land that does not conform to the regulations as to use for the district in which it is situated.

NURSING OR CONVALESCENT HOME — Any dwelling with less than fifteen (15) sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

NURSERY SCHOOL — A school designed to provide daytime care or instruction for two (2) or more children
from two (2) to five (5) years of age, inclusive, and operated on a regular basis.

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

PARKING SPACE — The area required for parking one (1) automobile, which in this ordinance is held to be an area ten (10) feet wide and twenty (20) feet long, not including passageways.

PLANNED DISTRICT — District noted as Business or Industrial are special types of districts, developed to meet community needs and subject to review by the Planning Board. [Amended 7-7-71]

PROFESSIONAL OFFICE — A room, wing or detached building housing the following occupations; medicine, dentistry, law, architecture, engineering, optometrist, optician, podiatrist, certified public accountant and similar professions. [Amended by Ordinance 529, 2-4-63; 592, 9-3-66]

PUBLIC TRANSPORTATION BUILDING — Buildings utilized for the movement of people and a limited amount of goods, but not to include storage and repair or maintenance of transport vehicles.

RESIDENTIAL HOTEL — A dwelling occupied by permanent guests only and not by transients. It may include restaurants, newsstands and other accessory service primarily for serving its occupants and only incidentally the public.

RESIDENTIAL RECREATIONAL FACILITIES — Those areas set aside for informal play, e.g., swings, sandboxes, jungle gym, paddling pool and associated seating.

RESTAURANT — A public eating house, where patrons are seated at table or at a serving counter within an enclosed dining room; not included in this category is that type of business known as a "roadside eating place" and which is elsewhere herein described. [Added by Ordinance 529, 2-4-63]
ROADSIDE EATING PLACE — A place of business located along a street or highway, which is designed so as to accommodate a “drive-in” type of clientele. This includes such places as may provide waiters or waitresses to serve people seated in their automobiles and/or outside counter service, and/or service provided through an opening. If inside table service is also provided, such service does not qualify the place of business as a “restaurant.” [Added by Ordinance No. 529, 2-4-63]

ROADSIDE STAND — A stall or booth located so as to accommodate vehicular trade from the highway, the main purpose of which is to provide for the sale of fruits and vegetables which have been grown on the same premises. [Added by Ordinance No. 529, 2-4-63]

ROOMING HOUSE — See BOARDINGHOUSE.

ROW HOUSE — A building consisting of a series of attached dwelling units having common party walls between units.

SANITARIUM, SANITORIUM — A private hospital, whether or not such facility is operated for profit.

SIGN* — A “sign” is any structure or part thereof, or any device attached to a structure or painted or represented on a structure, which shall display or include any letter, word, model or device which represents or is in the nature of an announcement, direction or advertisement. A “sign” does not include the flag or insignia of any nation, group of nations, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or similar campaign, drive, movement or event. However, a “sign” as defined herein, shall not include a similar structure or device located within a building.

A “business sign” is a sign which directs attention to a business or profession conducted or to products sold upon the same lot.

A “For Sale” or “To Let” sign relating to the lot on which it is displayed shall be deemed a “business sign.”

* Editor's Note: See Article V of Chapter 107, Streets and Sidewalks.
An “advertising sign” or “billboard” is a sign which directs attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than on the same lot.

An “illuminated sign” is any sign designed to give forth or reflect any artificial light, such light deriving from any source which is intended to cause such light or reflection. A “flashing sign” is any “illuminated sign” on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.

SITE PLAN REVIEW — The obligation of the Planning Board to review plans prior to the granting of a special use permit or the issuance of a building permit where required. [Added 7.7.71]

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF — A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

STREET — A public or private way which affords the principal means of access to abutting properties.

STREET GRADE — The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

STRUCTURE — Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

STRUCTURE, UNSAFE — Any structure which because of disrepair, destruction, total or partial, by natural elements or by fire constitutes a public hazard by reason of the possibility of collapse, broken glass, falling objects or other nuisances.
TEMPORARY COMMERCIAL BUILDINGS —

A. Temporary buildings for commercial establishments during urban renewal operations.

B. Seasonal facilities (racing, convention and special function summer activities).

THEATER, MOVING PICTURE — A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

TOURIST HOME — A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

TRAILER — Any portable vehicle which is designated to be transported on its own wheels, which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes, and which may or may not include one (1) or all of the accommodations and facilities included in a mobile home. [Added 7-7-71]

TRAILER CAMP — Any parcel of land which is planned and improved for the placement of two (2) or more travel trailers which are used as temporary living quarters and for occupancy for not more then ninety (90) consecutive days. [Amended 7-7-71]

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.

YARD, REQUIRED — A space open to the sky adjacent to a building and extending along a lot line for a depth or width as specified by the regulations of the district in which the lot is located. No part of any yard on one (1) lot shall be considered as part of a yard similarly required for a building on another lot.

YARD, FRONT — A yard extending fully along the front line between the side lot lines.

YARD, REAR — A yard extending fully along the rear lot line between the side lot lines.
YARD, SIDE — A yard extending fully along the side lot line between the front and rear lot lines.

ARTICLE III
Establishment of Districts*

§ 135-4. List of districts. [Amended 7-7-71]

For the purpose of promoting the health, safety and general welfare of the City of Saratoga Springs, the city is hereby divided into the following classes of districts:

C Conservancy
R - S Residence Seasonal
R - 1 Single-Family Residence
R - 2 Single-Family Residence
R - 3 Two-Family Residence
R - 4 Multifamily Residence
B - 1 Central Business
B - 2 Planned Business District
B - 3 Planned Business District
I - 1 Light Industry
I - 2 Planned Industry

§ 135-5. Zoning Map [Amended 7-7-71]

Said districts are bounded as shown on two (2) maps entitled "Core Area Zoning Map" and "Outer Area Zoning Map" adopted on the 7th day of July 1971 and certified by the City Clerk, which accompany and which, with all explanatory matter thereon, are hereby made a part of this chapter.

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 City Planning Board and in the office of the Commissioner of Accounts, for the use and benefit of the people.

* Editor's Note: See Schedule at end of this chapter.
§ 135-6. 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 and 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 away from a lot line of record, the boundary shall be construed to coincide with such line.

ARTICLE IV
Regulations

§ 135-7. Effect of establishment of districts.

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 dwelling 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.

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 provision 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 such lot or lots were under different ownership from that of any adjoining land on the effective date of this chapter; 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 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:

(1) By reason of conditions found to have existed prior to the effective date of this chapter; or

(2) 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 con-
travention conforms to the provisions and special requirements, if any, under which such variance was granted.

§ 135-8. Schedule of District Regulations. [Amended 7-7-71]

The attached Schedule of Use and Bulk Regulations is a part of this section and is referred to as "District Regulations Schedule" or "District Regulations."*


A. General provisions.

The special uses for which conformance to additional standards is required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this chapter. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

B. Submission of plan.

A plan for the proposed development of a site for a permitted special use shall be submitted to the Board of Appeals with the application for a special permit, and such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, existing and proposed contour lines, landscaping, and any other pertinent information that may be necessary to determine if the proposed special use meets the requirements of this chapter. The Board of Appeals shall submit this plan to the Planning Board for their review in accordance with Article IV, § 135-9.1 and Article V, § 135-33. [Amended 7-7-71]

C. Expiration.

A special permit shall be deemed to authorized only one (1) particular special use and shall expire as determined by the Board of Appeals. See § 135-33E(2) (a).

*Editor's Note: For Schedule, see following p. 13552.
D. Existing violations.

No permit shall be issued for a special use for a property where there is an existing violation of this chapter.

E. Standards applicable to all special uses.

(1) The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that they will be in harmony with the orderly development of the district, and the location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

(2) Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or in any other manner than would be the operations of any permitted use.

§ 135-9.1. Site plan review. [Added 7-7-71]

A. No building permit shall be issued for any principal building in any R-4, Multifamily Residence District or in any business or industrial district, and no special permit shall be issued until the site plan has been approved by the Planning Board.

B. At least two (2) weeks in advance of the Planning Board meeting, at which a site plan is to be considered, at least six (6) copies of the site plan, at a scale of not less than one (1) inch equals twenty (20) feet for multifamily residential development and one (1) inch equals forty (40) feet for all other developments, and three (3) copies of the application for site-plan approval shall be submitted to the Planning Board. The Planning Board shall act on the site plan not later than the second regular meeting after submission.

C. The site plan shall show the following:

(1) Name of development, date, north point, scale, name and address of owner, name of persons responsible for
preparation of the site plan, tax-map lot and block number.

(2) Location showing adjacent property owners, location, height and size of all existing and proposed buildings on the lot and immediately adjacent thereto, existing and proposed elevation of building and curbs and lot dimensions.

(3) Provisions for off-street parking and off-street loading and unloading. All parking spaces shall be numbered and the total number of spaces and total square footage of parking shall be shown on the site plan.

(4) Boundaries of the property, building setback lines and easements, location of utility poles, if any.

(5) Existing and proposed drainage facilities, sewer and water lines.

(6) Proposed and existing highway, street and interior curbing.

(7) Location and width of proposed driveway and curb cuts.

(8) Location of all existing driveways within two hundred (200) feet of the lot.

(9) Directional arrows on pavement indicating flow of traffic.

(10) Proposed screening and landscaping.

(11) Total area of the site and coverage of the site by all buildings.

(12) A written description of any commercial or industrial operations in sufficient detail to indicate the effects of those operations in producing noise, glare, vibration, smoke, fumes, gas, dust, odor, fire hazards and explosion hazards.

(13) The proposed number of shifts to be worked and the maximum number of employees on each shift.

(14) Any other data or evidence that the Planning Board may require in order to make a determination.
D. In considering for approval the site plan, the Planning Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the public in general and residents of the immediate neighborhood in particular, and shall find that the proposed development meets all the requirements of this ordinance.

E. The Planning Board may impose appropriate conditions and safeguards with respect to the following aspects:

1) Traffic access. All proposed access ways to and from a public street shall be adequate but not excessive in number, adequate in width, grade, alignment and visibility, and not located too near to street intersections.

2) Circulation and parking. The interior circulation system shall be adequate to provide safe accessibility to all required off-street parking and eliminate standing or waiting traffic within the public right-of-way.

3) Landscaping and screening. Parking and service areas shall be reasonably screened from view of adjacent residential districts and buffer area requirements of this ordinance shall be complied with.

F. Objective of site plan approval. In considering and approving site plans, the Planning Board shall take into consideration the general purposes of this ordinance and the achievement of the following specific objectives:

1) Maximum safety of traffic access and egress.

2) Maximum safety of pedestrian and vehicular traffic on the site.

3) A site layout and overall appearance of all buildings which will have no adverse effect upon the desirability of adjacent zoning districts by impairing their established character.

G. Building Inspector referral to Planning Board. Before the Building Inspector shall issue a building permit for a new one-family dwelling to be erected on a lot existing at the time of adoption of this ordinance, a site plan shall be
submitted to him for his approval. The Building Inspector may refer such site plan to the Planning Board for their study before taking action.

H. Site plans which have been approved by action of the Planning Board shall be signed and dated by the Chairman of the Planning Board.

I. 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 site plan.

J. 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 approved site and building plans.

ARTICLE V
Supplementary Regulations

§ 135-10. Accessory uses.

Filling stations, public garages and motor-vehicle repair shops shall not be permitted as accessory uses in any district.

§ 135-11. Lot area.

A. Insufficient lot area. 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 dwelling, or accessory buildings. [Amended by Ordinance No. 529, 2-4-63]
B. Reduced lot area. No lot shall be so 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.

§ 135-12. Lot coverage and yard sizes.

A. 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.

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

C. Fire escapes. Open fire escapes may not project more than five (5) feet into any required yard.

§ 135-13. Lots in two districts.

Where a district boundary divides a lot in ownership of record at the time of enactment of this chapter, said lot shall be regulated under requirements for the less restrictive district provided that the lot has street frontage in the less restricted district.


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.


A. Home occupations shall be permitted only if incidental to the principal use. Occupations are limited to the
professional office of a physician, surgeon, dentist, lawyer, engineer (civil, mechanical, electrical) or architect residing therein, or an occupation for supplemental gain or support, conducted by members of the family residing on the premises, which is a customary home use or a domestic craft. Occupations such as carpentry, animal hospital, kennels, automotive repair shop, barbershop, restaurant, mortuary or any store shall be prohibited.

B. There shall be no exterior storage of stock or equipment.

C. 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 not attached to a principal building must be one (1) square foot or less in area.

(3) A sign may be illuminated if the light is nonintermittent and produces no glare beyond the property line.


No junkyards shall be established in any district on or after the effective date of this chapter.

§ 135-17. Trailer parks.**

A. In addition to the district regulations and the Trailer Ordinance CDLXXXII,*** the following apply:

(1) Trailer parks shall have safe entries and exits. These are to be approved by the authority responsible for the access road, i.e., state, county, etc.

(2) The trailer park shall conform to state and local health requirements.

(3) Screening, by fence or planting, must surround all trailer parks.

*Editor's Note: See also Article V of Chapter 107, Streets and Sidewalks.

**Editor's Note: See also Ch. 121, Trailers.

***Editor's Note: Ord. No. CDLXXXII was superseded by Ord. No. 506; see Ch. 121.
(4) Vehicular surfaces shall be paved with a dustless material.

(5) Signs shall conform to § 135-25.

(6) Trailer parks shall have a minimum lot size of six (6) acres. [Added 7-7-71]

(7) Trailer parks shall have a maximum density of nine (9) trailers per acre. [Added 7-7-71]


A. Projection screens, buildings or parking areas shall be at least fifty (50) feet from any street right-of-way line and at least one hundred (100) feet from any residential property line. Movies shall not be visible to traffic on adjacent major streets or to adjacent residences.

B. Vehicular surfaces shall be paved with a dustless material.

C. Loudspeakers shall be of the individual in-car type.

D. Entrance car off-street storage must be at least five percent (5%) of total capacity.

E. Entries and exits shall be approved by the authority responsible for the access road, i.e., state, county, etc.


A. Off-street parking spaces shall be provided and maintained by the owner of the property for each building which is erected, as follows:

(1) A minimum of two (2) parking spaces for each dwelling unit, except public sponsored subsidized housing for the elderly shall require a minimum of one (1) space per dwelling unit. [Amended 7-7-71]

(2) Home occupation: one (1) parking space for every one hundred (100) square feet of occupation of floor area.

(3) Retail stores and shops: at least one (1) parking space for each three hundred (300) square feet of sales floor area and for each four (4) employees.
(4) Wholesale business: at least one (1) parking space for each six hundred (600) square feet of store floor area and for each four (4) employees.

(5) Restaurants or other eating places: at least one (1) parking space for each four (4) seats and for each four (4) employees.

(6) Professional office (including those as home occupations): one (1) parking space for every three hundred (300) square feet of occupation of floor space.

(7) Banks and offices: at least one (1) parking space for each two hundred (200) square feet of office or customer space and for each four (4) employees.

(8) Hotels and tourist homes: at least two (2) parking spaces for each three (3) bedrooms.

(9) Auditoriums, stadia, theaters and other places of public assembly: at least one (1) parking space for each eight (8) seats.

(10) Tourist home, boarding home: at least two (2) parking spaces for each three (3) bedrooms.

(11) Motels: at least one (1) parking space for each unit and for the manager.

(12) Place of worship: at least one (1) parking space for each twelve (12) seats, for each clergyman and for each two (2) employees.

(13) School: at least one (1) parking space for each three (3) employees, including teachers; also loading and unloading space for buses.

(14) Filling station: at least five (5) parking spaces.

(15) Private club: at least one (1) space for each ten (10) members and for each two (2) employees.

(16) Industrial plant or establishment: at least one (1) space for each company vehicle and for each two (2) employees, based on peak employment hours.

(17) Undertaking establishment: at least ten (10) spaces for visitors per chapel; one (1) space for each official vehicle and for each two (2) employees.
(18) Hospital, sanitarium or nursing home: at least one (1) space for every two (2) beds.

B. All parking spaces provided pursuant to this section shall be on the same lot with the building, except that the Board of Appeals may permit the parking spaces to be on a lot within three hundred (300) feet of the building if it determines that it is impractical to provide parking on the same lot with the building.

C. The Board of Appeals may waive the parking requirements for uses in B-1 Districts where sufficient public parking is supplied.

D. In all parking lots for more than fifteen (15) cars, landscaped areas, wholly contained within the paved area,
amounting to ten percent (10%) of the total paved area of the lot, shall be provided. These shall be distributed throughout the lot and maintained.

§ 135-20. Off-street loading — minimum requirements.

A. Off-street loading spaces shall be provided and maintained by the owner of the property for each building which is to be erected or substantially enlarged for uses described as follows:

(1) Nonresidential 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.

§ 135-21. Location of parking lots and loading areas.

A. Required off-street parking areas shall not be located within required yard areas in any district.

B. In B-1 and I-2 Districts off-street parking or loading areas will not be permitted in front of any principal building.

§ 135-22. Ingress and egress.

Access drives 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 chapter shall prevent any lot from providing an access drive with a width of fifteen (15) feet, regardless of the frontage of such lot.

§ 135-23. 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. 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, and;

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 street lines and a line drawn between points along such street lines thirty (30) feet distant from their point of intersection.


The location of any heliport shall be subject to approval by the Planning Board and shall comply with local, state and federal regulations.

§ 135-25. Signs and billboards.

A. Signs in residence districts: Signs in Residence Districts shall be limited to one nonilluminated name plate, not exceeding one and one-half (1½) square feet in area, except for signs or bulletin boards of churches or educational institutions and signs advertising the premises for
sale or rent which shall not exceed six (6) square feet in area. Advertising signs shall be prohibited in all Residence Districts.

B. Signs in nonresidence districts:

(1) Signs attached to buildings. No business sign attached to any building shall exceed in area fifteen percent (15%) of the area of the wall to which such sign is attached, or one hundred (100) square feet, whichever is less, nor shall such sign project more than twelve (12) inches beyond the exterior face of such wall.

(2) Signs projecting above building roofs.

No sign shall project above any roof or parapet line, except in Industrial and I-1 and I-2P Districts, one (1) roof sign may be authorized by the Board of Appeals, upon application and after a public hearing.

(3) Freestanding signs.

Not more than one (1) freestanding sign, with the area of one (1) side of such sign not to exceed forty (40) square feet, shall be erected on any lot for each ten (10) acres of area and/or each four hundred (400) feet of street frontage, or fraction thereof, of such lot; hereinafter, no such signs shall encroach on any required front yard. Gasoline filling stations may erect not more than one (1) standard sign within the required front yard for purposes of identification.

(4) Sign illumination. All bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view.

(5) Moving or flashing signs. Moving or flashing signs or advertising devices shall be prohibited excepting
those whole signs which simply revolve. [Amended by Ordinance No. 541, 8-1-63]

(6) Temporary signs. No temporary signs made of paper, cardboard, canvas or similar nonpermanent material, other than a sign advertising the sale or rental of the premises on which the same is situated, will be permitted on the outside of any building or on any lands.

(7) Directional signs. Nothing contained herein shall restrict the installation and placement of any fixed directional signs with an area not exceeding ten (10) square feet, for the guidance of visitors on any lot.

(8) Advertising signs. [Amended by Ordinance No. 591, 9-3-66] The erection of advertising signs or billboards shall be prohibited on and after the effective date of this amendment. 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 ordinance. The requirements of Subsection C shall be complied with in all cases.

C. General sign regulations. [Added by Ordinance No. 591, 9-3-66]

(1) 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 upon payment of a permit fee of ten dollars ($10.). 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 date of issuance, the permit shall become null and void.

(2) Permit exemptions. Traffic and other municipal signs, legal notices, and such other temporary, emergency or nonadvertising signs as may be approved by the City Council are exempt from the permit requirements of this section; and all signs expressly permitted in residence districts under Subsection A above are also exempt. In addition, no permit will be required to change the advertising copy or message on a painted, posted or changeable letter sign. Painting, repainting, cleaning or repair maintenance, shall not be considered an erection or alteration which requires a permit, unless a structural change is made.

(3) 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 of fifty dollars ($50.), and shall be for one (1) calendar year.

(4) Annual inspection: fees. The Building Inspector shall inspect annually, or at such other times as he deems necessary, every wall sign, projecting sign or free-standing sign for which an erection permit is required for the purpose of ascertaining whether the same is secure or insecure, and whether it is in need of removal or repair. To meet the expense of such inspection, the permittee thereof shall pay to the Commissioner of Accounts the sum of two dollars fifty cents ($2.50). No inspection fee shall be charged during the calendar year in which the sign is erected.
(5) 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 and the city 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 twenty-five thousand/fifty thousand dollars ($25,000./$50,000.) for bodily injury and ten thousand dollars ($10,000.) for property damage. This requirement shall also apply to all existing signs, whether conforming or nonconforming. 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 ten (10) days notice thereof. If a surety bond be 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, 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.
This certificate of liability or bond shall also be required for any sign, medium of display or advertising or marquee already in existence at the enactment of this amendment, conforming or nonconforming, and the compliance with this subsection shall be mandatory within thirty (30) days of the adoption of this amendment.

(6) Electric signs. Electric signs shall be constructed in accordance with the "Standard for Electric Signs (U. L. 48) of Underwriters’ Laboratories, Inc." and bear the label of Underwriters' Laboratories, Inc.

(7) Painting required every three years. The owner of any sign regulated by this ordinance shall be required to have properly painted at least every three (3) years all parts and supports of the said sign, unless the same are galvanized or otherwise treated to prevent rust.

(8) Wind pressure requirements. All freestanding signs shall be designed and constructed to withstand a wind pressure of not less than twenty (20) pounds per square foot of area.

(9) 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 ordinance, 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 (10) days after such notice, such sign or other advertising structure may be removed or altered to comply by 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 permit-
tee or owner who refuses to pay costs so assessed. The Building Inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

(10) 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 cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure or lot to which such sign is attached.

(11) No sign, whether illuminated or not, shall project into the line of vision of a motorist of an official traffic signal at a street intersection within one hundred fifty (150) feet of such signal from a moving lane of traffic, and no sign visible from the street shall contain the word “Danger” or “Stop” with the intent of stimulating street traffic or other official signs.

(12) No wall sign shall be attached to, or obstruct, any window, door, stairway or other opening intended for ingress or egress or for needed ventilation and light.

(13) No sign shall be attached to any tree, fence or utility pole.

(14) Removal of noneforming signs. All noneforming 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.
(15) 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 ordinance pertaining thereto, and shall be subject to prosecution according to § 135-34. 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 § 135-25C(1).

This ordinance shall take effect immediately upon publication, as provided by the Charter of the City of Saratoga Springs, N. Y.

[Adopted Sept. 13, 1966]


A. General.

(1) Except for the installation of driveways or minor operations designed to change existing land contour by not more than two (2) feet, no topsoil, sod, or earth shall be stripped, excavated or removed, for sale or any use, other than in connection with the excavation and grading necessary for the construction, alteration or addition to a building on the premises from which it is excavated.

(2) Any excavation or grading which adversely affects natural drainage or the structural safety of adjoining buildings is prohibited.

(3) Excavations shall not create conditions of objectionable noise or dust and shall not, otherwise, constitute a public hazard.
B. Excavations for construction.

(1) Excavation in connection with the construction of a building for which a building permit has been issued shall be permitted in any district.

(2) Any excavation must, at all times, be marked, covered or fenced to sufficiently protect public safety at all times during the operation.

C. Excavations for quarrying and soil mining.

(1) Excavations for the purpose of quarrying or soil mining for sand, gravel or other subsoils shall be allowed only upon issuance of a special permit and subject to the following conditions:

(a) Upon application for a special permit, the applicant shall submit to the Planning Board and the Zoning Board of Appeals two (2) copies of a certified map, at a scale of one (1) inch equals one hundred (100) feet, showing the land in question and all pertinent information which is deemed necessary by the Boards for their evaluations.

(b) The applicant shall also submit certified at the above scale, a map showing the proposed plan of excavation, the proposed drainage plan and the proposed finished elevations at contour intervals of two feet. The proposed finished grading plan shall show the land to be smooth-graded and respread with topsoil to a depth of four (4) inches and the slopes shall not exceed the normal angle of repose for the material removed.

(c) Coincident with the issuance of a permit, the applicant shall be required to furnish a performance bond of the same time duration as the special permit, in an amount determined by the Building Inspector to be sufficient to guar-
antee the completion of the finished grading. The Building Inspector shall release said bonds only upon his certification that the final grading and drainage plans have been complied with.

(d) No special permit for excavations shall be granted for more than two (2) years, but such permit may be extended for additional periods of two (2) years.

(e) Upon approval and the payment of a fee of twenty-five dollars ($25.), the City Clerk shall return one (1) copy of the approved maps and the special permit to the applicant.

§ 135-27. Unsafe structures.

When a building or structure, or portion thereof, has been declared unsafe by a proper authority, the Building Inspector shall file notice of such declaration, including the reasons thereof, with the owner, superintendent, lessee, tenant or other person who is directly or indirectly in charge of said property or building thereon. Following such notice, the following conditions must be met:

A. The public must be protected from injury due to such unsafe conditions by a fence, barricade or other means within seven (7) days from such time of notice.

B. The building must be restored to a safe condition, or completely dismantled within ninety (90) days from time of notice. If in any case where reconstruction, or repair cannot be completed within the ninety (90) days allowed, the Building Inspector, for good cause shown, may grant one (1) or more extensions of time, not exceeding a total of six (6) months.
§ 135-28. Standards for activities or condition of obnoxious or injurious nature, in all districts.

A. No vibration, odor or glare shall be evident at the lot line.

B. The emission of smoke, dust, or fly ash harmful to persons, animals or plants shall be prohibited.*

C. The storage or use of materials creating undue hazard of fire or explosion shall be prohibited.

D. The disposal of materials into present or future disposal systems, causing harm to the system or contamination of ground water shall be prohibited.

§ 135-28.1 Gasoline filling stations. [Added 7-7-71]

In any district where permitted, a gasoline filling station shall be subject to the following regulations:

A. The area for use by motor vehicles, except access drives thereto, as well as any structures, shall not encroach on any required yard area.

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.

C. No gasoline filling station property line shall be within two hundred (200) feet of a school, public library, theater, place of worship, or other public gathering place, 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. Doors to service area shall not face fronting streets.

E. Side and rear yards shall be paved or planted with trees and shrubs. At least a ten-foot-wide strip along fronting

*Editor's Note: See also Chapter 103, Soft Coal Burning.
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 nor used cars shall be sold at a gasoline filling station.

§ 135-29. Nonconforming buildings and uses.

A. Existing nonconforming buildings and uses. The lawful use of any building or land existing at the time of the enactment of this chapter may be continued although such use does not conform to the provisions of this chapter subject to the limitations set forth below:

(1) 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.

(2) Alterations. A nonconforming building may not be renovated or structurally altered during its life to an extent exceeding in aggregate cost fifty percent (50%) of the full assessed value of the building unless said building is changed to a conforming use.

(3) Extension. A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of this chapter shall not be deemed the extension of such nonconforming use.

(4) Discontinuance. Whenever a nonconforming use has been discontinued for a period of one (1) year, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this chapter.
(5) Changes in use. Once changed in use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to a use of the same or higher classification, and such use thereafter shall not be changed to a lower classification.

(6) Displacement. No nonconforming use shall be extended to displace a conforming use.

(7) 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.

(8) Removal or reconstruction of damaged buildings. No building or nonconforming use damaged by fire or natural causes to the extent of more than seventy-five percent (75%) of its full assessed value shall be repaired or rebuilt for such use; that is, any reconstruction must be in conformity with the regulations of this chapter.
ARTICLE VI
Administration and Enforcement


The Commissioner of Public Safety shall appoint a Building Inspector, who shall be charged with the general and executive administration of this chapter. The City Council shall fix the salary or remuneration of such officer and shall provide for the payment thereof. The duties of the inspector shall be as follows:

A. To enforce all provisions of this chapter and all rules, conditions and requirements adopted or specified pursuant thereto.

B. To act promptly on all applications for building permits and certificates of occupancy.

C. 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 to be open to public inspection.

D. 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.

E. To file a report with the Commissioner of Public Safety at quarterly intervals, summarized for the period since the last 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.

The said inspector or his duly authorized assistants shall have the right to enter any building or enter upon any land at any reasonable hour in the course of their duties.

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A. No building or structure shall be erected, added to, or structurally altered until a permit therefor has been issued by the Building Inspector. Except upon a written order of the 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 in duplicate on an appropriate form stating the proposed work, use, occupancy and cost. The application for a permit shall be accompanied by two (2) copies 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, Board of Appeals, County 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.

C. Approval:

(1) The Building Inspector, upon determining that the proposed work, use and occupancy are in compliance with this chapter, the Building Code 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 Board of Appeals excepting the applicant from compliance with such provisions shall be deemed sufficient to allow the issuance of a building permit. With the building permit the Building Inspector shall return one (1) copy of all plans and the application marked as approved.

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 and return one (1) copy of said application and plans marked as disapproved, with a statement of reasons for such disapproval.

E. Fees. [Amended 11-7-66 by Ord. No. 596] Every application for a building permit shall be accompanied by a fee as determined by the following schedule:

(1) New residential construction ......................... $60 each family unit.

(2) Alteration or addition to an existing residential building, exceeding $500. ......................... $15.

(3) Accessory buildings in Residential Districts (garages)
    1-car ............................................. $10.
    2-car ............................................. $20.
    3-car ............................................. $30.

(4) New commercial or industrial buildings and/or alterations to existing structures ......................... $50. plus $25. for each $10,000. of true value.

(5) New charitable, religious or educational buildings and/or alterations to existing structures ........ $50. plus $5. for each $10,000. of true value.

(6) New siding [Repealed 4-3-72]

(7) Private swimming pools ......................... $20.

F. Validity. Each building permit issued shall remain valid for a period of one (1) calendar year following the date of issuance. Prior to expiration of a permit, the applicant may
apply for an extension of the original permit; such extension shall be for a reasonable time as determined by the Building Inspector.

G. Rescission. The Building Inspector, for just cause, may rescind a building permit which he had issued. He shall notify the applicant in writing of his reasons for such rescission.

§ 135-32. Certificates of occupancy.

A. Application.

(1) All persons desiring permission for any of the following shall apply to the Building Inspector for a certificate of occupancy:

(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 in duplicate 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. The Building Inspector shall issue a certificate of occupancy for any of the reasons stated in Subsection A, after determining by inspection:

(1) That the premises comply with the conditions under which the building permit was issued, or
(2) That such occupancy will be in compliance with this chapter and all other applicable ordinances, codes and regulations.

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, he shall return one (1) copy of the application marked as disapproved with a statement of the reasons for such disapproval.

D. Validity. A certificate of occupancy 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, may rescind a certificate of occupancy 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 under such rules and conditions as the Board of Appeals may establish. Such a certificate shall be valid for a period of not more than thirty (30) days. Extensions for not more than thirty (30) days each may be issued.

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 determined by the following schedule:

(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 .......... $10.

(3) Temporary certificates and for each extension .. $10.

(4) Additional copies for any certificate ...... $2.

13539 12-25-71
§ 135-33. Board of Appeals.

A. There is hereby established a Board of Appeals pursuant to provisions of the General City Law. Such Board shall consist of six (6) members appointed by the Mayor. The City Council shall have the power to remove any member of the Board of Appeals for just cause and after public hearing.

B. Terms. The terms of the six (6) members of the Board of Appeals shall be by appointment as follows: Two (2) members for a term of one (1) year; two (2) members for a term of two (2) years; two (2) members for a term of three (3) years. The term of office of the successors of such members shall be for three-year terms. [Amended 1-18-71]

C. Chairman and bylaws. The Board shall elect its own chairman from among themselves and shall prescribe such written rules of procedure, bylaws and forms as it may deem necessary for the proper execution of their duties. Such rules, bylaws and forms shall be submitted to the City Council for approval and filing for public view. The City Council shall move to approve, reject or modify the same within thirty (30) days after submission. Failure of the City Council to so move shall be construed to constitute approval of such rules, bylaws and forms.

D. Staff and expenditures. The Board of Appeals shall employ a secretary, whose duty it shall be to keep the minutes of meetings, receive applications and appeals and to assist in any other manner as may be necessary. Other assistance and expense may be authorized provided the expenses do not exceed any appropriation then available for such purpose.

E. Powers and duties. The Board of Appeals shall have all the powers and duties prescribed by law and by this chapter, which are more completely prescribed as follows:

(1) Interpretation.

(a) Upon proper request, the Board of Appeals shall decide any question involving the interpretation of any provision of this chapter, including

*Editor's Note: See Board of Appeals Rules and Regulations, in Appendix, Part I.
determination of the exact location of any district boundary.

(b) Every request for interpretation shall be made in the form and manner specified by the rules for such procedure adopted by the Board of Appeals. Said request shall set forth the exact interpretation which is claimed or sought.

(2) Special permits.

(a) Application and issuance. On application and after public notice and hearing, the Board of Appeals may authorize issuance of a special permit for any use for which this chapter requires such a permit. No special permit shall be authorized unless the Board of Appeals finds that the proposed use or uses will not be injurious to the neighborhood or otherwise detrimental to the public welfare. To insure this fact, the Board shall impose any conditions it deems necessary or desirable. See also § 135-9.

(b) Referral to planning board. At least thirty (30) days before the date of public hearing held in connection with an application for a special permit, the Board of Appeals shall submit a copy of the application, copies of all maps and other information relative to the case to the Planning Board for its advisory opinions. The Planning Board shall submit its advisory report prior to the public hearing; failure to do so shall be construed a favorable opinion for the granting of the special permit. [Amended by Ordinance No. 529, 2-4-63.]

(c) Types of special permits. The Board of Appeals, as a condition of granting any special permit, may specify its term of validity. Three (3) types of permits allowed are described as follows:

(1c) Permanent — allows a specific use to continue indefinitely until the specific use ceases for any reason for a period of six (6) months.
(2c) Temporary — provides that the use shall be discontinued at a given date. This type shall not be extendable.

(3c) Renewable — provides that the permit be renewed or extended periodically.

(d) Fee. Each original application to the Board of Appeals for a special permit shall be accompanied by a fee of ten dollars ($10.).

(3) Variances on application and after public notice and hearing.

(a) Criteria for granting a variance. The Board of Appeals shall have the power to vary or adapt the strict application of any of the requirements of the chapter, in the case of extraordinary physical conditions, whereby such strict application would result in unnecessary hardship that would deprive the owner of reasonable use of the land or building, but in no other case. A variance in the chapter shall be granted by the Board of Appeals only if it finds:

(1a) There are special conditions, described in the findings of the Board applying to the case in question and not generally to the neighborhood, and that said conditions are such that strict application of the provisions of this chapter would deprive the owner of reasonable use of such land or buildings, and

(2a) 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

(3a) 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.

In no case shall reasons of additional financial gain on the part of the owner of the
buildings or land be considered as grounds for granting a variance.

(b) Conditions. The Board of Appeals, in granting any variance, shall prescribe any conditions that it deems to be necessary or desirable.

(c) 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.

(d) Fee. Each application to the Board of Appeals for a variance of this chapter shall be accompanied by a fee of ten dollars ($10.).

(e) Review. The Board of Appeals shall have the option to request the Planning Board to review a request for a variance. [Added 7-7-71]

(4) Appeals.

(a) Application. All appeals shall be made in the form and manner prescribed in the rules of procedure adopted by the Board of Appeals. Every appeal or application shall refer to the specific provision of the chapter involved, the decision, requirement, act or failure to act of the Building Inspector, as the case may be.

(b) Decisions. Every decision of the 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, by case number, and under appropriate headings, together with all other documents pertaining thereto.

The 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 Board of Appeals shall be
necessary to affirm any appeal upon which the Board is required to pass.

(c) 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 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.

(d) Restraining order. The 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.
§ 135-33.1. Board of Architectural Review.
[Added 12-18-67 by Ord. No. 623]

A. Findings of fact. 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, conserve the value of buildings and encourage the most appropriate use of land within the following designated areas:

(1) Beginning at the intersection of North Broadway and the Town of Greenfield line, and extending to the rear lot line of the property, facing Broadway, or one hundred (100) feet, whichever is greater, and extending southward along Broadway and Route 9 to Kaydeross Creek on the south.

(2) The area bounded by a line one hundred (100) feet south of the intersection of Broadway and Circular Street, running thence east and north along the alignment of Circular Street to the intersection of Circu-
lar and Spring Streets, running west along Spring Street to Broadway. This area to include Congress Park and Hathorn Spring.

(3) That area bounded by the rear lot line of the property facing Union Avenue on both the north and south side of the streets from the intersection of Union Avenue and Circular Street, running east to the Northway.

(4) The area known as Franklin Square, bounded by Walworth Street on the west, the old railroad bed on the east and Cherry Street on the south and a line parallel to Division Street, one hundred fifty (150) feet north of Division Street.

B. Board of Architectural Review; creation and organization. There is hereby created a Board of Architectural Review which shall consist of six (6) members who shall serve without compensation, and who shall be specially qualified by reason of training or experience in art, architecture, community planning, land development, real estate, landscape architecture or other relevant business or profession, or by reason of civic interest and sound judgment to judge of the effects of a proposed building upon the desirability, property values and development of surrounding areas, and at least one (1) member of such Board shall be a registered architect in the State of New York. The members of the Board shall be appointed and the Chairman thereof shall be designated by the Mayor, and approved by the City Council. The term of office of each member shall be three (3) years, except that the initial appointments of two (2) members shall be for one (1) year, of two (2) members for two (2) years, and of two (2) members for three (3) years. The Mayor shall have the power to remove any member for cause after public hearing. Vacancies shall be filled for the unexpired term of any member whose place has become vacant. It shall be the duty of the Building Inspector to refer to the
Board plans for any building for which a permit is sought and which requires such reference in conformity with the purposes set forth in Subsection A above. Meetings of the Board of Architectural Review shall be held at such times as the Chairman of the Board may determine for the purpose of acting on any application for building permits referred to them as hereinafter required. The Chairman, or, in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. Four (4) members of said Board shall constitute a quorum for the transaction of business. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. The Board shall have power from time to time to adopt, amend and repeal rules and regulations not consistent with law or the provisions of this section, governing its procedure and the transaction of its business, and for the purpose of carrying into effect the standards outlined in Subsection C hereof.

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

(1) Excessive similarity to any other structure existing or for which a permit has been issued or to any other
structure included in the same permit application, facing upon the same street and within two hundred fifty (250) feet of the proposed site, in respect to one (1) or more of the following features of exterior design and appearance:

(a) Apparently identical facade.

(b) Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the facade facing the street, including reverse arrangement, or

(c) Other significant identical features of design, provided that a finding of excessive similarity shall state not only that such excessive similarity exists, but further that it is of such a nature as to be expected to provoke beyond a reasonable doubt one (1) or more of the harmful effects set forth in Subsection A above, or

(2) Excessive dissimilarity or inappropriateness in relation to any other structure existing or for which a permit has been issued, or to any other structure included in the same permit application facing upon the same street and within two hundred fifty (250) feet of the proposed site in respect to one (1) or more of the following features:

(a) Cubical contents.

(b) Gross floor area.

(c) Height of building or height of roof.

(d) Other significant design features such as material or quality of architectural design.

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 beyond a reasonable doubt one (1) or more of the harmful effects set forth in Subsection A hereof, and that the finding is not based on personal preference as to taste or choice of architectural style.

D. Consulting committee of Board. Prior to any such finding, the Board shall afford reasonable opportunity to the applicant to confer with a standing committee of the Board upon the status of his application, and the nature of any corrective measures or improvements in design deemed by the committee to be essential to secure the approval of the Board. For this purpose the Chairman of the Board shall at the organization meeting of the Board appoint a consulting committee of three (3) members, whose membership shall rotate so far as may be practicable in such manner as to retire one (1) committee member and appoint one (1) new committee member each month. Such consulting committee shall, as speedily as possible after a building plan is referred to the Board by the Building Inspector, as hereinbefore provided, meet with the Building Inspector, review such plans, determine what features of excessive similarity or dissimilarity with respect to other buildings, as specified in Subsection C hereof, appear to exist in such plans, and whether they are of such character as to warrant the reasonable belief that the Board of Architectural Review, in compliance with Subsection C hereof, may disapprove the issuance of a building permit. If two (2) members of the committee shall conclude, it shall invite the applicant owner to meet with the committee, accompanied by his architect, builder and attorney or any of them, to confer as to possible modification in such plans as in the opinion of the committee will tend to increase the prospect of their approval by the Board of Architectural Review. The report of the committee as to the conclusions of its members and the nature and results of any conference with the applicant shall be transmitted to the Board, together with the original plans and any revisions thereof completed or as-
sented to in writing by the applicant, and the Board shall
thereupon approve, modify and approve, or disapprove
such plan and application.

E. Demolition permit. For purposes of this section, an ap-
lication to the Building Inspector for a demolition per-
mit shall be considered as an application for a building
permit.

F. Effect of Board action. The Building Inspector shall re-
fuse any permit application disapproved by the Board
provided in Subsection D above. He may approve any
application conditionally approved by the Board as soon
as the conditions specified in such conditional approval
have been fulfilled. If the Board 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 Inspec-
tor shall forthwith issue the permit applied for. He shall
likewise issue the permit as applied for in the ease of any
building-permit application referred to such Board and
on which such Board has failed to act within thirty (30)
days of such reference by him.

G. Appeal to Zoning Board of Appeals. Any person aggrieved
by the action of the Board of Architectural Review in dis-
approving a building permit application and of the Build-
ing Inspector in denying such permit because of such
disapproval may take an appeal therefrom to the duly
constituted Board of Appeals, in the same manner as is
provided for zoning appeals, and such Board of Appeals
after proceeding in the same manner as is provided for
zoning appeals and with the same power and authority
therein vested in passing upon appeals before it under
the provisions of law and this ordinance, and in the ex-
ercise thereof may reverse or affirm or modify and affirm
the action of the Board of Architectural Review and of
the Building Inspector.
H. Consultation with Planning Board. Upon request of the Planning Board, the Board of Architectural Review 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 ordinance.

§ 135-34. Violations.

A. Notice of violation.

(1) Whenever, in the opinion of the Building Inspector and after proper investigation, there appears to exist
a violation of any provision of this chapter, or of any rule or regulation pursuant thereto, said officer shall serve a written notice of violation upon the appropriate person responsible for such alleged violation.

(2) Such notice of violation shall include the following:

(a) The nature and details of the violation;

(b) The recommended action, which, if taken, will remedy the situation and effect compliance with the provisions of chapter or with rules and regulations pursuant, thereto.

(c) The compliance date by which the violation must be remedied or removed; and

(d) Notification of the right to a hearing before the Building Inspector in accordance with § 135-34F.

B. Compliance date extension. The specified date of compliance may be extended if, in the opinion of the Building Inspector, there is reasonable evidence of intent to comply and if unusual conditions prevent compliance by said specified date.

C. Certificate of compliance. Upon reinspection following the date of compliance as specified in the notice of violation, if the violation has been remedied or removed and there is no longer a violation of this chapter, or any rules and regulations pursuant thereto, then the Building Inspector shall issue a certificate of compliance.

D. Complaints of violations. Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Building Inspector, who shall properly record such complaint and report thereon to the Board of Appeals.

E. Emergency action: If a violation exists, in the opinion of the Building Inspector, which requires immediate remedial action to remove a direct hazard or imminent danger
to persons or property, said Officer may take action on his own initiative to abate the hazard or danger. Any costs so incurred shall be paid for by the person responsible for such violation.

The Building Inspector shall keep on file an affidavit stating accurately the items of expense incurred and the date of execution of the action taken, and shall be authorized to institute suit, if necessary, against the responsible party, or to place a lien on his property, for the purpose of recovering such costs.

F. Hearings:

(1) Request for hearing. Any person served with a Notice of Violation in accordance with § 135-34A of this chapter and who denies the alleged violation or is otherwise aggrieved by the required action necessary for compliance, may within ten (10) days after service of such notice, file a written request for a hearing with the Building Inspector stating the reasons for his request.

(2) Time of hearing. The Building Inspector shall, within ten (10) days after receipt of a request for a hearing, acknowledge said request in writing and set a time and place for the hearing not later than fifteen (15) days after the receipt of said request. Hearings may be postponed beyond fifteen (15) days by the Building Inspector, for just cause, and upon service of a notice for such postponement.

G. Testimony and findings. The person requesting the hearing shall be required to give evidence why he should not be required to remedy the violation or show cause why he is unable to comply with the remedial action set forth in the Notice of Violation. After consideration of all testimony given at the time of hearing, the Building Inspector shall sustain, amend or withdraw the Notice of Violation as originally served. If the Notice is sus-
tained or amended he shall set a new compliance date by which the violation shall be remedied or removed in accordance with the original or amended Notice.

H. Legal action for noncompliance by the city.

Upon reinspection following the date of compliance as specified in the Notice of Violation or as extended in accordance with § 135-34B, if the violation has not been remedied or removed as specified and there is still in existence a violation of this chapter in the opinion of the Building Inspector, then said officer shall immediately notify the City Attorney, who shall thereupon institute appropriate legal action to restrain, prevent, remedy or remove such violation and to compel compliance with this chapter.

I. Penalties.

(a) Any person who shall violate, cause to be violated or assist in the violation of any of the provisions of this chapter shall be subject to conviction by a proper court. He shall also be subject to a fine not exceeding fifty dollars ($50), or by imprisonment for a period not exceeding ten (10) days, or by both such fine and imprisonment for each and every violation. The issuance of a Notice of Violation shall signify the existence of a single violation and every day the violation exists beyond the date of compliance, or extension thereof, shall constitute a separate additional violation.

(2) Penalty for failure to apply for building permit or certificate of occupancy. Any person who proceeds to construct, add to, alter, move or demolish a building or part thereof, who subsequently proceeds to occupy said building, land or parts thereof, without first applying for and obtaining the necessary permits, shall be considered in violation of a section or sections of this chapter and shall be subject to prosecution according to § 135-34H. Further, he shall be required, upon receipt of a written notice from a Building Inspector, to file application for the necessary permit or permits and shall be required to pay any fees as
specified in § 135-31E. The Building Inspector shall then inspect the building or land involved and shall issue a certificate of occupancy (§ 135-32) or a Notice of Violation (§ 135-34).

ARTICLE VII
Amendments

§ 135-35. Amendments by the City Council.

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.

§ 135-36. Advisory report by Planning Board.

A. Any such proposed change in the text or zoning district boundary shall be submitted to the Planning Board at least thirty (30) days prior to publishing the newspaper notice of public hearing. [Amended 7-7-71]

B. 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.

C. 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.

§ 135-37. Notice and hearing.

A. 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.

B. Public hearing. No change of the Zoning Chapter text or Map shall be effective until a hearing has been held and the public has had occasion to be heard.

C. Written notice. [Amended 7-7-71]

(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 CPLR.

(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.

§ 135-38. Publication, posting and effective date.

A. Publication and posting.

Every zoning ordinance, every amendment thereto, and every map incorporated therein, adopted in accordance with 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.

B. Effective date.

(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 Charter.


A. 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; or

(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.

B. Vote requirements. No protested amendment or revision shall become effective unless three-quarters (3/4) of the members of the City Council vote favorably on such amendment or revision.

§ 135-40. Fee.

Every petition for an amendment or revision to this chapter shall be accompanied by a fee of twenty-five dollars ($25.), 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.

ARTICLE VIII
Miscellaneous

§ 135-41. 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 restriction, the most restrictive, or that imposing the higher standards, shall govern.

§ 135-42. Short title.

This chapter shall be known and may be cited as “The City of Saratoga Springs Zoning Chapter.”
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| R-S Residence Seasonal | 1. Site plan review for all uses | 1. Private garages |
|                       | 2. Camping trailers and campsites     |                     |
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| R-1 Single Family Residence | 1. Single family residences | 1. Private garages |
|                            |                             |                     |

| R-2 Single Family Residence | 1. Same as R-1 | 1. Same as R-1 |
|                            |               |               |

| R-3 Two-Family Residence | 1. Same as R-1 | 1. Same as R-1 |
|                         |               |               |

| R-4 Multi-Family Residence | 1. Site plan review for all uses | 1. Private garages |
|                           | 2. Apartments; garden apartments | 2. Residential recreation |
|                           | 3. Row houses                     |                           |
|                           | 4. Town houses                    |                           |

1. Laundry, bathing, convenience goods retailing facilities for the primary use of the site occupants

1. Home occupation in compliance
2. Public & private schools
3. Parks and playgrounds
4. Residential recreation facilities

1. Same as R-1
2. Professional offices; fraternal lodges
3. Tourist homes, rooming houses; funeral homes

1. Professional offices
2. Public and private schools; parks and playgrounds; dormitories and offices for institutions of higher learning
3. Hospitals; nursing homes

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<table>
<thead>
<tr>
<th>District</th>
<th>Permitted Principal use</th>
<th>Accessory Use</th>
<th>Permissable upon site plan review &amp; approval &amp; upon issuance of a special permit</th>
</tr>
</thead>
</table>
| B-1  Central Business | 1. Nondrive-in retail stores and personal service shops; restaurants; banks, business and professional offices; theaters and assembly halls; hotels and motels  
2. Places of worship  
3. Professional offices  
4. Fraternal buildings  
5. Office buildings  
6. Public transportation terminals | 1. None | 1. Commercial and/or public recreation buildings  
2. Any governmental use  
3. Convention buildings  
4. Public parking facilities |
| B-2  Planned Business | 1. All uses permitted in B-1  
2. Motels and hotels  
3. Restaurants  
4. Neighborhood businesses | 1. None | 1. All uses permitted in B-1  
2. Automobile salesrooms  
3. Drive-in facilities, including gasoline service stations |
| B-3  Planned Business | 1. All uses permitted in B-1 and in B-2 | 1. None | 1. All uses in B-1 and B-2  
2. Used car sales  
3. Auto repairs  
4. Car washes; Roadside eating places |
| I-1  Light Industry | 1. Commercial laundries  
2. Research laboratories  
3. Weaving & clothing manufacturer  
4. Warehousing and storage  
5. Public utilities facilities  
6. Printing and publishing  
7. Manufacture & assembly plants  
8. Wholesaling with storage | 1. Warehousing and storage  
2. Any customary use incident to a permitted use | 1. Breweries  
2. Building material processing  
3. Animal matter processing  
4. Petroleum processing  
5. Chemical processing  
6. Blast furnaces  
7. Wholesale and retail feed and grain stores  
8. Lumber and building supplies |
| I-2  Planned Industrial | 1. Research laboratories  
2. Light and heavy manufacture and assembly plants  
3. Transportation terminals | 1. Any customary use incident to a permitted use, including railroad, trucking and storage facilities; repair shops | 1. All uses permitted in I-1  
2. Extractive operations  
3. Mining |
### District Regulation Schedule Area and Bulk Schedule—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 (In Ft.)</th>
<th>Principal Buildings</th>
<th>Accessory Building Minimum Distance to</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Width</td>
<td>Principal Building</td>
<td>Accessory Building</td>
<td>Front</td>
<td>Rear</td>
</tr>
<tr>
<td>C: **** Conservancy</td>
<td>2 acres</td>
<td>200</td>
<td>60</td>
<td>150</td>
<td>30</td>
</tr>
<tr>
<td>R-S Residence Seasonal</td>
<td>10 acres</td>
<td>500</td>
<td>125</td>
<td>150</td>
<td>75</td>
</tr>
<tr>
<td>R-1 Single Family Res.</td>
<td>Sq. Ft. *12,500</td>
<td>100</td>
<td>20</td>
<td>8</td>
<td>30</td>
</tr>
<tr>
<td>R-2 Single Family Res.</td>
<td>Sq. Ft. 6,600</td>
<td>60</td>
<td>30</td>
<td>10</td>
<td>25</td>
</tr>
<tr>
<td>R-3 Two Family Res.</td>
<td>Sq. Ft. **8,000</td>
<td>80</td>
<td>30</td>
<td>10</td>
<td>25</td>
</tr>
<tr>
<td>R-4 Multi Family Res.</td>
<td>***160</td>
<td>Total</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
</tbody>
</table>

*15,000 sq. ft. per dwelling unit without central water supply
20,000 sq. ft. per dwelling unit without central water supply and sanitary sewers
**Same as R-2 for single family residence
***Same as R-2 for single family residence
****When a central water system and central sanitary sewer system are available the minimum lot size for single family residence shall be as indicated for R-1
## DISTRICT REGULATION SCHEDULE AREA AND BULK SCHEDULE—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 (In Ft.)</th>
<th>Principal Buildings</th>
<th>Accessory Building</th>
<th>Minimum Distance to</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area (Ft.)</td>
<td>Principal Building (Ft.)</td>
<td>Accessory Building (Ft.)</td>
<td>Front</td>
<td>Rear</td>
<td>One Side</td>
</tr>
<tr>
<td>B-1 Central Business</td>
<td>1,500</td>
<td>30</td>
<td>Non per.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B-2 Planned Business</td>
<td>10,000</td>
<td>100</td>
<td>30</td>
<td>Non per.</td>
<td>40</td>
<td>25</td>
</tr>
<tr>
<td>B-3 Planned Business</td>
<td>40,000</td>
<td>200</td>
<td>25</td>
<td>Non per.</td>
<td>80</td>
<td>25</td>
</tr>
<tr>
<td>I-1 Light Industry</td>
<td>20,000</td>
<td>100</td>
<td>40</td>
<td>10</td>
<td>40</td>
<td>30</td>
</tr>
<tr>
<td>I-2 Planned Industry</td>
<td>40,000</td>
<td>200</td>
<td>40</td>
<td>10</td>
<td>40</td>
<td>30</td>
</tr>
</tbody>
</table>

* If lot abuts a residential district the rear yard shall be 50 feet. A fence and a 25 feet densely planted landscape buffer strip shall be established and maintained along the property line.

** If lot abuts a residential district the abutting side yard shall be 40 feet. A fence and a 25 feet densely planted landscape buffer strip shall be established and maintained along the property line.

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