



UNIFIED DEVELOPMENT ORDINANCE

CITY OF SARATOGA SPRINGS, NY

**80% DRAFT PROGRESS SUBMISSION
SEPTEMBER 15, 2017**



TEMP PAGE: DRAFT UDO LEGEND

A Visual Guide to the Draft UDO Edits

The draft UDO documents being published for review include specific formatting which is intended to help everyone understand the edits being proposed, as follows:

Existing Text Unchanged. Black text shown like this indicates existing city code language which is currently proposed to be kept "as is" without edits. It may have been relocated to a different section or chapter, but the text remains the same.

This is sample text used to illustrate what the text would look like in the proposed new ordinance. This is sample text used to illustrate what the text would look like in the proposed new ordinance. This is sample text used to illustrate what the text would look like in the proposed new ordinance.

Existing Text Deleted. Red strikeout text shown like this indicates existing city code language which is currently proposed to be removed.

~~This is sample text used to illustrate what the text would look like in the proposed new ordinance. This is sample text used to illustrate what the text would look like in the proposed new ordinance. This is sample text used to illustrate what the text would look like in the proposed new ordinance.~~

New Text Added. Green underline text shown like this indicates new language which is currently proposed to be added to the code.

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Temporary Text. Purple text shown like this indicates temporary text (such as "## Note: editor's notes") or cross-references (See Article 0.0.0) which will need to be changed at a later date when the code is finalized.

This is sample text used to illustrate what the text would look like in the proposed new ordinance. This is sample text used to illustrate what the text would look like in the proposed new ordinance. This is sample text used to illustrate what the text would look like in the proposed new ordinance.

Updated Text. Text with a very light blue background shown like this indicates that this paragraph has been updated/changed since the 50% draft was published. This feature was requested so that people could more easily find areas had been changed without comparing back and forth. Note that minor or incidental edits are not highlighted in this manner. It is not intended to highlight every instance of edits.

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TEMP PAGE: Use Schedule Notations

Bakery, retail
Bakery, wholesale
Barns and Stables ⁰⁰⁵
Bathhouse / Health Spa
Bottling Plant ⁰⁰⁶

Please Note: The draft Article 2 Use Schedule for "Mixed Use Districts" includes 3-digit red numbered codes for many uses. These codes are editors' notes, and correspond as follows:

- 003 Use category added to differentiate Drive-Ins from other types of drive ins.
- 004 Use category added to differentiate Drive-In banking institutions from other types of drive ins. Made as a Special Use Permit
- 005 Use category added to differentiate Drive-In Pharmacies from other types of drive ins. Made as a Special Use Permit
- 006 The existing zoning for the T-6, T-5 and T-4 districts states that ALL USES, except those listed as "permitted accessory uses and structures" and those listed as "prohibited uses", may be allowed with special use permit and site plan review. These uses listed with this numeric code are not found in either category, and therefore it would reasonably be interpreted that they would technically be allowed as stated. For this reason, they are shown as currently allowed in the use schedule, even if they may not seem appropriate.
- 007 Group Entertainment is listed as both "Permitted with Site Plan Approval" and "Permitted with SUP and Site Plan Approval" within the HGB district. It is not known which one is correct. Need to clarify.
- 008 "Sales and Maintenance" appears only once in the existing use schedule within the IND-L district, and could be considered for rolling into another use category. It is not clear what this use is.
- 009 In the WD and IND-L Districts, "Administrative Offices" are listed as permitted with site plan review and SUP. It is assumed that this is different and distinct from "Offices". Instead of making a new use category for Administrative Offices, it is recommended that this instead be listed as an "Office" which is Accessory Use, and has been indicated that way on the use schedule
- 010 Telecommunications Facility - it is assumed that this is the same thing as "TV/Radio & Receiving Broadcast", which is only listed for the IND-L district. This should be clarified, and possibly combined with "Telecommunications Tower"
- 011 "Real Estate Office" - should consider if there is any reason this cant be combined into "Office".

Credits

This project was funded in part by the New York State Energy Research and Development Authority



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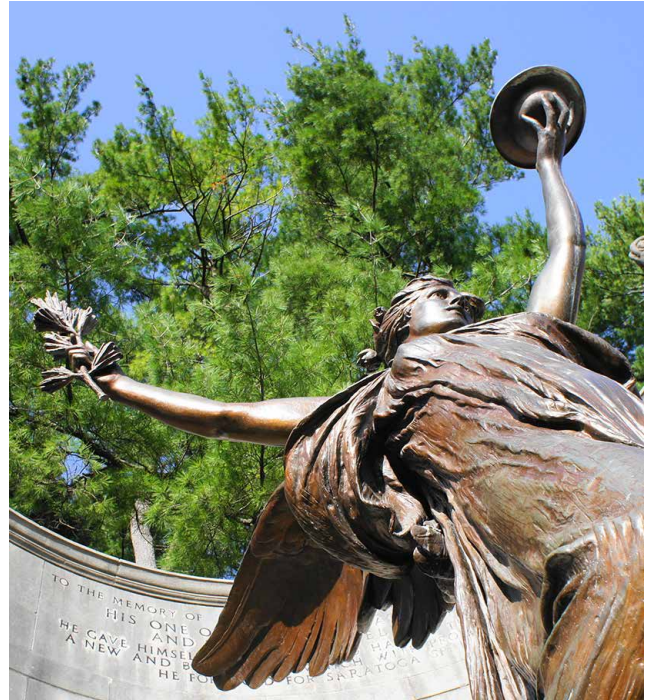
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FOREWORD

This Unified Development Ordinance (UDO) represents the continued efforts of Saratoga Springs to effectively plan for the future by establishing a blueprint that clearly and proactively coordinates future development while raising the bar on sustainability. This ordinance was designed to coordinate many regulatory codes and combine them in a more user-friendly document which implements the community's vision and enhanced sustainability goals described in our Comprehensive Plan. Specifically, this ordinance combines and reorganizes several former chapters of the city code, including Chapter 240: Zoning Ordinance, Chapter 241: Subdivision Regulations, and Chapter 242: Stormwater Management in addition to edits and coordination with other city code chapters.

It is our hope that this improved document will help to implement this vision for the City of Saratoga Springs and to protect and improve the health, safety and welfare for all citizens of Saratoga Springs for generations to come.



Vision Statement – 2015 Comprehensive Plan

"Saratoga Springs is the "City-in-the-Country." This concept reflects a city with an intensively developed urban core and an economically vibrant central business district, with well defined urban edges and an outlying area of rural character, comprised of agriculture, open lands, natural and diverse environmental resources, and low density residential development. The overriding philosophy that will guide future development of our "City in the Country" will be sustainability. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development makes investments that yield long-term benefits for our community. Sustainable development enhances economic opportunity and community well-being while protecting the human and natural resources, upon which the future of our economy and our community depend.

Recognized for its commitment to history, health and horses, the City is a small, livable community with a strong sense of pride, family, and volunteerism. The City's vibrant, walkable core, stable neighborhoods and high level of mobility support regional economic growth and ensure its position as a world class destination for entertainment, education, and cultural activities."

Review & Approvals Reference Chart

This reference table is provided for the convenience of the user and provides basic information on commonly-requested permits and approvals. It does not include all permits or approvals which may be required for every project per city code. Some projects may need to also comply with the provisions of the New York State Environmental Quality Review Act (SEQRA) among other rules and regulations.

Approval or Permit Type	Overview	Review By	Decision By	Design Guidance (See Section)	Review and Approval Process (See Section)
Architectural Review	Consideration of architectural design aspects of a project	Zoning & Building Inspector	Design Review Board	2.4.3 / 4.6	5.7
Building Permit	Review for compliance with NYS building code		Building Inspector		5.17
Certificate of Occupancy	For use and occupancy of building		Building Inspector		5.18
Demolition Permit	To demolish an existing structure		Building Inspector		5.15
Demolition Permit in Landmark / Historic District	To demolish an existing structure if landmark or in historic district	Design Review Board	Building Inspector		5.15
Floodplain Development Permit	Land alteration or construction in a flood hazard area		Building Inspector		5.16
Historic District Review	Appropriateness with historic design standards	Zoning & Building Inspector	Design Review Commission	2.4.2	5.8
Land Disturbance Permit	Review of earthwork other land disturbance	Zoning & Building Inspector	Planning Board		5.10
Lot Line Adjustment	Modification of boundary lines of existing lots	Planning Office	Planning Board Chairperson		5.4.2
Planned Unit Development	Designation of an overlay zone for development under a master plan	Planning Board	City Council		7.2
State Environmental Quality Review Act (SEQRA)	Compliance with regulations related to environmental protection	All involved agencies	Lead Agency TBD (typically Planning Board)		
Sign Permit	Review dimensional and related aspects of signs		Building Inspector	4.11	5.12
Site Plan Review	Review site development plans	Planning Board & Other City Departments	Planning Board	4.6 / 4.7	5.6
EV / Solar Permit	Review for compliance with design and other requirements		Building Inspector	4.13	5.13
Special Use Permit	Special review of certain land uses	Planning Board	Planning Board		5.5
Stormwater Management Permit	Compliance with water quality protection requirements	Planning Board	Stormwater Management Officer	4.8	5.9
Subdivisions	Review new lots and related infrastructure improvements	Planning Board; other city departments	Planning Board	4.15	5.4
Tree Work / Removal Permit	Prior to cutting of trees along streets and other city property		Department of Public Works		5.14
Variance	Request for specific relief from requirements of the ordinance	Zoning Board of Appeals	Zoning Board of Appeals		6.1
Watercourse Activity Permit	Land disturbance and activities near waterways within the Watercourse Protection Overlay District.	Planning Board	Planning Board	2.4.9	5.11
Zoning Amendment	Legislative process to modify the ordinance	Planning Board	City Council		7.1

ARTICLE 1 INTRODUCTION

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1.1 GENERAL PROVISIONS

1.1.1 Title and Authority

This Chapter shall be known and may be cited as the "City of Saratoga Springs ~~Zoning Unified Development Ordinance~~" or "~~UDO~~" and is enacted pursuant to ~~Article 2A, Chapter 20, 24 and 25 of the General City Law~~ New York General City Law and New York State Municipal Home Rule Law.

~~The Planning Board of the City of Saratoga Springs has been established in accordance with Chapter 21 of the Consolidated Laws, Article 3, Laws of 1926, Chapter 690, amended by laws of 1929, Chapter 605, 1938, Chapter 205, 1944, Chapter 185.~~

~~The City Council, by ordinance passed May 17, 1946, did delegate to the Planning Board the authority to adopt rules and regulations with respect to procedure before it. The City Council, in accord with Article 3, Section 32 of the New York State General City Law, authorizes and empowers the City of Saratoga Springs Planning Board to approve preliminary and final subdivision plats. Such authority includes administrative actions of the Planning Board and/or Planning Board Chairperson. Enforcement of this chapter shall lie with the same officer charged with the duty of enforcing the City's Zoning Ordinance.~~

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the City Council of Saratoga Springs has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the City of Saratoga Springs and for the protection and enhancement of its physical environment, including but not limited to flood damage prevention, stormwater management, energy conservation, and the protection of water quality, street trees, urban forest and natural resources.

The City Council of Saratoga Springs may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law. ~~## Note: The above language is relocated from Statutory Authority from Chapter 242-2 Stormwater Management.~~

1.1.2 Consistency With Comprehensive Plan

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

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

1.1.3 Intent and Purposes

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

- A.** The regulations and district boundaries identified in this Chapter and upon the Zoning Map are made with the following additional purposes:
1. Facilitation of efficient, economical, and adequate provision of public utilities and services;
 2. Assurance of adequate sites for residential, agricultural, industrial, commercial and other appropriate uses;
 3. Provision of privacy for [families residents](#) and the maximum protection of residential areas;
 4. Prevention and reduction of traffic congestion so as to promote efficient and safe circulation of vehicles and pedestrians;
 5. Gradual elimination of nonconforming uses;
 6. Conservation of the taxable value of land and buildings while enhancing the appearance of the City of Saratoga Springs as a whole;
 7. Encouragement of flexibility in the design and development of land;

8. Protection of the general environment in compliance with the objectives of applicable Federal and State statutory and regulatory programs;
9. Protection of the natural resources of the community including but not limited to the protection of the water resources of the City;
10. Safeguarding the heritage of the City of Saratoga Springs by preserving districts and landmarks in the City which reflect elements of its cultural, social, economic, political, artistic and architectural history;
11. Promoting the use of historic districts and landmarks for the education, pleasure and welfare of the citizens of the City.

- B.** To guide public and private policy and action for the subdivision of land with the following additional purposes: [## Note: The following is relocated from the purpose section of Chapter 241 Subdivision Regulations.](#)
1. To provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
 2. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City of Saratoga Springs, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
 3. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and "monumenting" of subdivided land.
 4. To ensure that public services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the City will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development.

- 5. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the City of Saratoga Springs in order to preserve the integrity, stability, and beauty of the City and the value of the land.
 - 6. To preserve the natural beauty and topography of the City of Saratoga Springs and to ensure appropriate development with regard to these natural features.
 - 7. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in ~~the zoning ordinance of the City of Saratoga Springs~~ this Chapter.
 - 8. To ensure that land is subdivided only when subdivision is necessary to provide for uses of land for which market demand exists and which ~~area~~ are in the public interest.
 - 9. To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, scattered and low-grade subdivision.
- C.** To establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction. ~~by achieving the following objectives: ## Note: The objectives previously listed below have been deleted as they are duplicates of those listed in the Intent of Section 5.9.3.~~

1.1.4 Adoption of Zoning Map and Overlays

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

1.1.5 Applicability and Conformity

- A.** This Chapter applies to all land, uses and structures situated within the City of Saratoga Springs. This

Chapter and associated maps shall be kept in the Office of the City Clerk and shall be made available to the public.

- B.** No land shall be created, modified or used unless in a manner expressly permitted and in conformity with the regulations and district boundaries of this Chapter.
- C.** No structure shall be erected, moved, modified or used unless in a manner expressly permitted and in conformity with the regulations and district boundaries of this Chapter.
- D.** No person shall subdivide land in the City without first complying with these regulations and obtaining approval of the final plat for the proposed subdivision as evidenced by the endorsement of such plat and recording of the endorsed final plat in the office of the Saratoga County Clerk. ## Note: This paragraph and the following two paragraphs relate to the applicability of the subdivision regulations in the UDO.
- E.** Whenever any subdivision of land is proposed, before any permit for the erection of a permanent building in such proposed subdivision shall be granted, and before any subdivision plat may be filed in the office of the Saratoga County Clerk, the applicant shall apply for and secure approval of such proposed subdivision in accordance with the provisions of these regulations and other applicable provisions of law.
- F.** A determination of conformity is required from the zoning enforcement officer prior to the sale or building on lawfully non-conforming lot. Further, no person shall offer for sale or erect a building on a parcel of land described by deed or shown on a plat already filed in the office of the Saratoga County Clerk that has not been approved as a subdivision as set forth in these regulations unless such parcel has been determined by the zoning enforcement officer to be a legally pre-existing lot and, further that the land of such legally pre-existing lot has been determined by the Planning Board to be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety and welfare and that the street frontage of and proposed access to such lot meets the requirements for safe access, can safely

accommodate all expected vehicular and pedestrian traffic and that adequate water, sewer, drainage and other utilities are available directly from such street frontage and if not, that a plan acceptable to the city engineer and performance guarantee are provided prior to issuance of any approval of such lot by the Planning Board.

- G. The requirements of this chapter shall be applicable to all land disturbance activities as defined in this chapter. **## Note: This paragraph and the following two incorporates the applicability section of Chapter 242 Stormwater Management.**
- H. All land disturbance activities subject to review and approval by the City Planning Board under subdivision, site plan, special use permit, and/or land disturbance activity regulations shall be reviewed subject to the standards contained in this chapter.
- I. All other land disturbance activities not subject to review by the Planning Board but subject to review for Stormwater Management under Section 5.6.1 shall also be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this chapter.

1.1.6 Exemption For Certain Government Activities

- A. Whenever an action is proposed by any Federal or State agency, department, branch or division of the United States or New York State which involves the exercise of direct governmental functions consistent with the purposes and jurisdiction of such agency, department, branch or division of the United States or New York State, such action shall be exempt from the provisions of this Chapter insofar as the provisions relate to governmental immunity from zoning regulations but such exemption shall not apply to the components of an action that affect flood damage prevention and stormwater management provisions of this Chapter.
- B. Any action proposed by any Federal or State agency, department, branch or division of the United States or New York State which is proprietary in nature and does not involve the exercise of its governmental functions

shall fully conform to all of the requirements and procedures set forth in this Chapter.

- C. Any action proposed by the City of Saratoga Springs, regardless of whether it is governmental or proprietary, shall be exempt from the provisions of this Chapter except where review of principal sections are specifically required in this ordinance. Notwithstanding this exemption, the City may seek non-binding advisory review from any City land use board the Planning Board or Design Review Board for any proposed City action.
- D. Any action proposed by any other local municipality or governmental entity, regardless of whether it is governmental or proprietary, shall fully conform with the provisions of this Chapter.
- E. All such proposed actions shall be referred to the Zoning Officer for review. After review, the Zoning Officer shall determine whether the proposed action is eligible for exemption.

1.1.7 Interpretation of District Boundaries

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

- A. Unless shown to the contrary on a City map, the boundary lines of districts are the center lines of streets, or such lines extended, the center lines of railroad rights-of-way, the center lines of creeks and waterways.
- B. Where district boundaries are indicated as approximately following the City boundary line, lot lines, or projections thereof, said boundaries shall be construed to be coincident with such lines.
- C. If a center line or right-of-way line of a street, highway, railroad, public utility, or watercourse, which is approximately coincident with a district boundary, is moved up to a distance of 50 feet, the district line shall be automatically adjusted to be coincident with such line.
- D. Where a zoning district boundary line divides a lot or land in single ownership as existing at the time of this

enactment, the district requirements on either side of the boundary may be construed, at the property owner's option, as extending into the remaining portion of the property for a distance not exceeding 100 feet. **## Note:** Confirm with city if the above paragraph should remain.

1.1.8 Word Usage

As used in this Chapter:

- A. The masculine includes the feminine; the singular includes the plural; and the present tense includes the future tense.
- B. The word "person" includes an individual, firm or corporation.
- C. The word "shall" is always mandatory.
- D. The word "should" is used for recommendations which are strongly encouraged, however are not mandatory.
- E. The word "lot" includes the word "plot" or "parcel."
- F. The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended or designed to be used or occupied."
- G. A building or structure includes any part thereof.

1.1.9 Planning Board Powers and Duties

The Planning Board, as established in Chapter 34 of the City Code, shall have and exercise the powers and duties as follows: as specified in Chapter 34 Planning Board. **## Note:** This following ~~strikeout~~ text below was originally moved here from Chapter 34, but would now be put back and would remain in that chapter, (shown here for reference only). It is not clear if splitting this text between Ch. 34 and the UDO is the best solution.

~~A. At the direction of and for consideration by the City Council, to prepare a City Comprehensive Plan for the development of the entire area of the City:~~

~~1. Definition of City Comprehensive Plan. The term "City Comprehensive Plan" means the materials, written and/or graphic, including but not limited-~~

~~to maps, charts, studies, resolutions, reports and other descriptive material, that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the City. The City Comprehensive Plan, as herein defined, shall, among other things, serve as a basis for land use regulation, infrastructure development, public and private investment and any plans which may detail one or more topics of a City Comprehensive Plan.~~

~~2. Content of a City Comprehensive Plan. The City Comprehensive Plan may include the following topics at the level of detail adapted to the special requirements of the City:~~

~~a. General statements of goals, objectives, principles, policies and standards upon which proposals for the immediate and long-range enhancement, growth and development of the City are based:~~

~~b. Consideration of regional needs and the official plans of other government units and agencies within the region:~~

~~c. The existing and proposed location and intensity of land uses:~~

~~d. Consideration of agricultural uses, historic and cultural resources, coastal and natural resources and sensitive environmental areas:~~

~~e. Consideration of population, demographic and socioeconomic trends and future projections:~~

~~f. The location and types of transportation facilities:~~

~~g. Existing and proposed general location of public and private utilities and infrastructure:~~

~~h. Existing housing resources and future housing needs, including affordable housing:~~

~~i. The present and future general location of educational and cultural facilities, historic sites, health facilities and facilities for emergency services:~~

~~j. Existing and proposed recreation facilities and park land:~~

~~k. The present and potential future general location of commercial and industrial facilities:~~

~~l. Specific policies and strategies for improving the-~~

local economy in coordination with other plan topics:

m. Proposed measures, programs, devices and instruments to implement the goals and objectives of the various topics within the Comprehensive Plan:

n. All or part of the plan of another public agency:

o. Any and all other items which are consistent with the orderly growth and development of the City:

3. The Planning Board shall hold one or more public hearings and such other meetings as it deems necessary to ensure full opportunity for citizen participation in the preparation of such proposed Plan or amendment. The Planning Board may then recommend such proposed Plan or amendment to the City Council. Within 90 days of receiving the Planning Board's recommendations on the proposed Plan or amendment, the City Council shall hold a public hearing on such proposed Plan or amendment. Notice of a public hearing shall be published in a newspaper of general circulation in the City at least 10 calendar days in advance of the hearing. The proposed Comprehensive Plan or amendment shall be made available for public review during said period at the Office of the City Clerk and may be made available at any other place, including a public library.

4. Unless prepared by the Planning Board, the City Council may refer the Comprehensive Plan and its amendments to the Planning Board for review and comment. Within 45 days after receipt of the plan or any amendments, the Planning Board shall report its recommendations thereon to the Council. If the Planning Board fails to respond within the prescribed time, the City Council may act without such report. The Board shall not act contrary to any City Council recommendation without first setting forth in the official record the reasons for such contrary action.

5. The Comprehensive Plan and all modifications thereof shall be on file in the office of Planning and Economic Development and City Clerk:

B. To make any investigations and reports relating to the planning of the City and its future growth and affording facilities for housing, transportation, distribution, comfort, convenience, safety, health and welfare

of its population. Any expenditures of the Board for such investigations or reports shall not exceed the appropriation for its expenses. Copies of such investigations or reports shall be submitted to the City Council for their review and comment.

Note: The following text below continues the existing language from Chapter 34, which would still be moved into the UDO.

C. To prepare recommendations for changes to the Zoning Ordinance UDO and zoning districts, but any such changes in or exemption from the Zoning Ordinance shall be made by the City Council.

D. To issue advisory reports to the City Council on any proposed change in the text or Zoning District boundary under conditions set forth in Section 7.1.

E. To issue advisory reports to the City Council on any proposed planned unit development applications under conditions set forth in Section 7.2.

F. To make referrals for advisory opinions on any matter before the Board to the City Council, the Design Review Commission Board, the Recreation Commission and any other body, agency or department of the City.

G. To review and make advisory recommendations on any matter referred to the Planning Board by the City Council, the Zoning Board of Appeals, the Design Review Commission Board, the Recreation Commission and any other body, agency or department of the City.

H. To assist the Mayor with the development of an annual submittal to the City Council of a six-year municipal capital funds plan.

I. To advertise and hold public hearings when it requires or desires. Notice of hearings shall be advertised in a Saratoga Springs newspaper of general circulation at least five days prior to the date thereof unless otherwise required.

J. To review, approve, approve with modification or disapprove all applications for subdivisions within the City of Saratoga Springs pursuant to Chapter 241 this Chapter. ## Note: The above paragraph was recommended to be deleted by the TRAC, it is not clear

why this should be deleted, should discuss.

- K.** To ~~change or add to the Official Map of the City so as prepare maps~~ to lay out new or modify streets, highways, drainage systems or parks or widen or close existing streets, highways or parcels. ~~Drainage systems, existing, and planned trails may also be shown on the map.~~
- L.** To review, approve, approve with modification or disapprove all applications for special use permit as required by Section 5.5.
- M.** To review, approve, approve with modification or disapprove applications for site plans as required by Section 5.6
- N.** To submit its annual budget by the Mayor. All appropriations must be approved by the City Council.
- O.** To make necessary and proper expenditures, not exceeding in amount the appropriation that may be made for such Board by the City Council.
- P.** To employ experts, staff and/or legal counsel and to pay for their services and such other expenses as may be necessary, not exceeding in all the appropriation that may be made for such Board by the City Council.
- Q.** To adopt rules and regulations in respect to procedure before it and in respect to any subject matter over which it has jurisdiction under this chapter, after public hearing by the Planning Board and subject to the approval of the City Council. The City Council shall move to approve, reject or modify the same within 30 days after submission. Failure of the City Council to so move shall be construed to constitute approval of such rules and regulations.
- R.** To exercise all other powers conferred upon it by the City Council.
- S. Referrals to Board.** The City Council, City departments or officers having final jurisdiction over any matter set forth in § 34-4 of this chapter the City Code may refer such matter to the Planning Board for a report, but if such Planning Board shall not have made its final report thereon within 30 days from the date of reference thereto, the authority having final jurisdiction

may proceed to final action. This section shall not be construed to prevent the City Council from granting, in any specific case, such longer period as it may fix within which said Board may make its final report.

1.1.10 Design Review Commission Board Powers and Duties

The Design Review Commission Board, as established in Chapter 19 of the city code, shall have and exercise the powers and duties as follows: ## Note: This section moved from existing zoning ordinance section 7.4.

- A.** Review and issue decisions on applications for historic review as required by this Article.
- B.** Review and issue decisions on applications for architectural review as required by this Chapter.
- C.** Promulgate rules and regulations for the transaction of Commission Board business.
- D.** Submit an annual report of Commission Board activities to the Mayor and City Council.
- E.** Submit an annual budget request to the Mayor for approval by the City Council.
- F.** Employ experts, staff and legal counsel, or appoint such citizen advisory committees as may be required to carry out Commission Board duties within the Council-approved budget.
- G.** At the request of the City Council, administer any full or partial interest in real property that the city may have received. Administer on behalf, and at the request, of the City Council any full or partial interest in real property that the City may have received.
- H.** Accept and administer on behalf of the City such grants and funding as may be appropriate for the purposes of this Article Section. ## Note: It was questioned if this only pertains to facade easements, and if so, is it still needed?
- I.** Recommend to the City Council the adoption of ordinances designating properties or structures having special historic, community, cultural or architectural

value as landmarks or Historic Districts.

- J.** Keep a register of all properties and structures that have been designated as landmarks or historic districts including all information required for each designation.
- K.** Propose or sponsor the nomination of landmarks and historic districts to the National Register of Historic Places and review and comment on any National Register proposed nominations submitted to the City Council or State Historic Preservation Office.
- L.** Maintain a directory of architectural styles. **## Note: It was questioned if this is still needed.**
- M.** Develop specific design guidelines for the alteration, construction or removal of landmarks or property and structures within historic districts.
- N.** Conduct surveys to identify historically and architecturally significant properties, structures, landmarks and areas that exemplify the cultural, social, economic, political or architectural history of the Nation, State or City.
- O.** Inform and educate the citizens of Saratoga Springs concerning the historic and architectural heritage of the City.
- P.** Advise and guide property owners on physical and financial aspects of preservation, renovation, rehabilitation and reuse, on procedures for inclusion on the National Register of Historic Places, and on participation in State and Federal historic preservation programs.
- Q.** Confer recognition upon the owners of landmarks or property or structures within historic districts by means of certificates, plaques or markers.
- R.** Request advisory opinions from the City Council, the Planning Board and any other body, agency or department of the City on any matter before the **Commission Board**.
- S.** Review and make advisory recommendations on any matter referred to the **Commission Board** by the City Council, the Zoning Board of Appeals, the Planning

Board and any other body, agency or department of the City.

- T.** Recommend to the City Council zoning amendments, policy initiatives and programs to protect historic properties and implement the intent and objectives of this Article.
- U.** Develop a preservation component in the Comprehensive Plan of the City of Saratoga Springs and recommend it to the Planning Board and the City Council. **## Note: It was questioned if this is still needed.**
- V.** Exercise all other powers conferred upon it by the City Council.

1.1.11 Zoning Board of Appeals Powers and Duties

The Zoning Board of Appeals, as established in Chapter 51 of the City Code, shall have and exercise the powers and duties as follows: **## Note: This section moved from city code chapter 51. Chapter 51 will need to be edited and amended to reference Chapter 240.**

- A.** To review, approve, approve with conditions or deny applications for interpretations, area variances and use variances as required by **Article 6**.
- B.** To prepare recommendations to the City Council for changes to the Zoning Ordinance and districts, but any changes in or exemption from such plan after adoption shall be made solely by the City Council.
- C.** To make referrals for advisory opinions on any matter before the Board to the City Council, the Planning Board, the Design Review **Commission Board**, ~~the Recreation Commission~~ and any other body, agency or department in the City.
- D.** To advertise and hold public hearings in accordance with ~~240-8.0 of the Zoning Ordinance~~ **Article 5.2**, when it requires or desires. The minimum requirement shall be that notice of hearings shall be advertised **at least three times once** in the official newspaper or in a newspaper of general circulation in the City at least five days before such hearing but not more than 20 days. The public

hearing requirement of specific ordinances must be met as set forth.

- E.** ~~To submit its annual budget to the Mayor. All appropriations must be approved by the City Council.~~
- F.** To make necessary and proper expenditures, not exceeding in amount the appropriation that may be made for such Board by the City Council.
- G.** To employ experts, staff and/or legal counsel and to pay for their services and such other expenses as may be necessary, not exceeding in all the appropriation that may be made for such Board by the City Council.
- H.** To adopt rules and regulations in respect to procedure before it and in respect to any subject matter over which it has jurisdiction under this chapter, after public hearing by the Zoning Board of Appeals and subject to the approval of the City Council. The City Council shall move to approve, reject or modify the same within 30 days after submission. Failure of the City Council to so move shall be construed to constitute approval of such rules and regulations.
- I.** To exercise all other powers conferred upon it by the City Council.
- J.** ~~Referrals to Board. The City Council, City departments or officers having final jurisdiction over any matter set forth in § 51-4 of this chapter may refer such matter to the Zoning Board of Appeals for a report, but if such Board shall not have made its final report thereon within 30 days from the date of reference thereto, the authority having final jurisdiction may proceed to final action. This section shall not be construed to prevent the City Council from granting, in any specific case, such longer period as it may fix within which said Board may make its final report. ## Note: The above paragraph was recommended to be deleted by the TRAC, need to discuss.~~

provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances.

The City Council hereby declares that it would have enacted the remainder of these regulations without any such part, provision, or application which is judged to be invalid. ##

Note: Above Separability text, although shown as new, has been taken from existing Subdivision Regulations, and placed here to apply to whole chapter.

1.1.12 Separability

If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operations to the part,

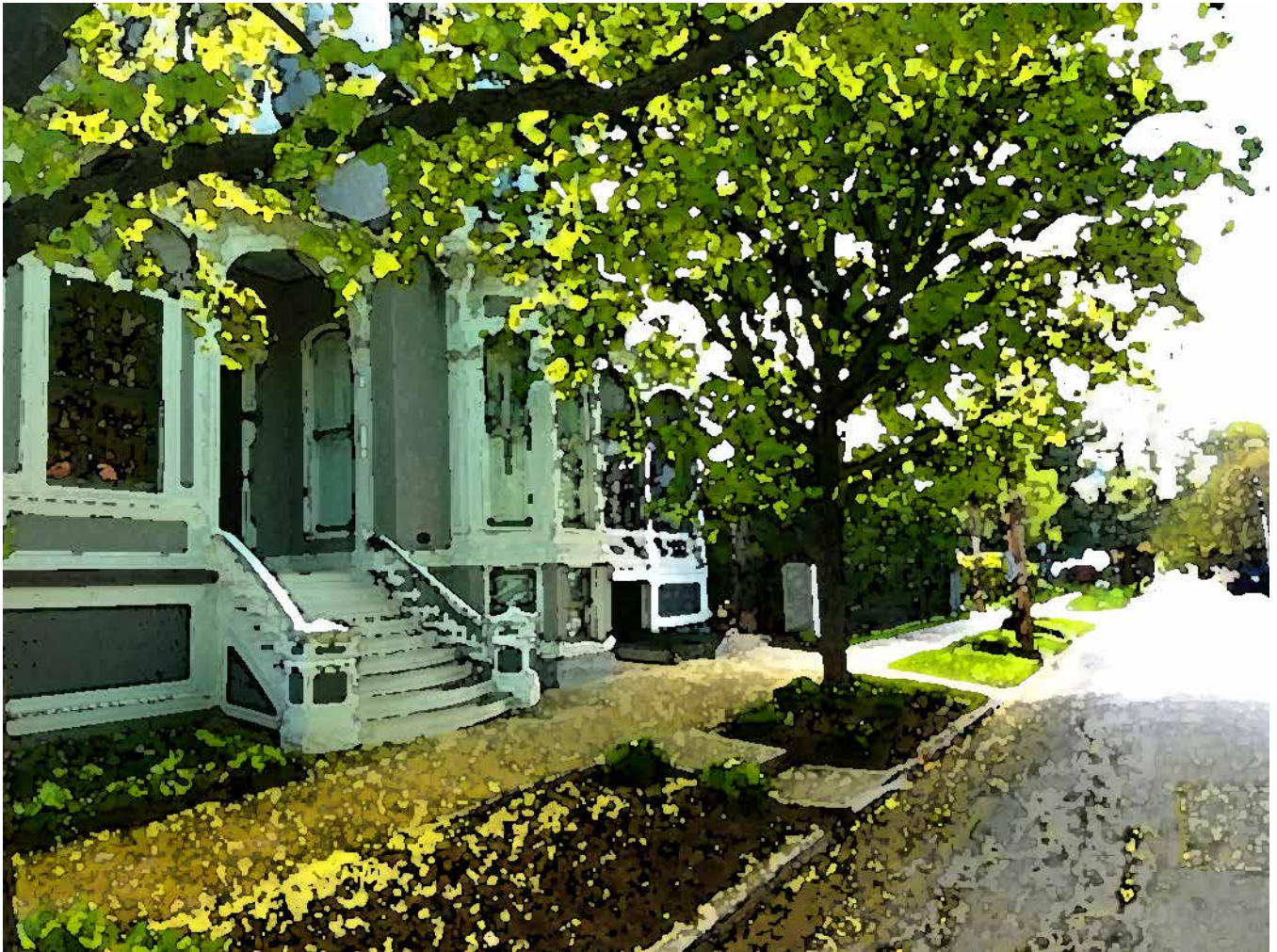
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2.0.1 General

- A. Allowed Uses.** The principal and accessory uses allowed in the city of Saratoga Springs shall be as those identified in the Use Schedules for each district in this Article. ~~The following types of uses are identified in the Use Schedule by District:~~
- B. Principal Permitted Uses and Structures.** Includes those principal uses and structures which may be lawfully established in a particular district provided it conforms with all the requirements applicable to that district.
- C. Uses and Structures Subject to Site Plan Review.** Includes those principal and/or accessory uses that are subject to Site Plan Review and approval by the Planning Board, per [Section 4.2](#).
- D. Uses and Structures Subject to Special Use Permit and Site Plan Review.** Includes those principal and/or accessory uses that require issuance of a Special Use Permit by the Planning Board, per [Section 4.0](#), and Site Plan Review and approval by the Planning Board, per [Section 4.2](#).
- E. Permitted Accessory Uses and Structures.** Includes those residential and non-residential accessory uses and structures which may be lawfully established in a particular district provided they conform with all the requirements applicable to that district. These uses and structures are intended to be clearly incidental and subordinate to the principal uses on a lot.
- F. Prohibited Uses.** Prohibited uses are those uses that shall not be permitted.
- G. Area & Bulk.** Lot and building dimensional requirements are established in each zoning district as provided in [Table 3](#) the following pages. In addition, the following shall apply:
- 1. Principal Buildings.** Unless otherwise noted for the district, only one principal building may be established on any one lot. However, if provided, ~~that~~ the minimum area, width and dimensional requirements of the district ~~are~~ must be met for each principal building. ~~with the following exceptions:~~

2.1 RESIDENTIAL DISTRICTS



Residential Districts Overview. The city's varied residential districts have evolved and grown over time, with each neighborhood expressing the distinct character and personality of the historic period which shaped it. The diversity and charm of the different neighborhoods is an asset of Saratoga Springs, providing many attractive, walkable neighborhoods and strong real estate value. For this reason, it is important for the long term economic strength and sustainability of the city that the personality and character of these neighborhoods be maintained as they naturally evolve over time.

Looking forward, the city should continue to carefully consider the surrounding neighborhood context when contemplating changes, particularly in the older historic districts of the city. Likewise, the rural countryside outside the city core should be carefully designed with nature in mind, continuing to reflect the rural greenbelt which surrounds this wonderful "City in the Country".

2.1.1 Listing of Residential Districts

The residential zoning districts within the City of Saratoga Springs include:

RR	Rural Residential
SR-1	Suburban Residential 1
SR-2	Suburban Residential 2
UR-1	Urban Residential 1
UR-2	Urban Residential 2
UR-3	Urban Residential 3
UR-4	Urban Residential 4
UR-4A	Urban Residential 4A
UR-5	Urban Residential 5
UR-6	Urban Residential 6
UR-7	Urban Residential 7

2.1.2 Use Schedule

USE SCHEDULE – Residential Districts

Use		RR	SR	UR-1	UR-2	UR-3	UR-4	UR-4A	UR-5	UR-6
Residential	<u>Accessory Structure</u> , Residential Accessory-Structur	A	A	A	A	A	A	A	A	A
	Accessory Structure or Use, Multi Family Residential						⊙	⊙	⊙	
	<u>Accessory Dwelling</u> , Temporary Accessory-Dwelling	A	A	A	A	A	A	A	A	A
	<u>Residence</u> , Single Family Residences	●	●	●	●	●	●	●		
	<u>Residence</u> , Two Family Residences					●	●	●		
	<u>Residence</u> , Multi Family Residences						⊙	⊙	⊙	
	<u>Residence</u> , Mobile Home Park									⊙
	Nursing or Convalescent Home									
	Senior Assisted Care Facility			○	○	○	○	○	○	○
	Senior Housing			○	○	○	○	○	○	○
A	Agriculture	●								
	Animal Clinic									
	Animal Kennel	○								
	Antennas & Satellite Dish									
	Outdoor Athletic Field / Court Facility, <u>Outdoor</u>	A	A	A	A	A				
	Art Gallery									
	Artist Studio							○ ³	○ ³	
	Auto Junk Yard									
	<u>Automotive Charging Terminals</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
	<u>Automotive Car</u> Rental Agency									
	<u>Automotive Motor Vehicle</u> Repair									
	<u>Automotive Auto</u> Sales									
	<u>Automotive Fuel Sales Vehicle-Fueling Stations</u>									
	<u>Automotive Wash Car-Washes</u>									
	B	Bakery, retail								
Bakery, wholesale										
Barns and Stables		A	<u>A</u>	A	A	A				
Bathroom / Health Spa										
Corridor Bed & Breakfast, <u>Corridor</u>										
Neighborhood Bed & Breakfast, <u>Neighborhood</u>		○	○	○	○	○	○	○	○	○
Bottling Plant										
Bowling Alley										
Brew Pub										
Building Materials Storage & Sales										
Bus Depot										

● = Permitted ⊙ = Permitted with Site Plan Approval ○ = Permitted with Special Use Permit and Site Plan Approval A = Accessory Use or Structure
 1 = Permitted only on second story or above, 2 = Permitted in association with public/private educational facilities, 3 = Less than 1,200 g.s.f., 4 = Less than 1,800 g.s.f. All uses not specifically mentioned or described by category in the use schedule are prohibited.

USE SCHEDULE – Residential Districts, continued

Use	RR	SR	UR-1	UR-2	UR-3	UR-4	UR-4A	UR-5	UR-6
C Cemetery	○			○	○				○
C Go-Location / Telecommunication Facility									
C Club, civic or private Private/Civic Club	○				○				
C Concession Stand									
C Convenience Sales < 2,000 g.s.f.					○	○	○	○	
C Convenience Sales < 5,000 g.s.f.									
C Cultural Facility									
C Craft Brewery, Winery or Distillery									
D Day Care, Family Day-Care	A	A	A	A	A	A	A	A	A
D Day Care, Group Family Day-Care	A	A	A	A	A	A	A	A	A
D Day Care Center									
D Dormitory									
D Private Docks, Private	A	A	A	A	A				
D Drive-In Establishment Facility, General									
D Drive-In Facility Canopy									
E Eating & Drinking Establishment									
E Eating & Drinking Establishment <40 seats									
E Outdoor Eating & Drinking Establishment, Outdoor									
E Educational Facilities									
E Equipment Repair Shop									
F Farm	○								
F Farm Stand	A	A							
F Financial Institution									
F Financial Institution, Drive-in									
F Forest Management									
F Funeral Home					○				
G Geothermal Energy Systems	A	A	A	A	A	A	A	A	A
G Golf Course & Clubhouse	○								
G Group Entertainment									
H Heliport	⊖								
H Home Occupation	A	A	A	A	A	A	A	A	A
H Hospital									
H Hotel/Motel									
H Hotel, Pari-Mutual Wagering Hotel									
I Inn									
J Laboratory									
M Maintenance / Storage Facility									
M Maintenance & Operational Facility									
M Marina & Dock	○								
M Movie Theater									
M Municipal Vehicle Repair and Storage									

● = Permitted ⊖ = Permitted with Site Plan Approval ○ = Permitted with Special Use Permit and Site Plan Approval A = Accessory Use or Structure
 1 = Permitted only on second story or above, 2 = Permitted in association with public/private educational facilities, 3 = Less than 1,200 g.s.f., 4 = Less than 1,800 g.s.f. All uses not specifically mentioned or described by category in the use schedule are prohibited.

EXISTING USE SCHEDULE – Residential Districts, continued

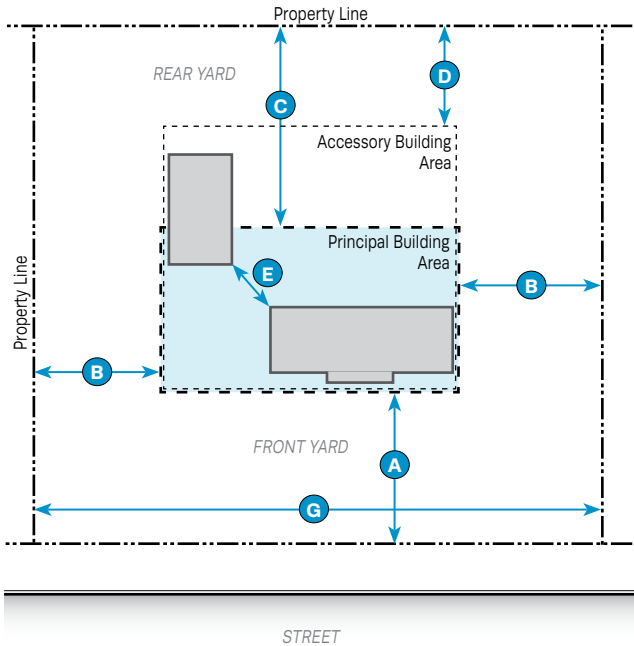
	Use	RR	SR	UR-1	UR-2	UR-3	UR-4	UR-4A	UR-5	UR-6
N	Newspaper Plant									
	Nursery	○								
O	Office							○ ³	○ ³	
	Office, Medical / Clinic									
P	Open Air Market									
	Parking Facilities									
R	<u>Pharmacy, Drive-in</u>									
	Employee Recreation Area, <u>Employee</u>									
	Recreation Facility									
	Employee Recreation Facility, <u>Employee</u>									
	Outdoor Recreation Facility, <u>Outdoor</u>									
	Real Estate Office									
	Religious Institution	○	○	○	○	○	○	○	○	○
	Retail									
	Riding Stable	○								
	<u>Rooming House</u> , Corridor Rooming House									
<u>Rooming House</u> , Neighborhood Rooming House	○	○	○	○	○	○	○	○	○	
S	Sales & Maintenance									
	School									
	Private School, <u>Private</u>		○	○	○	○	○	○	○	○
	Outdoor Storage / Display, <u>Outdoor</u>									
	<u>Storage</u> , Self Storage									
	Service Establishments							○ ³	○ ³	
	<u>Solar – Building Integrated Photovoltaic System</u>	P	P	P	P	P	P	P	P	P
	<u>Solar – Ground-Mounted Solar Energy System</u>	A	A	A	A	A	A	A	A	A
	<u>Solar – Large-Scale Solar Energy System</u>	○	○	○	○	○	○	○	○	○
	<u>Solar – Roof-Mounted Solar Energy System</u>	A	A	A	A	A	A	A	A	A
<u>Solar – Parking Canopy Solar Energy System</u>	A	A	A	A	A	A	A	A	A	
Solar & HVAC / Utility Equipment										

● = Permitted ○ = Permitted with Site Plan Approval ○ = Permitted with Special Use Permit and Site Plan Approval A = Accessory Use or Structure
 1 = Permitted only on second story or above, 2 = Permitted in association with public/private educational facilities, 3 = Less than 1,200 g.s.f., 4 = Less than 1,800 g.s.f. All uses not specifically mentioned or described by category in the use schedule are prohibited.

Note: Use table to be consolidated later to remove any uses not found in residential districts

2.1.3 Rural Residential

RR



Lot Requirements

Lot Size	2 acres min.
Lot Width (Average)	200' min.
Principal Building Coverage	15% max.
Accessory Building Coverage	5% max.
Total Permeable Surface Coverage	80% min.

Building Placement & Setbacks

Setbacks (Principal Building)

Front Yard	60' min.	A
Each Side Yard	30' min.	B
Total Both Side Yards	100' min.	
Rear Yard	100' min.	C

Setbacks (Accessory Structure)

Front Yard	60' min.	A
Side Yard	30' min.	B
Rear Yard	50' min.	D
Distance from Principal Building	5' min.	E

Height (Principal / Accessory)	35' max. / 25' max.
---------------------------------------	---------------------

A. Intent of District

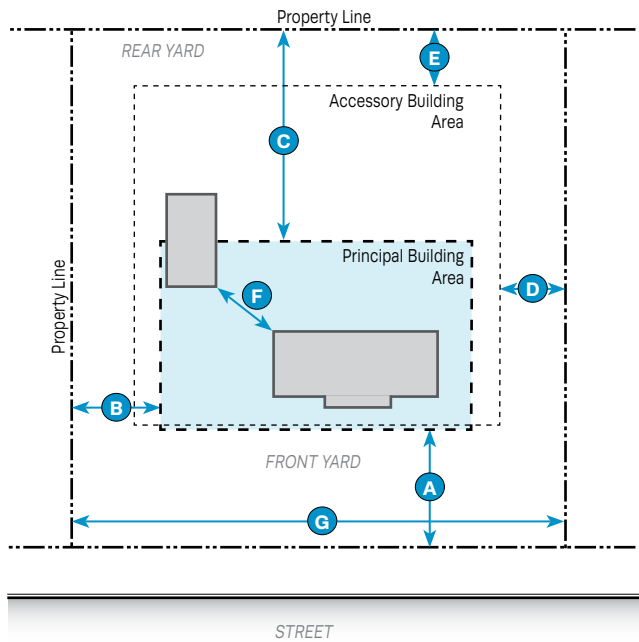
To provide low density residential and agricultural uses in order to preserve open space and a rural character. Limiting topography, soil condition, slopes and lack of public infrastructure also warrant the low densities.

B. Specific District Requirements

- In the RR District, more than one principal building for additional single-family homes and related accessory structures are permitted, provided that the lot requirements are met for each additional building.
- Subdivision of land shall be subject to the Conservation Subdivision requirements within the Subdivision Regulations of section 5.4.8.
- For Conservation Subdivisions, there are no minimum or maximum lot sizes. Lot size is determined as part of conservation design.
- Applicants within this district may seek approval for a residential density bonus in exchange for providing public access to open space or affordable housing. Refer to 2.4.6 Incentive Zoning Districts for more information. **## Note: Affordable housing added per request, for discussion.**
- Open fire escapes may not project more than 6 feet into any required setback.
- Pool walls or related structures must be setback 8 feet from an adjoining lot line.
- Terraces and patios must be setback 10 feet from an adjoining lot line.**

SR

2.1.4 Suburban Residential



A. Intent of District

To provide low to medium density single family residential uses reflecting the availability of public infrastructure.

B. Specific District Requirements

1. Subdivision of land shall be subject to the Conservation Subdivision requirements ~~within the Subdivision Regulations of section 5.4.8.~~
2. Applicants within this district may seek approval for a residential density bonus in exchange for providing public access to open space. Refer to [section 2.4.6](#) Incentive Zoning Districts for more information.
3. Open fire escapes may not project more than 6 feet into any required setback.
4. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
5. ~~Terraces and patios must be setback 10 feet from an adjoining lot line.~~

Lot Requirements

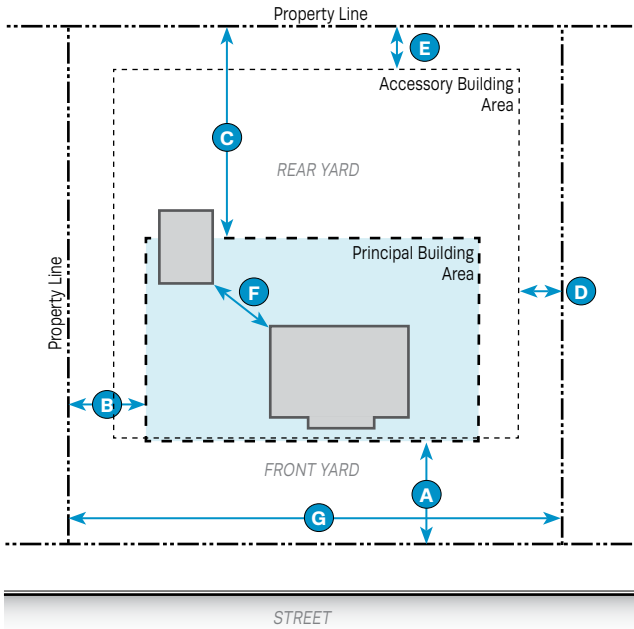
Lot Size	40,000 SF min
Lot Width (Average)	125' min.
Principal Building Coverage	20% max.
Accessory Building Coverage	8% max.
Total Permeable Surface Coverage	40% min.

Building Placement & Setbacks

Setbacks (Principal Building)		
Front Yard	40' min.	A
Each Side Yard	15' min.	B
Total Both Side Yards	35' min.	
Rear Yard	40' min.	C
Setbacks (Accessory Structure)		
Front Yard	40' min.	A
Side Yard	10' min.	D
Rear Yard	10' min.	E
Distance from Principal Building	5' min.	F
Height (Principal / Accessory)		
	35' max. / 25' max.	

2.1.5 Urban Residential 1

UR-1



Lot Requirements

Lot Size	12,500 SF min.
Lot Width (Average)	100' min.
Min. First Floor Area	1-Story 1,100 SF 2-Story 800 SF
Principal Building Coverage	20% max.
Accessory Building Coverage	8% max.
Total Permeable Surface Coverage	30% min.

Building Placement & Setbacks

Setbacks (Principal Building)		
Front Yard	30' min.	A
Each Side Yard	12' min.	B
Total Both Side Yards	30' min.	
Rear Yard	30' min.	C
Setbacks (Accessory Structure)		
Front Yard	30' min.	A
Side Yard	5' min.	D
Rear Yard	5' min.	E
Distance from Principal Building	5' min.	F
Height (Principal / Accessory)		
	60' / 35' max. / 25' max.	

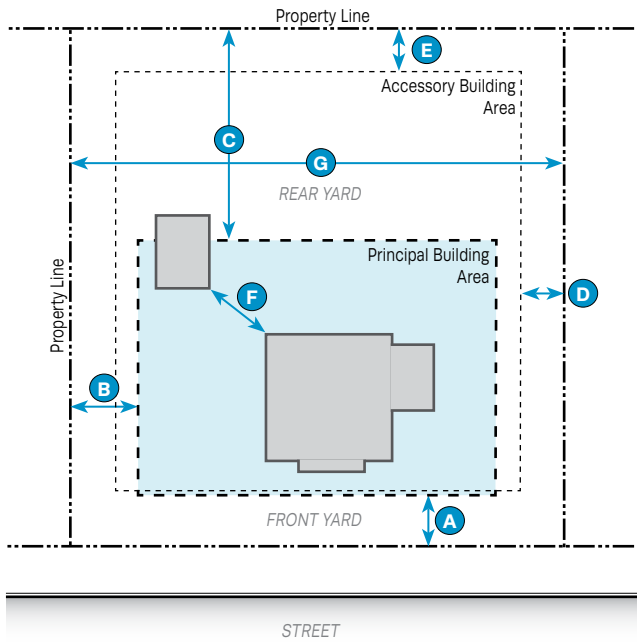
A. Intent of District

To provide medium density single family residential uses where public infrastructure is available.

B. Specific District Requirements

- The minimum lot size shall be 20,000 SF if without either central water supply or sanitary sewer; 40,000 SF if without central water supply and sanitary sewer.
- The minimum front yard setback requirement shall be reduced as follows: If neither of the existing principal structures on the immediately adjacent parcels to the said property meet the minimum front yard setback, then the average of the two front yard setbacks shall be used. For corner lots: "adjacent" parcels shall include those across an intervening perpendicular street and shall exclude parcels not fronting on the same side of the same street.
- Applicants within this district may seek approval for a residential density bonus in exchange for providing affordable housing, affordable senior housing or public access to open space. Refer to 2.4.6 Incentive Zoning Districts for more information.
- Required off-street parking is permitted within required yard areas for allowed single and two-family uses.
- Open fire escapes may not project more than 6 feet into any required setback.
- Pool walls or related structures must be setback 8 feet from an adjoining lot line.
- Terraces and patios must be setback 10 feet from an adjoining lot line.**

UR-2 2.1.6 Urban Residential 2



A. Intent of District

To provide medium density single family residential uses where public infrastructure is available.

B. Specific District Requirements

1. The minimum lot size shall be 20,000 SF if without either central water supply or sanitary sewer; 40,000 SF if without central water supply and sanitary sewer.
2. The minimum front yard setback requirement shall be reduced as follows: If neither of the existing principal structures on the immediately adjacent parcels to the said property meet the minimum front yard setback, then the average of the two front yard setbacks shall be used. For corner lots: "adjacent" parcels shall include those across an intervening perpendicular street and shall exclude parcels not fronting on the same side of the same street.
3. Applicants within this district may seek approval for a residential density bonus in exchange for providing affordable senior housing. Refer to 2.4.6 Incentive Zoning Districts for more information.
4. Required off-street parking is permitted within required yard areas for allowed single and two-family uses.
5. Open fire escapes may not project more than 6 feet into any required setback.
6. Pool walls or related structures must be setback 8 feet from an adjoining lot line.

7. Terraces and patios must be setback 10 feet from an adjoining lot line.

Note: May want to consider reducing minimum lot width in this district to 50 feet to align with actual lot widths commonly found in city.

Lot Requirements

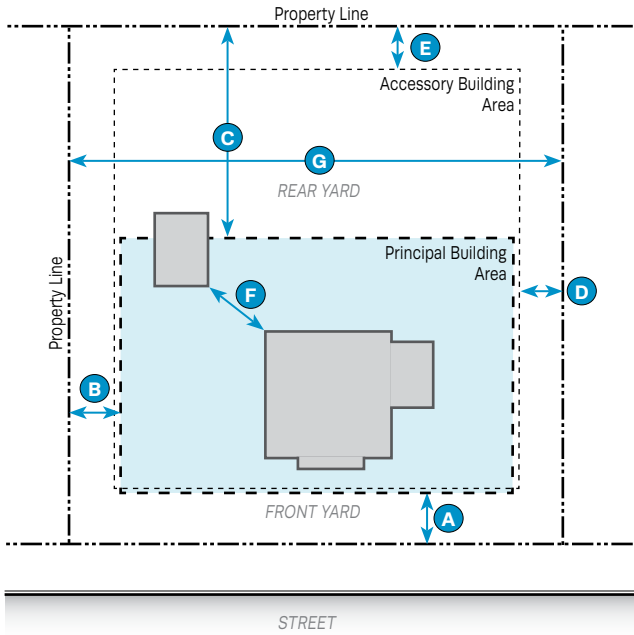
Lot Size	6,600 SF min. (A)
Lot Width (Average)	60' min.
Min. First Floor Area	1-Story 900 SF
	2-Story 700 SF
Principal Building Coverage	30% max.
Accessory Building Coverage	10% max.
Total Permeable Surface Coverage	25% min.

Building Placement & Setbacks

Setbacks (Principal Building)		
Front Yard	10' min.	(A)
Each Side Yard	8' min.	(B)
Total Both Side Yards	20' min.	
Rear Yard	25' min.	(C)
Setbacks (Accessory Structure)		
Front Yard	10' min.	(A)
Side Yard	5' min.	(D)
Rear Yard	5' min.	(E)
Distance from Principal Building	5' min.	(F)
Height (Principal / Accessory)		
	60' 35' max. / 25' max.	

2.1.7 Urban Residential 3

UR-3



Lot Requirements

Lot Size	6,600 SF 1-unit / 8,000 SF 2-units
Lot Width (Average)	60' min. 1-unit / 80' min. 2-units
Min. First Floor Area	1-Story 1,200 SF 2-Story 800 SF
Principal Building Coverage	30% max.
Accessory Building Coverage	10% max.
Total Permeable Surface Coverage	25% min.

Building Placement & Setbacks

Setbacks (Principal Building)		
Front Yard	10' min.	A
Each Side Yard	4' min.	B
Total Both Side Yards	12' min.	
Rear Yard	25' min.	C
Setbacks (Accessory Structure)		
Front Yard	10' min.	A
Side Yard	5' min.	D
Rear Yard	5' min.	E
Distance from Principal Building	5' min.	F
Height (Principal / Accessory)		
	60' 35' max. / 25' max.	

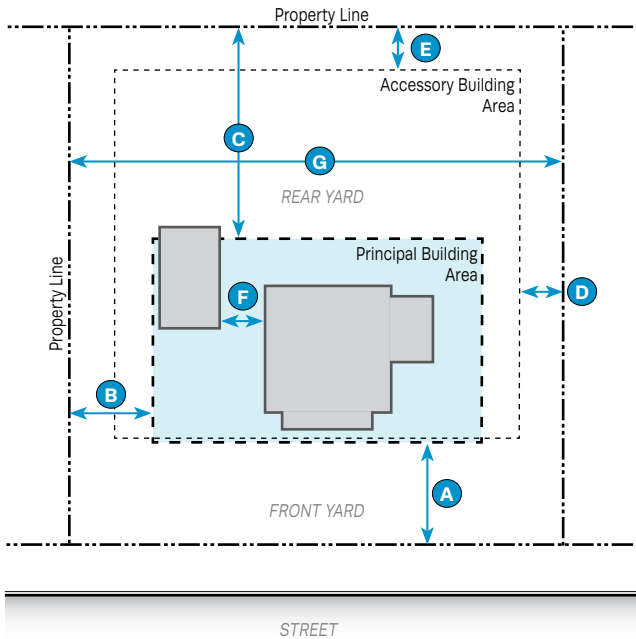
A. Intent of District

To conserve, maintain and encourage single family and two-family residential uses.

B. Specific District Requirements

1. The minimum front yard setback requirement shall be reduced as follows: If neither of the existing principal structures on the immediately adjacent parcels to the said property meet the minimum front yard setback, then the average of the two front yard setbacks shall be used. For corner lots: "adjacent" parcels shall include those across an intervening perpendicular street and shall exclude parcels not fronting on the same side of the same street.
2. Applicants within this district may seek approval for a residential density bonus in exchange for providing affordable senior housing. Refer to 2.4.6 Incentive Zoning Districts for more information.
3. Required off-street parking is permitted within required yard areas for allowed single and two-family uses.
4. Open fire escapes may not project more than 6 feet into any required setback.
5. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
6. Terraces and patios must be setback 10 feet from an adjoining lot line.

UR-4 2.1.8 Urban Residential 4



A. Intent of District

To accommodate a mix of single, two-family and multi-family residential uses.

B. Specific District Requirements

1. More than one principal building for single and two-family uses are permitted, provided that the lot requirements are met for each additional building.
2. Applicants within this district may seek approval for a residential density bonus in exchange for providing affordable senior housing. Refer to 2.4.6 Incentive Zoning Districts for more information.
3. Open fire escapes may not project more than 6 feet into any required setback.
4. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
5. ~~Terraces and patios must be setback 10 feet from an adjoining lot line.~~

Lot Requirements

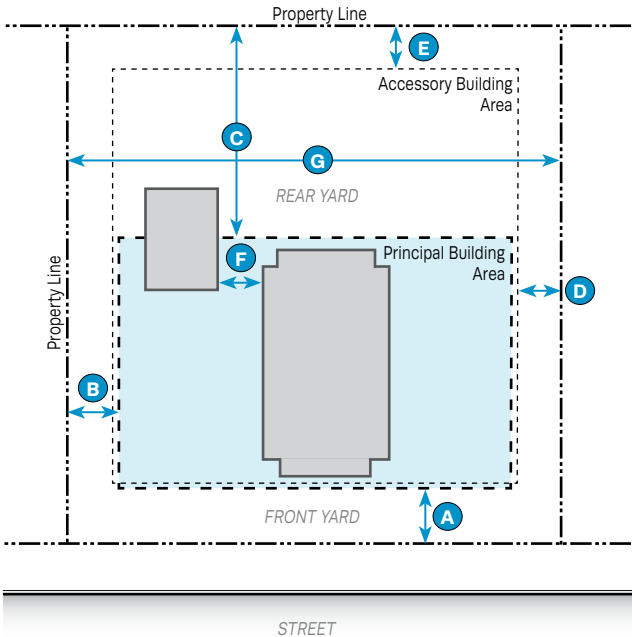
Lot Size	3,000 SF min. (DU)				
Lot Width (Average)	100' min.				
Min. First Floor Area	<table style="margin-left: 20px;"> <tr> <td>1-Story</td> <td>1,800-SF</td> </tr> <tr> <td>2-Story</td> <td>1,200-SF</td> </tr> </table>	1-Story	1,800-SF	2-Story	1,200-SF
1-Story	1,800-SF				
2-Story	1,200-SF				
Principal Building Coverage	25% max.				
Accessory Building Coverage	15% max.				
Total Permeable Surface Coverage	15% min.				

Building Placement & Setbacks

Setbacks (Principal Building)		
Front Yard	25' 15' min.	A
Each Side Yard	20' 15' min.	B
Total Both Side Yards	45' 40' min.	
Rear Yard	25' min.	C
Setbacks (Accessory Structure)		
Front Yard	25' min.	A
Side Yard	5' min.	D
Rear Yard	5' min.	E
Distance from Principal Building	10' min.	F
Height (Principal / Accessory)		
	70' 40' max. / 25' max.	

2.1.9 Urban Residential 4A

UR-4A



A. Intent of District

To accommodate a mix of single, two-family and multi-family residential uses.

B. Specific District Requirements

1. More than one principal building for single and two-family uses are permitted, provided that the lot requirements are met for each additional building.
2. Applicants within this district may seek approval for a residential density bonus in exchange for providing affordable senior housing. Refer to 2.4.6 Incentive Zoning Districts for more information.
3. Open fire escapes may not project more than 6 feet into any required setback.
4. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
5. ~~Terraces and patios must be setback 10 feet from an adjoining lot line.~~

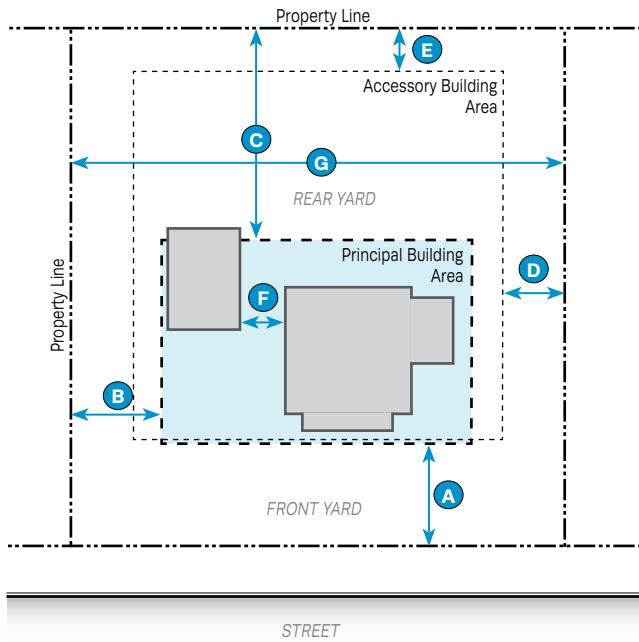
Lot Requirements

Lot Size	2,000 SF min. (DU)				
Lot Width (Average)	60' min. 1-unit / 80' min. 2-units				
Min. First Floor Area	<table border="0"> <tr> <td>1-Story</td> <td>1,200 SF</td> </tr> <tr> <td>2-Story</td> <td>800 SF</td> </tr> </table>	1-Story	1,200 SF	2-Story	800 SF
1-Story	1,200 SF				
2-Story	800 SF				
Principal Building Coverage	30% max.				
Accessory Building Coverage	10% max.				
Total Permeable Surface Coverage	15% min.				

Building Placement & Setbacks

Setbacks (Principal Building)		
Front Yard	10' min.	A
Each Side Yard	4' min.	B
Total Both Side Yards	12' min.	
Rear Yard	25' min.	C
Setbacks (Accessory Structure)		
Front Yard	10' min.	A
Side Yard	5' min.	D
Rear Yard	5' min.	E
Distance from Principal Building	5' min.	F
Height (Principal / Accessory)		
	70' 40' max. / 25' max.	

UR-5 2.1.10 Urban Residential 5



Lot Requirements

Lot Size	3,000 SF min. (DU)
Lot Width (Average)	100' min.
Min. First Floor Area	1-Story 1,800 SF 2-Story 1,200 SF
Principal Building Coverage	25% max.
Accessory Building Coverage	15% max.
Total Permeable Surface Coverage	15% min.

Building Placement & Setbacks

Setbacks (Principal Building)		
Front Yard	25' min.	A
Each Side Yard	20' min.	B
Total Both Side Yards	45' min.	
Rear Yard	25' min.	C
Setbacks (Accessory Structure)		
Front Yard	20' 25' min.	A
Side Yard	10' min.	D
Rear Yard	10' min.	E
Distance from Principal Building	20' min.	F
Height (Principal / Accessory)		
	185' 60' max. / 25' max.	

A. Intent of District

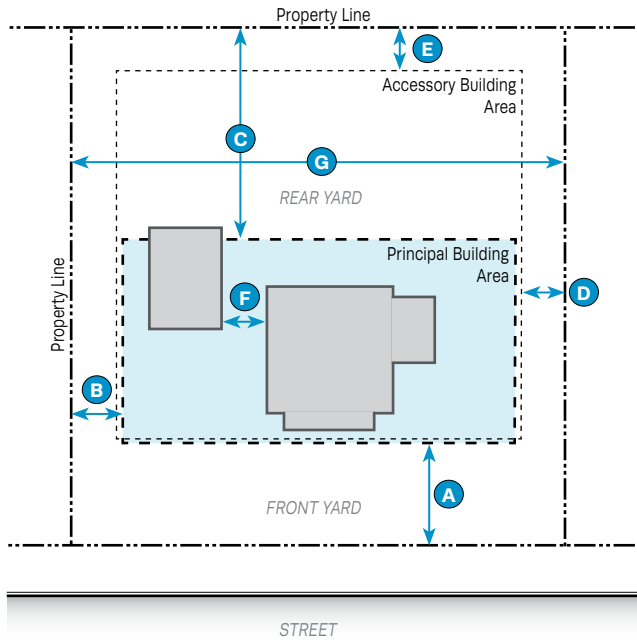
To accommodate multi-family residential development at moderately high densities and to encourage a mixture of housing types.

B. Specific District Requirements

1. More than one principal building for single and two-family uses are permitted, provided that the lot requirements are met for each additional building.
2. In any multi-family residential district, commercial, institutional or industrial district, more than one principal building may be permitted with Planning Board approval.
3. Applicants within this district may seek approval for a residential density bonus in exchange for providing affordable senior housing. Refer to 2.4.6 Incentive Zoning Districts for more information.
4. Open fire escapes may not project more than 6 feet into any required setback.
5. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
6. ~~Terraces and patios must be setback 10 feet from an adjoining lot line.~~

2.1.11 Urban Residential 6

UR-6



A. Intent of District

To accommodate the development of mobile home parks.

B. Specific District Requirements

1. In any multi-family residential district, commercial, institutional or industrial district, more than one principal building may be permitted with Planning Board approval.
2. Applicants within this district may seek approval for a residential density bonus in exchange for providing affordable senior housing. Refer to 2.4.6 Incentive Zoning Districts for more information.
3. Open fire escapes may not project more than 6 feet into any required setback.
4. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
5. Terraces and patios must be setback 10 feet from an adjoining lot line.

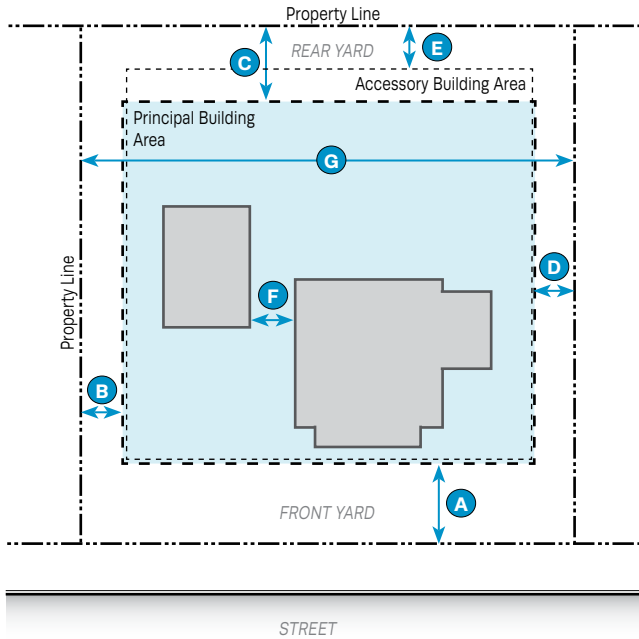
Lot Requirements

Lot Size	4,800 SF min.
Lot Width (Average)	60' min.
Min. First Floor Area — 1-Story	900 SF
Principal Building Coverage	30% max.
Accessory Building Coverage	10% max.
Total Permeable Surface Coverage	25% min.

Building Placement & Setbacks

Setbacks (Principal Building)		
Front Yard	25' min.	A
Each Side Yard	8' min.	B
Total Both Side Yards	20' min.	
Rear Yard	25' min.	C
Setbacks (Accessory Structure)		
Front Yard	25' min.	A
Side Yard	5' min.	D
Rear Yard	5' min.	E
Distance from Principal Building	5' min.	F
Height (Principal / Accessory)		
	35' max. / 25' max	

UR-7 2.1.12 Urban Residential 7



A. Intent of District

To accommodate the development of affordable housing units in two-family residential dwellings.

B. Specific District Requirements

1. In any multi-family residential district, commercial, institutional or industrial district, more than one principal building may be permitted with Planning Board approval.
2. Applicants within this district may seek approval for a residential density bonus in exchange for providing affordable senior housing. Refer to 2.4.6 Incentive Zoning Districts for more information.
3. Open fire escapes may not project more than 6 feet into any required setback.
4. Pool walls or related structures must be setback 8 feet from an adjoining lot line.

5. ~~Terraces and patios must be setback 10 feet from an adjoining lot line.~~

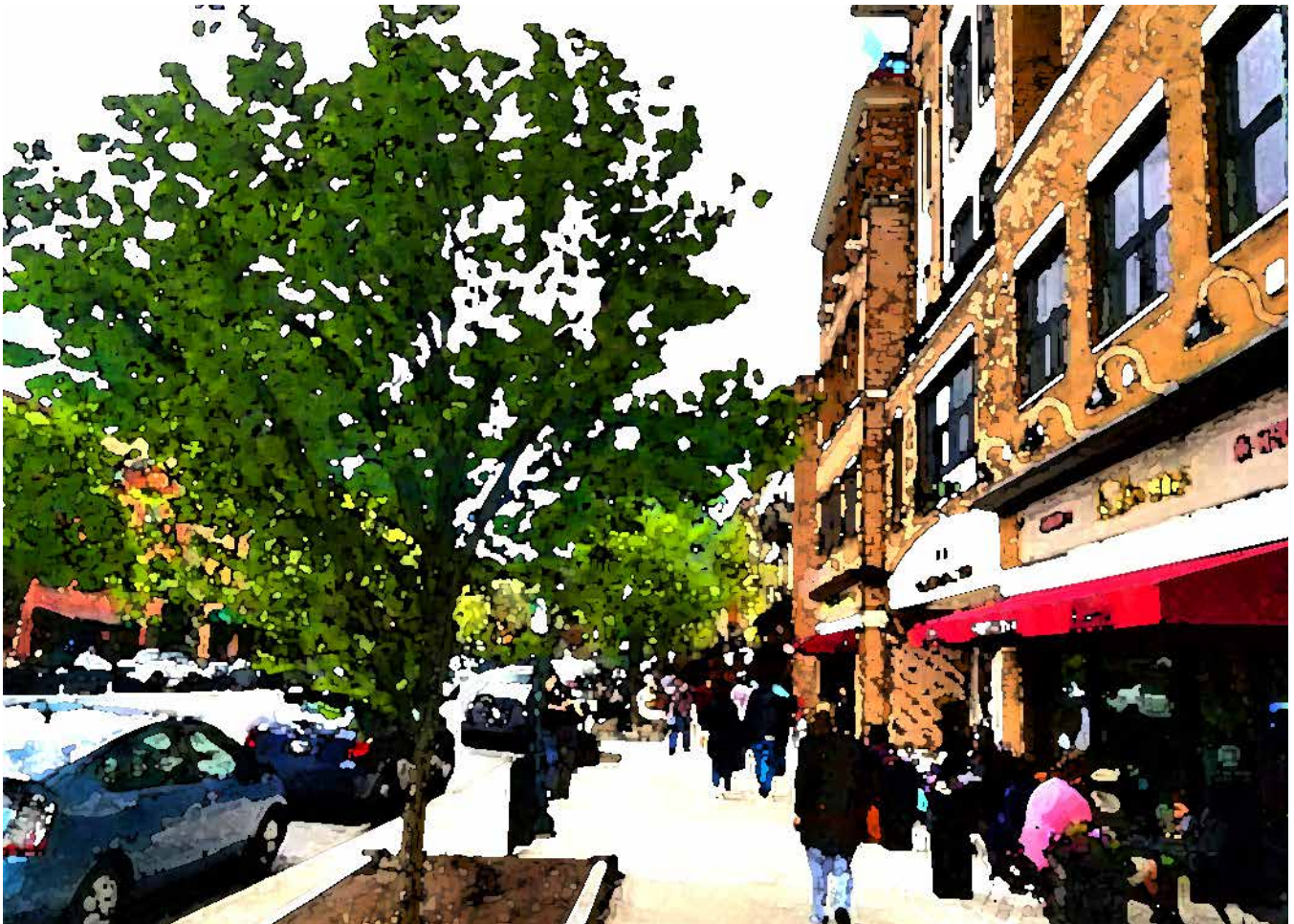
Lot Requirements

Lot Size	4,000 SF min.
Lot Width (Average)	50' min.
Min. First Floor Area	1,000 SF
Principal Building Coverage	45% max.
Accessory Building Coverage	10% max.
Total Permeable Surface Coverage	20% min.

Building Placement & Setbacks

Setbacks (Principal Building)		
Front Yard	10' min.	(A)
Each Side Yard	4' min.	(B)
Total Both Side Yards	8' min.	
Rear Yard	10' min.	(C)
Setbacks (Accessory Structure)		
Front Yard	10' min.	(A)
Side Yard	5' min.	(B)
Rear Yard	5' min.	(D)
Distance from Principal Building	5' min.	(E)
Height (Principal / Accessory)		
		35' max. / 25' max.

2.2 MIXED USE DISTRICTS



MIXED USE DISTRICTS OVERVIEW The city's different commercial and mixed use downtown districts continue to be a center of activity and attraction for many visitors, which drives an important economic engine for the city. The qualities that attract this activity—historic charm, a centralized downtown, and walkable community—are the very qualities which Saratoga Springs needs to reinforce and advance.

Looking forward, the city will need to continue to infill and reinforce its core downtown with new redevelopment and densification. This redevelopment provides opportunities to improve walkability, providing multi-modal transportation opportunities, sustainability and urban landscape improvements which will make the city an even more attractive destination.

Likewise, it will continue to be important to protect and enhance the existing historic architectural assets which create this charming destination.

2.2.1 Listing of Mixed Use Districts

The commercial mixed use zoning districts within the City of Saratoga Springs include:

- HGB** Highway General Business
- TRB** Tourist Related Business
- NCUD-1** Neighborhood Complementary Use 1
- NCUD-2** Neighborhood Complementary Use 2
- NCUD-3** Neighborhood Complementary Use 3
- T-4** Urban Neighborhood Transect 4
- T-5** Neighborhood Center Transect 5
- T-6** Urban Core Transect 6

2.2.2 Use Schedule

USE SCHEDULE – Mixed Use Districts

Use		HGB	TRB	NCU-1	NCU-2	NCU-3	T-4	T-5	T-6	
Residential	Accessory Structure, Residential Accessory-Structur	A	A	A	A	A	A	A	A	
	Accessory Dwelling, Temporary Accessory-Dwelling			A	A	A	A	○	○	
	Residence, Single Family Residences	⊙ ¹	○ ¹	●	●	●	⊖ ⊕	○	⊙ ¹	
	Residence, Two Family Residences	⊙ ¹	○ ¹	●	●	●	⊖ ⊕	○	⊙ ¹	
	Residence, Multi Family Residences	⊙ ¹	○ ¹			○	○	○	⊙ ¹	
	Residence, Mobile Home Park ⁰⁰⁶						○	○	⊖	
	Nursing or Convalescent Home						○	○	○	
	Senior Assisted Care Facility	○ ¹	○ ¹				○	○	⊙	
	Senior Housing	○ ¹	○ ¹			○	○	○	○	
A	Agriculture ⁰⁰⁶						○	○	○	
	Animal Clinic	⊙	⊙				⊖ ⊕	⊖ ⊕	⊙	
	Animal Kennel	○					○	○	○	
	Antennas & Satellite Dish ⁰⁰⁶						○	○	○	
	Outdoor Athletic Field / Court Facility, Outdoor ⁰⁰⁶						○	○	○	
	Art Gallery			⊖ ⊕ ³	⊖ ⊕ ³	⊖ ⊕ ³	⊖ ⊕	⊖ ⊕	⊖ ⊕	
	Artist Studio			⊖ ⊕ ³	⊖ ⊕ ³	⊖ ⊕ ³	⊖ ⊕	⊖ ⊕	⊖ ⊕	
	Auto Junk Yard ⁰⁰⁶						⊖	⊖	⊖	
	Automotive Charging Terminals	A	A	A	A	A	A	A	A	
	Automotive Car Rental Agency	⊕	⊙				○	○	⊙	
	Automotive Motor Vehicle Repair	○	○				○	○	⊖ ⊕	
	Automotive Auto Sales	⊙					○	○	⊖ ⊕	
	Automotive Fuel Sales Vehicle-Fueling Stations	○	○				○	○	⊙	
	Automotive Wash Car-Washes	○	○				○	○	⊙	
B	Bakery, retail	⊙					⊖ ⊕	⊖ ⊕	⊙	
	Bakery, wholesale						○	○	○	
	Barns and Stables ⁰⁰⁶						○	○	○	
	Bathhouse / Health Spa	⊙	⊙				⊖ ⊕	⊖ ⊕	⊙	
	Corridor Bed & Breakfast, Corridor	⊙	⊙	○	○		○	○	⊙	
	Neighborhood Bed & Breakfast, Neighborhood			○	○		○	○	○	
	Bottling Plant ⁰⁰⁶						○	○	○	
	Bowling Alley ⁰⁰⁶	⊙					○	○	○	
	Brew Pub	○	○				⊖ ⊕	⊖ ⊕	⊙	
	Building Materials Storage & Sales ⁰⁰⁶	⊙					○	○	○	
	Bus Depot		○				○	○	○	
	C	Cemetery ⁰⁰⁶						○	○	○
		Club, civic or private Private/Civic-Club	⊙					⊖ ⊕	⊖ ⊕	⊙
Concession Stand ⁰⁰⁶						○	○	○		

● = Permitted ⊙ = Permitted with Site Plan Approval ○ = Permitted with Special Use Permit and Site Plan Approval A = Accessory Use or Structure
 1 = Permitted only on second story or above, 2 = Permitted in association with public/private educational facilities, 3 = Less than 1,200 g.s.f., 4 = Less than 1,800 g.s.f. Except for Transect Zones T-4, T-5 and T-6, all uses not specifically mentioned or described by category in the use schedule are prohibited.

Note: See inside cover for explanation of ⁰⁰⁰ use schedule codes shown above.

USE SCHEDULE – Mixed Use Districts

Use	HGB	TRB	NCU-1	NCU-2	NCU-3	T-4	T-5	T-6
C Convenience Sales < 2,000 g.s.f.			○	○		○	⊖ ⊕	⊙
Convenience Sales < 5,000 g.s.f.	⊙	⊙				○	○	⊙
<u>Craft Brewery, Winery or Distillery</u>						○	⊕	⊕
Cultural Facility		⊙				○	⊖ ⊕	⊙
<u>Day Care, Family Day-Care</u>						A	○	○
<u>Day Care, Group Family Day-Care</u>						A	○	○
Day Care Center	⊙		○			⊖ ⊕	⊖ ⊕	⊙
D Dormitory ⁰⁰⁶						○	○	○
Private Docks, <u>Private</u> ⁰⁰⁶						○	○	○
Drive-In <u>Establishment Facility, General</u> ⁰⁰³	○	○				⊖ ⊕	○	⊙
Drive-In Facility Canopy	A	A				○	○	A
E Eating & Drinking Establishment	⊙	⊙				○	⊖ ⊕	⊙
Eating & Drinking Establishment <40 seats	⊙	⊙	○			○	⊖ ⊕	⊙
<u>Outdoor</u> Eating & Drinking Establishment, <u>Outdoor</u>	A	A				○	⊖ ⊕	⊕
Educational Facilities ⁰⁰⁶	⊙					○	⊖ ⊕	⊙
Equipment Repair Shop	⊙					○	○	○
F Farm ⁰⁰⁶						○	○	○
Farm Stand ⁰⁰⁶						○	○	○
Financial Institution	⊙	⊙				⊖ ⊕	⊖ ⊕	⊙
<u>Financial Institution, Drive-in</u> ⁰⁰⁴	○	○				○	○	○
Forest Management								
Funeral Home	⊙					○	○	○
<u>Geothermal Energy Systems</u>	A	A	A	A	A	A	A	A
G Golf Course & Clubhouse ⁰⁰⁶						○	○	○
Group Entertainment ⁰⁰⁷	⊙	⊙				○	○	⊙
H Heliport ⁰⁰⁶						○	○	○
Home Occupation	A		A	A	A	A	A	A
Hospital						○	○	○
Hotel/Motel	⊙	⊙				○	⊖ ⊕	⊙
<u>Hotel, Pari-Mutual Racing Hotel</u>						○	○	○
I Inn	⊙	⊙				○	⊖ ⊕	⊙
J Laboratory ⁰⁰⁶						○	○	○
M Maintenance / Storage Facility	A	A	A	A	A	○	○	A
Maintenance & Operational Facility ⁰⁰⁶						○	○	○
Marina & Dock ⁰⁰⁶						○	○	○
Movie Theater	○	○				○	○	⊙
Municipal Vehicle Repair and Storage ⁰⁰⁶						○	○	○
N Newspaper Plant						○	○	⊙
Nursery ⁰⁰⁶	⊙					○	○	○

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Note: See inside cover for explanation of ⁰⁰⁰ use schedule codes shown above.

USE SCHEDULE – Mixed Use Districts

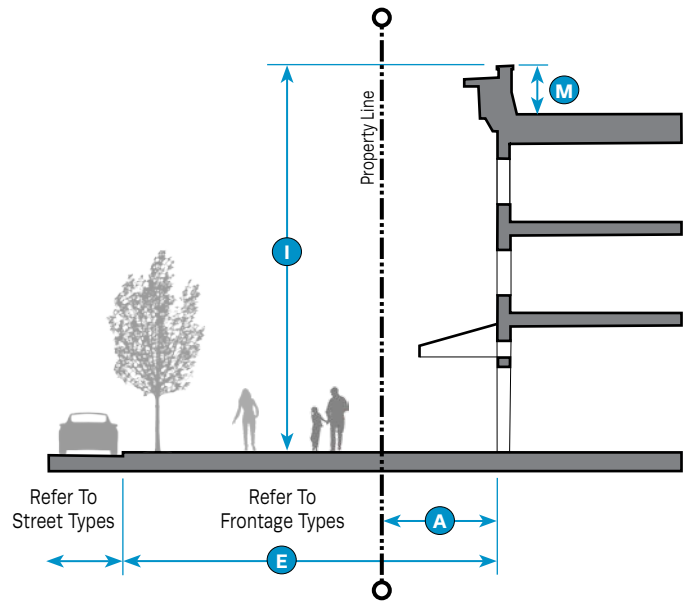
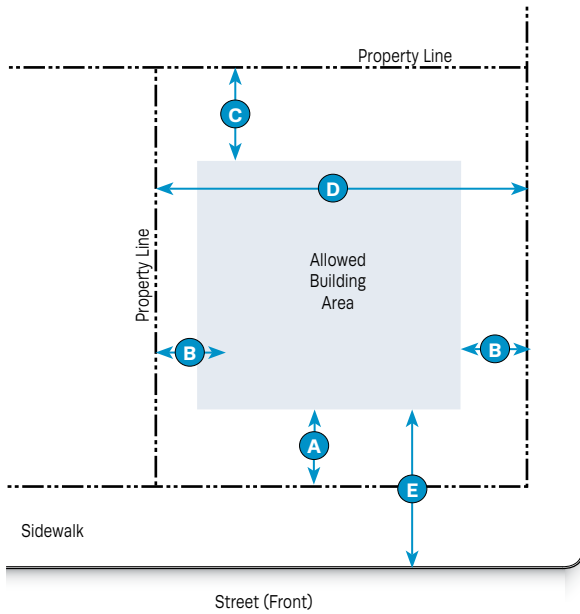
Use		HGB	TRB	NCU-1	NCU-2	NCU-3	T-4	T-5	T-6
O	Office	⊙		○ ³	○ ³	○ ⁴	⊖ ⊕	⊖ ⊕	⊙
	Office, Medical / Clinic	⊙					○	⊖ ⊕	⊙
	Open Air Market	○					○	⊖ ⊕	⊙
P	Parking Facilities	⊙	⊙				○	○	⊙
	Pharmacy, Drive-in ⁰⁰⁵	○	○				○	○	○
R	Employee Recreation Area, Employee						○	○	○
	Recreation Facility	⊙					○	○	⊙
	Employee Recreation Facility, Employee								
	Outdoor Recreation Facility, Outdoor		○				○	○	○
	Real Estate Office	⊙	⊙				⊖ ⊕	⊖ ⊕	⊖ ⊕
	Religious Institution	⊙					○	○	⊙
	Retail	⊙					○	⊖ ⊕	⊙
	Riding Stable ⁰⁰⁶						○	○	○
	Rooming House, Corridor Rooming House	⊙	⊙	○	○		○	○	⊙
	Rooming House, Neighborhood Rooming House			○	○		○	○	○
	Sales & Maintenance ^{006, 008}						○	○	○
	S	School						○	⊖ ⊕
Private School, private							○	⊖ ⊕	⊖ ⊕
Outdoor Storage / Display, Outdoor ⁰⁰⁶		○	○				○	○	⊖ ⊕
Storage, Self storage							○	○	⊙
Service Establishments		⊙	⊙				○	⊖ ⊕	⊙
Solar – Building Integrated Photovoltaic System		P	P	P	P	P	P	P	P
Solar – Ground-Mounted Solar Energy System		A	A						
Solar – Large Scale Solar Energy System									
Solar – Roof Mounted Solar Energy System		A	A	A	A	A	A	A	A
Solar – Parking Canopy Energy System		A	A				A	A	A
Solar & HVAC / Utility Equipment ⁰⁰⁶						○	○	○	
INDUSTRIAL	Asphalt Mix Plant						○	○	○
	Concrete Mix Plant						○	○	○
	Distribution Plant & Wholesale Establishment						○	○	○
	Extraction Equipment						○	○	○
	Extraction of Sand, Stone or Gravel						○	○	○
	Forest Management						○	○	○
	Heavy Equipment Storage						○	○	○
	Heavy Manufacturing						○	○	⊙
	Light Manufacturing ^o						○	○	⊙
	Machine Shop						○	○	○
	Solid Waste Landfill						○	○	○
	Solid Waste Transfer Station						○	○	○
	Salvage & Scrap Processing						○	○	○
	TV/Radio Station & Receiving/Broadcast	⊙					○	○	○
	Telecommunications Tower						○	○	○

● = Permitted ⊙ = Permitted with Site Plan Approval ○ = Permitted with Special Use Permit and Site Plan Approval A = Accessory Use or Structure
 1 = Permitted only on second story or above, 2 = Permitted in association with public/private educational facilities, 3 = Less than 1,200 g.s.f., 4 = Less than 1,800 g.s.f. Except for Transect Zones T-4, T-5 and T-6, all uses not specifically mentioned or described by category in the use schedule are prohibited.

Note: See inside cover for explanation of ⁰⁰⁰ use schedule codes shown above.

2.2.3 Highway General Business

HGB



Building Placement & Setbacks

Principal Building Setbacks (Distance separation)

Front yard	40' min.	A
Side yard (one side/total both)	15' / 30' min.†	B
Rear yard	25' min.†	C
Frontage	Refer to Frontage Types	E

Accessory Building Setbacks (Distance Separation)

Front yard	40' min.
Side yard	3' min.†
Rear yard	3' min.†
From Principal Building	10' min.

Lot Size & Coverage

Lot Width	200' average min.	D
Lot Size	20,000 s.f. min.	
Principal Building Coverage	30% max.	
Accessory Building Coverage	15% max.	
Total Permeable Surface Coverage	15% min.	

Building Form

Height

Principal Building	40' max.	I
Accessory Structure	20' max.	
Parapet (if applicable)	3' min.	M

Frontage Types Allowed (See Section 4.3)

<input type="checkbox"/> Classic Broadway	<input type="checkbox"/> Urban & Transit Corridor
<input checked="" type="checkbox"/> Suburban	<input checked="" type="checkbox"/> Rural Suburban

† = Refer to Specific District Requirements on following pages for additional information.

HGB continued

A. Intent of District

To accommodate higher intensity commercial uses and services that are not intended to be competitive with uses located in the Downtown District.

B. Specific District Requirements

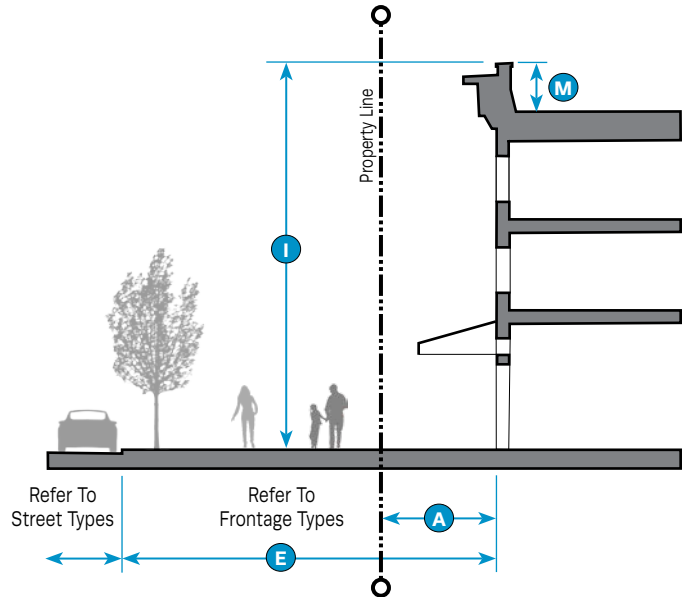
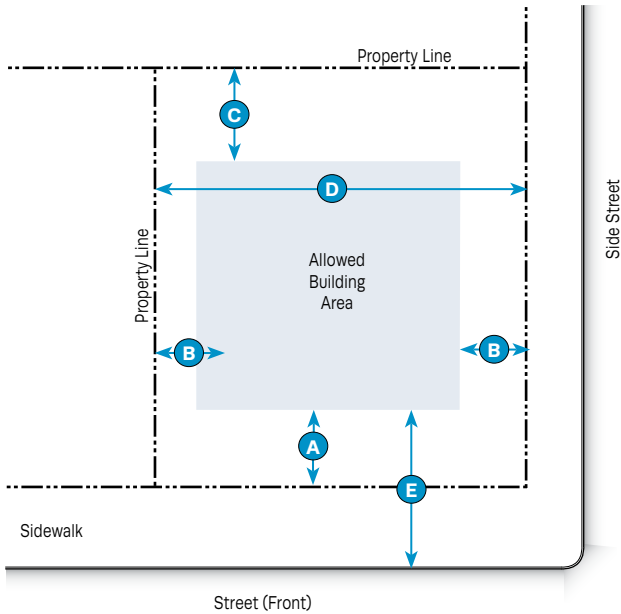
1. For ~~properties~~ side and rear yards abutting a residential district, the minimum setbacks shall be as follows:
 - a. The side yard setback from the Principal Building shall be 40 feet.
 - b. The rear yard setback from the Principal Building shall be 50 feet.
 - c. The side or rear setback from an Accessory Building shall be 30 feet.

Note: The above conditions have been modified slightly from current zoning, which can be interpreted to mean that if a property is abutting a residential district, that the rear and both of the side yards must all have a deeper setback, regardless of which yard actually abuts the district. It is not clear if this interpretation is intentional. If it is, then the above wording should be modified.

2. See Gateway Overlay District for additional requirements that may apply.
3. New development adjacent to residential districts shall comply with the residential buffer requirements of section 4.5.2.
4. Applicants within this district may seek approval for a residential density bonus in exchange for providing affordable senior housing. Refer to section 2.4.6 Incentive Zoning Districts for more information.
5. Open fire escapes may not project more than 6 feet into any required setback.
6. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
7. ~~Terraces and patios must be setback 10 feet from an adjoining lot line.~~

2.2.4 Tourist Related Business

TRB



Building Placement & Setbacks

Principal Building Setbacks (Distance separation)

Front yard	40' min.	A
Side yard (one side/total both)	20' / 40' min.†	B
Rear yard	25' min.†	C
Frontage	Refer to Frontage Types	E

Accessory Building Setbacks (Distance Separation)

Front yard	40' min.
Side yard	10' min.†
Rear yard	10' min.†
From Principal Building	10' min.

Lot Size & Coverage

Lot Width	100' average min.	D
Lot Size	10,000 s.f. min.	
Principal Building Coverage	20% max.	
Accessory Building Coverage	10% max.	
Total Permeable Surface Coverage	30% min.	

Building Form

Height

Principal Building	40' max.	I
Accessory Structure	20' max.	
Parapet (if applicable)	3' min.	M

Frontage Types Allowed (See Section 4.3)

<input type="checkbox"/> Classic Broadway	<input type="checkbox"/> Urban & Transit Corridor
<input checked="" type="checkbox"/> Suburban	<input checked="" type="checkbox"/> Rural Suburban

† = Refer to Specific District Requirements on following pages for additional information.

TRB continued

A. Intent of District

To accommodate commercial uses and services that are intended to serve the needs of tourists.

B. Specific District Requirements

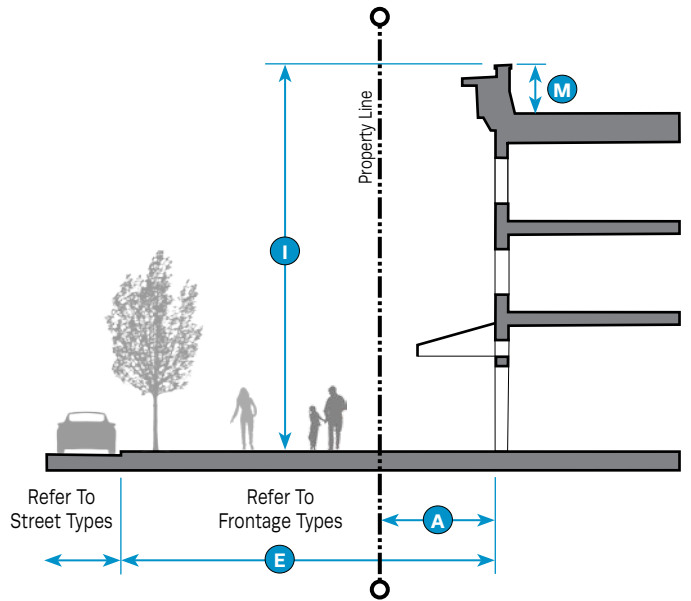
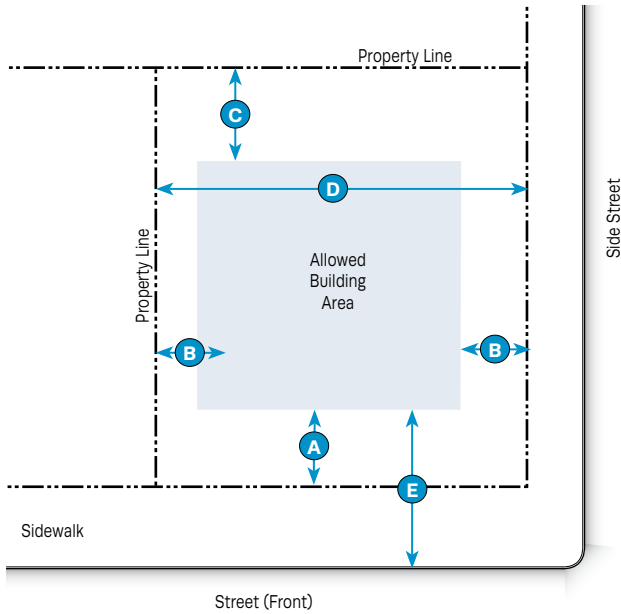
1. For ~~properties~~ side and rear yards abutting a residential district, the minimum setbacks shall be as follows:
 - a. The side yard setback from the Principal Building shall be 40 feet.
 - b. The rear yard setback from the Principal Building shall be 50 feet.
 - c. The side or rear setback from an Accessory Building shall be 30 feet.

Note: The above conditions have been modified slightly from current zoning, which can be interpreted to mean that if a property is abutting a residential district, that the rear and both of the side yards must all have a deeper setback, regardless of which yard actually abuts the district. It is not clear if this interpretation is intentional. If it is, then the above wording should be modified.

2. See Gateway Overlay District for additional requirements that may apply.
3. New development adjacent to residential districts shall comply with the residential buffer requirements of section 4.5.2.
4. Applicants within this district may seek approval for a residential density bonus in exchange for providing affordable senior housing. Refer to section 2.4.6 Incentive Zoning Districts for more information.
5. Open fire escapes may not project more than 6 feet into any required setback.
6. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
7. ~~Terraces and patios must be setback 10 feet from an adjoining lot line.~~

2.2.5 Neighborhood Complementary Use 1

NCU-1



Building Placement & Setbacks

Principal Building Setbacks (Distance separation)

Front yard	10' min.	A
Side yard (one side/total both)	4' / 12' min.	B
Rear yard	25' min.	C
Frontage	Refer to Frontage Types	E

Accessory Building Setbacks (Distance Separation)

Front yard	10' min.
Side yard	5' min.
Rear yard	5' min.
From Principal Building	5' min.

Lot Size & Coverage

Lot Width (1 dwelling unit)	60' average min.	D
Lot Width (2 dwelling units)	80' average min.	
Lot Size (1 dwelling unit)	6,600 s.f. min.	
Lot Size (2 dwelling units)	8,000 s.f. min.	

Principal Building Coverage	30% max.
Accessory Building Coverage	10% max.
Total Permeable Surface Coverage	25% min.

Building Form

Height

Principal Building	60' 45' max.	I
Accessory Structure	20' max.	
Parapet (if applicable)	3' min.	M

Minimum First Floor Area

1-Story	1,200 s.f.
2-Story	800 s.f.

Frontage Types Allowed (See Section 4.3)

- Classic Broadway
- Urban & Transit Corridor
- Suburban
- Rural Suburban

NCU-1 continued

A. Intent of District

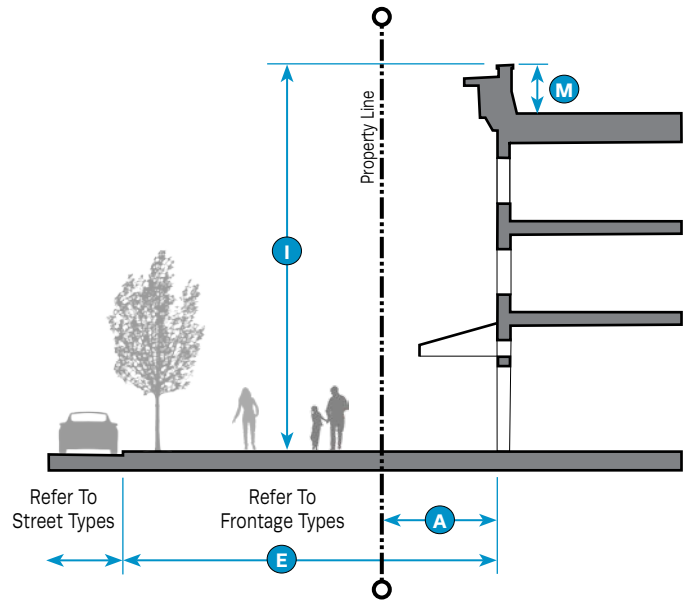
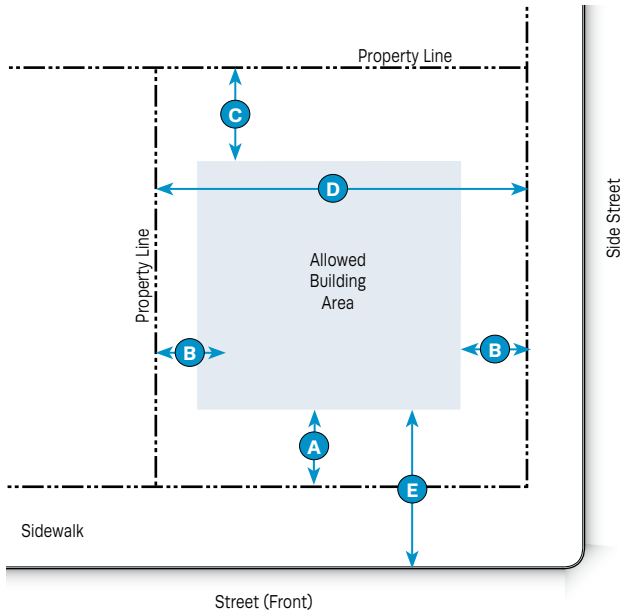
To accommodate primarily single family and two family residential development with some select and limited non-residential uses where appropriate. Non-residential uses are intended to provide sales and services within walking distance of surrounding residential areas.

B. Specific District Requirements

1. New development adjacent to residential districts shall comply with the residential buffer requirements of section 4.5.2.
2. Open fire escapes may not project more than 6 feet into any required setback.
3. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
4. ~~Terraces and patios must be setback 10 feet from an adjoining lot line.~~

2.2.6 Neighborhood Complementary Use 2

NCU-2



Building Placement & Setbacks

Principal Building Setbacks (Distance separation)

Front yard	10' min.	A
Side yard (one side/total both)	4' / 12' min.	B
Rear yard	25' min.	C
Frontage	Refer to Frontage Types	E

Accessory Building Setbacks (Distance Separation)

Front yard	10' min.
Side yard	5' min.
Rear yard	5' min.
From Principal Building	5' min.

Lot Size & Coverage

Lot Width (1 dwelling unit)	60' average min.	D
Lot Width (2 dwelling units)	80' average min.	
Lot Size (1 dwelling unit)	6,600 s.f. min.	
Lot Size (2 dwelling units)	8,000 s.f. min.	

Principal Building Coverage	30% max.
Accessory Building Coverage	10% max.
Total Permeable Surface Coverage	25% min.

Building Form

Height

Principal Building	60' 45' max.	I
Accessory Structure	20' max.	
Parapet (if applicable)	3' min.	M

Minimum First Floor Area

1-Story	1,200 s.f.
2-Story	800 s.f.

Frontage Types Allowed (See Section 4.3)

<input type="checkbox"/> Classic Broadway	<input type="checkbox"/> Urban & Transit Corridor
<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural Suburban

NCU-2 continued

A. Intent of District

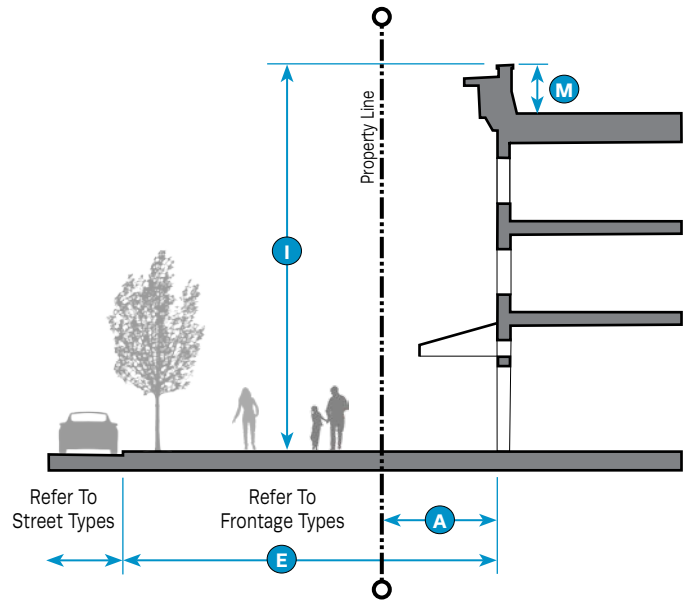
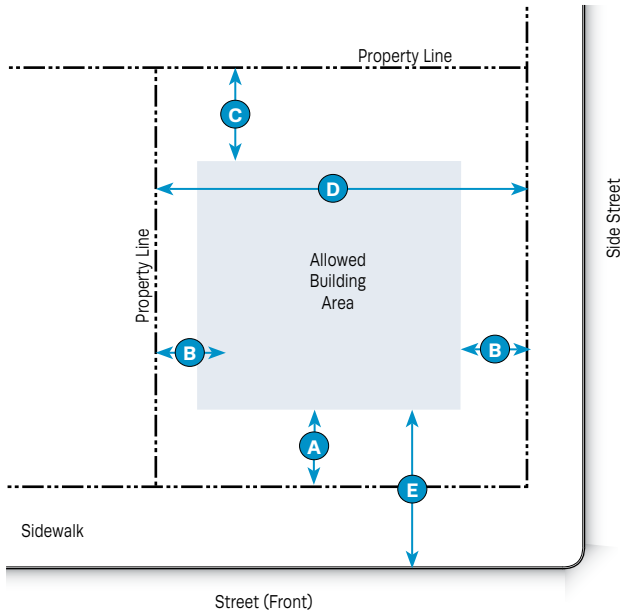
To accommodate primarily single family and two family residential development with some select and limited non-residential uses where appropriate. Non-residential uses are intended to provide sales and services within walking distance of surrounding residential areas.

B. Specific District Requirements

1. New development adjacent to residential districts shall comply with the residential buffer requirements of section 4.5.2.
2. Open fire escapes may not project more than 6 feet into any required setback.
3. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
4. ~~Terraces and patios must be setback 10 feet from an adjoining lot line.~~

2.2.7 Neighborhood Complementary Use 3

NCU-3



Building Placement & Setbacks

Principal Building Setbacks (Distance separation)

Front yard	10' min.	A
Side yard (one side/total both)	4' / 12' min. †	B
Rear yard	25' min.	C
Frontage	Refer to Frontage Types	E

Accessory Building Setbacks (Distance Separation)

Front yard	10' min. †
Side yard	5' min.
Rear yard	5' min.
From Principal Building	5' min.

Lot Size & Coverage

Lot Width	60' average min. †	D
Lot Size (per dwelling unit)	3,000 s.f. min.	

Principal Building Coverage	30% max. †
Accessory Building Coverage	10% max.
Total Permeable Surface Coverage	20% min.

Building Form

Height

Principal Building	50' max.	I
Accessory Structure	20' max.	
Parapet (if applicable)	3' min.	M

Minimum First Floor Area

1-Story	1,800 s.f.
2-Story	1,200 s.f.

Frontage Types Allowed (See Section 4.3)

<input type="checkbox"/> Classic Broadway	<input type="checkbox"/> Urban & Transit Corridor
<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural Suburban

† = Refer to Specific District Requirements on following pages for additional information.

NCU-3 continued

A. Intent of District

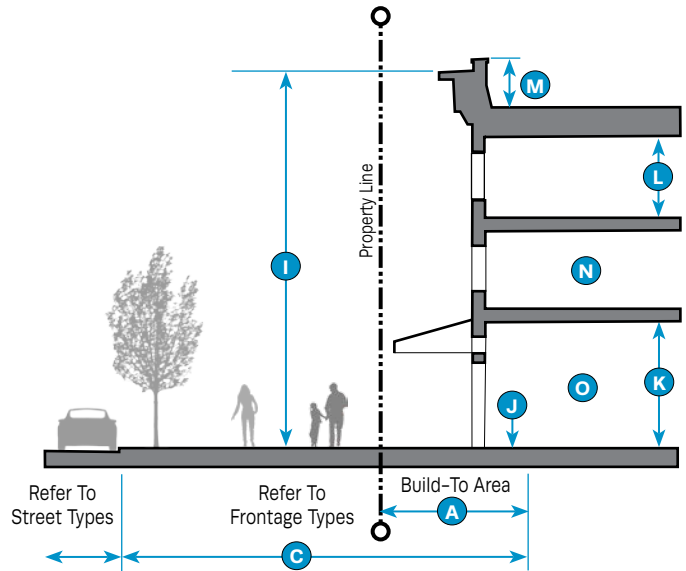
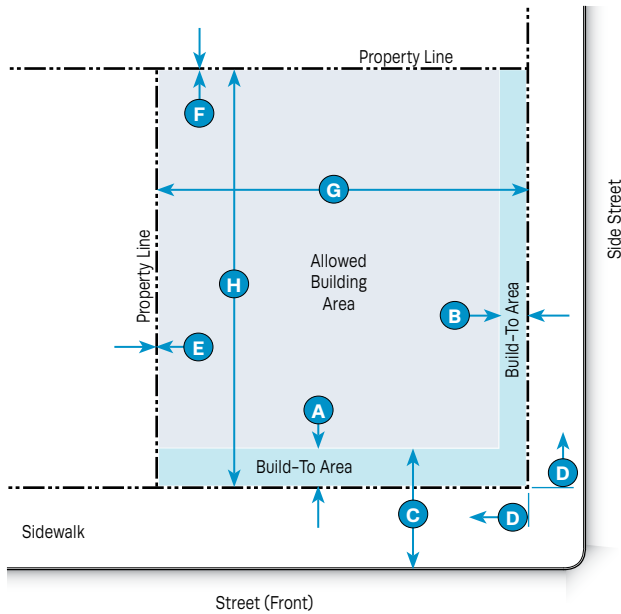
To accommodate primarily single family and two family residential development with some select and limited non-residential uses where appropriate. Non-residential uses are intended to provide sales and services within walking distance of surrounding residential areas.

B. Specific District Requirements

1. The cumulative area of all new and existing one-story structure(s) on any one lot shall not exceed 3,000 square feet. **Note: Asked to clarify or revise this note, however it is not clear what needs to be changed.**
2. For attached single family homes, the mean minimum lot width may be 18 feet, and the minimum side yard setback may be 0 (zero) feet.
3. Applicants within this district may seek approval for a residential density bonus in exchange for providing affordable senior housing. Refer to section 2.4.6 Incentive Zoning Districts for more information.
4. New development adjacent to residential districts shall comply with the residential buffer requirements of section 4.5.2.
5. Open fire escapes may not project more than 6 feet into any required setback.
6. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
7. ~~Terraces and patios must be setback 10 feet from an adjoining lot line.~~

2.2.8 Urban Neighborhood Transect 4

T-4



Building Placement & Setbacks

Build-To Area (Distance from Property Line)

Front	12' min. to 18' max.	A
Side Street	0' min. to 8' max.	B
Frontage Type	Refer to Frontage Types	C

Building Facade Width at Built-To Area

Front	50% width of lot min.
Side Street	30% width of lot min.

Corner properties: Both street facades must be built within the Build-to Area for the first 30' min. from the corner. D

Other Setbacks (Minimum distance from property line)

Side – Principal Structure	12' average	E
Accessory Structure	6' min. each side	
Rear – Principal Structure	24' min.	F
Accessory Structure	5' min.	

Lot & Block Configuration

Width	36' to 72'	G
Depth	n/a	H
Block Perimeter	1400' max.	

Allowed Use Types

Upper Floors	Residential, Commercial, Parking†	N
Ground Floor	Commercial	O

Building Form

Height

Principal Building	40' max.	I
	2 story minimum†	
Accessory Structure	30' max.	
Ground Floor Elevation	4' max. above sidewalk	J
Ground Floor Ceiling	14' min.	K
Upper Floor(s) Ceiling	9' min.	L
Parapet (if applicable)	3' min.	M

Building Types Allowed (See 4.5)

<input checked="" type="checkbox"/> Detached	<input checked="" type="checkbox"/> Common Wall
<input checked="" type="checkbox"/> Side Yard	<input type="checkbox"/> Courtyard

Facade Types Allowed (See 4.4)

<input checked="" type="checkbox"/> Porch	<input type="checkbox"/> Forecourt
<input checked="" type="checkbox"/> Stoop	<input type="checkbox"/> Terrace & Light Court
<input type="checkbox"/> Arcade	<input checked="" type="checkbox"/> Shopfront & Awning
<input checked="" type="checkbox"/> Open Front Yard	

Frontage Types Allowed (See Section 4.3)

<input type="checkbox"/> Classic Broadway	<input checked="" type="checkbox"/> Urban & Transit Corridor
<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural Suburban

† = Refer to Specific District Requirements on following pages for additional information.

T-4 continued

A. Intent of District

To accommodate development of neo-traditional neighborhoods with primarily residential uses incorporating a mix of unit types and small-scale commercial uses where appropriate. Transect-4 Urban neighborhoods are intended primarily for the development of new residential areas incorporating a mix of residential unit types within a block grid typical of existing urban areas in Saratoga Springs. **## Note above sentence relocated from existing code 3.1.3. A.**

B. Design Considerations

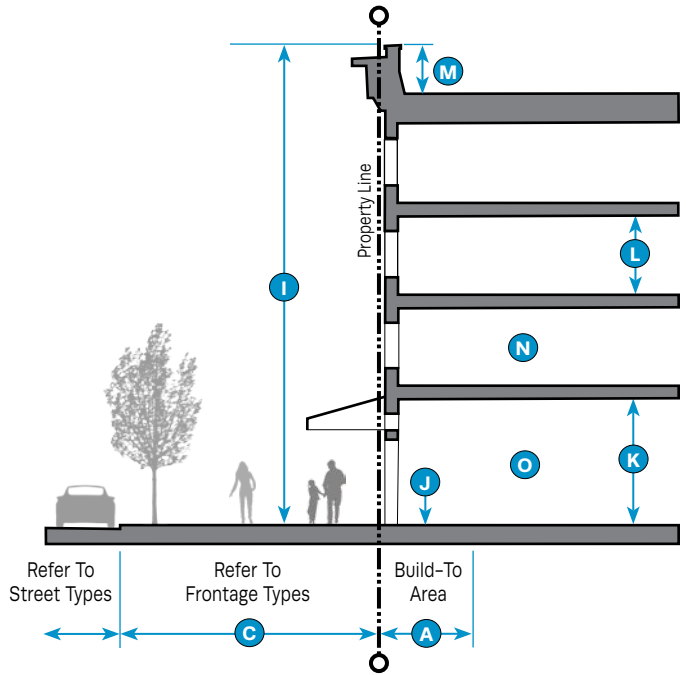
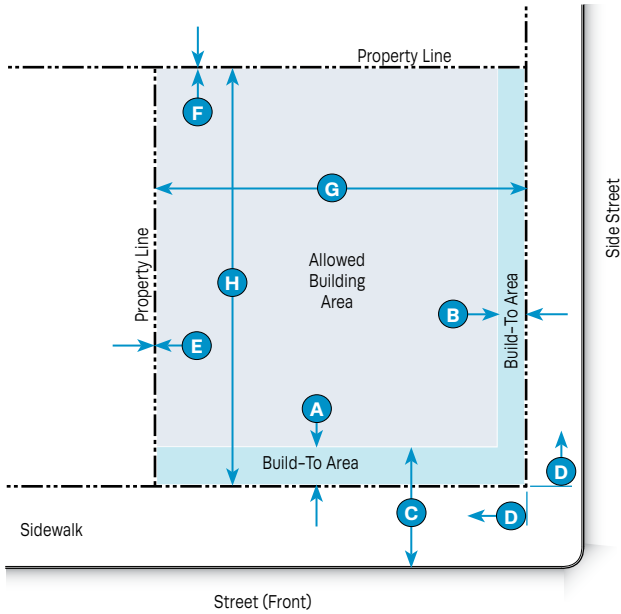
1. Buildings are required to have a minimum of 2 stories along the primary street frontage. Such required second story area shall be composed of occupiable and/or habitable space, and may not be designed as a false facade. The occupiable or habitable space shall extend for the full width of the primary frontage and shall extend for no less than 20 feet in depth from the facade.
2. Buildings should consist of primarily detached and side-yard building types. **and are required to have a minimum of 2 stories.**
3. Residential lots should be served by alleys to preserve the pedestrian character of the streets.
4. Neighborhoods should relate to nearby natural areas and neighborhood centers.
5. Visual buffers should be provided in the following areas to protect existing residential areas:
 - a. Along the south side of Route 50 from the Excelsior Avenue turn around to I-87,
 - b. Along I-87, and
 - c. Along the east boundary of the T-4 zone east of Weibel Avenue and adjacent to existing residential areas.
6. Refer to Article 4 – Design of Sites, Buildings and Signs for additional guidance on site planning within the Transect zones.

C. Specific District Requirements

1. Refer to Article 4.12.8 for specific architectural requirements for the Transect Zones.
2. Structured parking within the footprint of the building is permitted within the 2nd and 3rd floors.
3. Ground floor residential uses are permitted, provided they do not occupy the frontage areas of the lot and are instead provided toward the rear of the lot behind the commercial areas.
4. Where first floor residential uses are permitted, the first floor shall be raised above sidewalk grade a minimum of 2 feet.
5. New development adjacent to residential districts shall comply with the residential buffer requirements of 4.5.2.
6. Within the T-4 District within the “Excelsior Avenue Outer Area” Special Development Area, as identified in the City’s Comprehensive Plan, general retail is prohibited; however, ancillary retail may be allowed related to principal uses. **## Note: Redefine**
7. Within the T-4 District within the “Northern South Broadway Area” Special Development Area, as identified in the City’s Comprehensive Plan, auto sales and services are prohibited. **## Note: Redefine**
8. The cumulative area of all new and existing one-story structure(s) on any one lot shall not exceed 3,000 square feet. **## Note: Asked to clarify this note: however it is not clear what needs to be revised.**
9. Open porches, stoops, balconies, awnings and bay windows may encroach up to 50% of the depth of any setback.
10. Open fire escapes may not project more than 6 feet into any required setback.
11. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
12. **Terraces and patios must be setback 10 feet from an adjoining lot line.**

2.2.9 Neighborhood Center Transect 5

T-5



Building Placement & Setbacks

Build-To Area (Distance from Property Line)

Front	0' min. 8' min. to 12' max.	A
Side Street	8' min. to 12' max.	B
Frontage Type	Refer to Frontage Types	C

Building Facade Width at Build-To Area

Front	70% width of lot min.
Side Street	30% width of lot min.

Corner properties: Both street facades must be built within the Build-to Area for the first 30' min. from the corner. D

Other Setbacks (Minimum distance from property line)

Side - Principal Structure	0' min.	E
Accessory Structure	0' min. each side	
Rear - Principal Structure	0' min.	F
Accessory Structure	0' min.	

Lot & Block Configuration

Width	18' to 144'	G
Depth	n/a	H
Block Perimeter	1400' max.	

Allowed Use Types

Upper Floors	Residential, Commercial, Parking†	N
Ground Floor	Commercial	O

† = Refer to Specific District Requirements on following pages for additional information.

Building Form

Height

Principal Building	50' max.	I
	2 story minimum†	
Accessory Structure	30' max.	
Ground Floor Elevation	4' max. above sidewalk	J
Ground Floor Ceiling	14' min.	K
Upper Floor(s) Ceiling	9' min.	L
Parapet (if applicable)	3' min.	M

Building Types Allowed (See 4.5)

<input checked="" type="checkbox"/> Detached	<input checked="" type="checkbox"/> Common Wall
<input checked="" type="checkbox"/> Side Yard	<input checked="" type="checkbox"/> Courtyard

Facade Types Allowed (See 4.4)

<input checked="" type="checkbox"/> Porch	<input checked="" type="checkbox"/> Forecourt
<input checked="" type="checkbox"/> Stoop	<input checked="" type="checkbox"/> Terrace & Light Court
<input checked="" type="checkbox"/> Arcade	<input checked="" type="checkbox"/> Shopfront & Awning
<input type="checkbox"/> Open Front Yard	

Frontage Types Allowed (See Section 4.3)

<input checked="" type="checkbox"/> Classic Broadway	<input checked="" type="checkbox"/> Urban & Transit Corridor
<input type="checkbox"/> Suburban	<input type="checkbox"/> Rural Suburban

T-5 continued

A. Intent of District

To accommodate a wide variety of residential and non-residential uses, building and frontage types. This district also focuses on providing quality streetscape amenities and civic spaces to enhance pedestrian activity.

Transect-5 Neighborhood Centers are intended to accommodate a variety and mixture of residential and non-residential uses, building types, and lot sizes. Neighborhood centers must incorporate residential use, create a public realm conducive to pedestrian activity, and provide linkages to adjacent neighborhoods. Neighborhood centers may vary, however, in the balance of neighborhood- and regional-scale non-residential uses based on their proximity to residential areas and major thoroughfares. Civic uses and spaces are also important elements of neighborhood centers. ## Note above sentence relocated from existing code 3.1.4. A.

B. Design Considerations

1. Buildings are required to have a minimum of 2 stories along the primary street frontage. Such required second story area shall be composed of occupiable or habitable space, and may not be designed as a false facade. The occupiable or habitable space shall extend for the full width of the primary frontage and shall extend for no less than 20 feet in depth from the facade.
2. Buildings should consist of primarily detached and side-yard building types. ~~and are required to have a minimum of 2 stories:~~
3. Residential lots should be served by alleys to preserve the pedestrian character of the streets.
4. Neighborhoods should relate to nearby natural areas and neighborhood centers.
5. Visual buffers should be provided in the following areas to protect existing residential areas:
 - a. Along the south side of Route 50 from the Excelsior Avenue turn around to I-87,
 - b. Along I-87, and
 - c. Along the east boundary of the T-4 zone east

of Weibel Avenue and adjacent to existing residential areas.

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

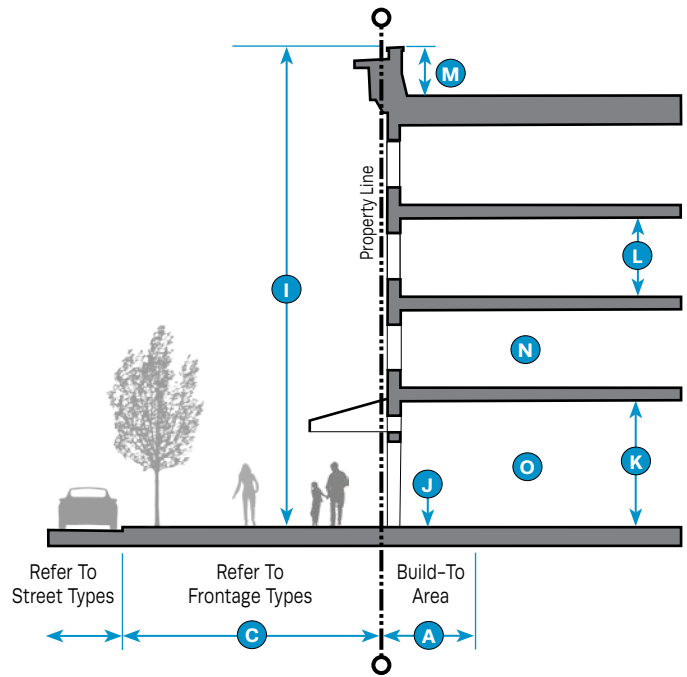
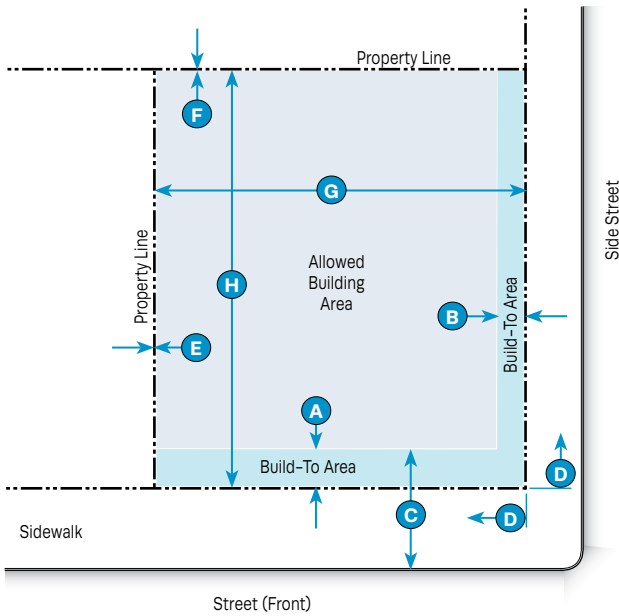
C. Specific District Requirements

1. Refer to Article 4.12.8 Transect Zone Requirements for specific architectural requirements for the Transect Zones.
2. Signs in this district may need to comply with 4.13.9 Additional District Requirements
3. Structured parking within the footprint of the building is permitted within the 2nd and 3rd ~~layer-~~story.
4. New development adjacent to residential districts shall comply with the residential buffer requirements of 4.5.2.
5. Ground floor non-residential uses such as eating and drinking, retail, service, and offices with walk-in clientele, are required along the following key frontages:
 - a. Excelsior Avenue from Warren Street to Marion Avenue
 - b. East Avenue within 250 feet of the centerline of Excelsior Avenue
 - c. Lincoln Avenue from Hamilton Street to Whitney Place
 - d. South Broadway within 300 feet of the centerline of Lincoln Avenue
 - e. Washington Street within 250 feet of the centerline of West Avenue
 - f. West Avenue within 350 feet of the centerline of Washington Street
 - g. Weibel Avenue 950 to 1,300 feet south of the centerline of Loudon Road
6. Ground floor residential uses are permitted, provided they do not occupy the frontage areas of the lot and are instead provided toward the rear of the lot behind the commercial areas.

T-5 continued

7. Where first floor residential uses are permitted, the first floor shall be raised above sidewalk grade a minimum of 2 feet. ~~The first floors of buildings for residential use should be raised above sidewalk grade a minimum of 2 feet.~~
8. Within the T-5 District within the "Excelsior Avenue Outer Area" Special Development Area, as identified in the City's Comprehensive Plan, general retail is prohibited; however, ancillary retail may be allowed related to principal uses. ## Note: Redefine
9. Within the T-5 District within the "Northern South Broadway Area" Special Development Area, as identified in the City's Comprehensive Plan, auto sales and services are prohibited. ## Note: Redefine
10. The cumulative area of all new and existing one-story structure(s) on any one lot shall not exceed 3,000 square feet. ## Note: Asked to clarify this note: however it is not clear what needs to be revised.
11. Open porches, stoops, balconies, awnings and bay windows may encroach up to 50% of the depth of any setback.
12. Open fire escapes may not project more than 6 feet into any required setback.
13. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
14. ~~Terraces and patios must be setback 10 feet from an adjoining lot line.~~

T-6 2.2.10 Urban Core Transect 6



Building Placement & Setbacks

Build-To Area (Distance from Property Line)

Front	0' min. to 12' max.	A
Side Street	0' min. to 8' max.	B
Frontage Type	Refer to Frontage Types	C

Building Facade Width at Built-To Area

Front	80% width of lot min.
Side Street	30% width of lot min.

Corner properties: Both street facades must be built within the Build-to Area for the first 30' min. from the corner. **D**

Other Setbacks (Minimum distance from property line)

Side - Principal Structure	0' min.	E
Accessory Structure	0' min. each side	
Rear - Principal Structure	0' min.	F
Accessory Structure	0' min.	

Lot & Block Configuration

Width	18' min.	G
Depth	n/a	H
Block Perimeter	1200' max.	

Allowed Use Types

Upper Floors	Residential, Commercial, Parking [†]	N
Ground Floor	Commercial	O

Building Form

Height

Principal Building	70' max.	I
	2 story minimum [†]	
Accessory Structure	30' max.	
Ground Floor Elevation	4' max. above sidewalk	J
Ground Floor Ceiling	14' min.	K
Upper Floor(s) Ceiling	9' min.	L
Parapet (if applicable)	3' min.	M

Building Types Allowed (See 4.5)

<input checked="" type="checkbox"/> Detached	<input checked="" type="checkbox"/> Common Wall
<input checked="" type="checkbox"/> Side Yard	<input checked="" type="checkbox"/> Courtyard

Facade Types Allowed (See 4.4)

<input checked="" type="checkbox"/> Porch	<input checked="" type="checkbox"/> Forecourt
<input checked="" type="checkbox"/> Stoop	<input checked="" type="checkbox"/> Terrace & Light Court
<input checked="" type="checkbox"/> Arcade	<input checked="" type="checkbox"/> Shopfront & Awning
<input type="checkbox"/> Open Front Yard	

Frontage Types Allowed (See Section 4.3)

<input checked="" type="checkbox"/> Classic Broadway	<input type="checkbox"/> Urban & Transit Corridor
<input type="checkbox"/> Suburban	<input type="checkbox"/> Rural Suburban

[†] = Refer to Specific District Requirements on following pages for additional information.

T-6 continued

A. Intent of District

To accommodate highest intensity and diversity of retail, business and upper floor residential uses. This district focuses on high quality design and materials consistent with historic downtown form and promotes an active pedestrian oriented public realm.

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

B. Design Considerations

1. Buildings are required to have a minimum of 2 stories along the primary street frontage. Such required second story area shall be composed of occupiable or habitable space, and may not be designed as a false facade. The occupiable or habitable space shall extend for the full width of the primary frontage and shall extend for no less than 20 feet in depth from the facade. 2- to 7-story buildings are permitted, as appropriate to site context.
2. Retail, eating and drinking, office, residential, and civic uses should be integrated at the building, lot and block level.
3. Flat roof and parapet construction is preferred; sloping roof structures should use dormers and gables to give the façade more visual character. Sloping roofs shall ensure the fall of snow, ice or rain does not create a hazard for pedestrians.
4. Building materials and colors should be historically appropriate.

C. Specific District Requirements

1. Refer to Article 4.12.8 for specific architectural requirements for the Transect Zones.
2. There are no minimum off-street parking

requirements in the T-6 zone.

3. New development adjacent to residential districts shall comply with the residential buffer requirements of 4.5.2.
4. First floor uses including eating and drinking, retail, service, civic space, and offices with walk-in clientele is required on Broadway from Church Street to Phila Street.
5. ~~In addition to streetscape elements common to all Transect Zones, the Urban Core~~ The streetscape should shall include pedestrian amenities such as benches, trash cans, and informational kiosks as provided in Article 4.
6. Structured parking within the footprint of the building is permitted within the 2nd and 3rd layers.
7. The cumulative area of all new and existing one-story structure(s) on any one lot shall not exceed 1,500 square feet. ~~## Note: Asked to clarify this note: however it is not clear what needs to be revised.~~
8. Within the Transect-6 District, the following uses are prohibited: Automobile sales, motor vehicle repair establishments, car washes, vehicle fueling stations, auto junk yards, drive-in establishments (other than those associated with financial institutions and drug stores), manufacturing, self-storage facilities and warehouse.

2.3 SPECIALTY DISTRICTS



SPECIALTY DISTRICTS OVERVIEW The Specialty districts in Saratoga Springs include several zones designed to foster specific activities in parts of the city where they would have the most beneficial contribution to our economic sustainability. Concentrations of these activities in select areas of the city can often provide for strong inter-relationships and synergy. Examples of this include supporting medical business uses directly adjacent to Saratoga Hospital, or support and tourism related activities in close proximity to the Saratoga Race Course. In other cases, the location of these districts is a result of geographic limitations, or the desire to limit important activities to areas of the city where they will have the most resources and smallest effect on residential living.

Going forward, these districts will continue to strengthen and evolve over time, acting as a diverse set of supporting economic contributors which support and complement the central downtown anchor of the city.

2.3.1 Listing of Specialty Districts

- OMB-1** — Office / Medical Business 1
- OMB-2** Office / Medical Business 2
- WRB** Water Related Business
- INST-ED** Institutional Educational
- INST-HTR** Institutional Horse Track Related
- INST-MP** Institutional Municipal Purpose
- INST-PR** Institutional Parkland / Recreation
- WD** Warehouse District
- IND-L** Light Industrial
- IND-G** General Industrial
- IND-EX** Industrial Extraction
- PUD** Planned Unit Developments

2.3.2 Use Schedule

Use		OMB	WRB	INST-ED	INST-HTR	INST-MP	INST-PR	WD	IND-L	IND-G	IND-EX
Residential	Accessory Structure, Residential Accessory-Structur	A		A	A						
	Accessory Dwelling, Temporary Accessory-Dwelling										
	Residence, Single Family Residences	⊙		⊙ ²							
	Residence, Two Family Residences										
	Residence, Multi Family Residences										
	Residence, Mobile Home Park										
	Nursing or Convalescent Home	⊖ ⊙									
	Senior Assisted Care Facility	⊖ ⊙									
	Senior Housing	⊖ ⊙									
A	Agriculture				⊙						
	Animal Clinic										
	Animal Kennel										
	Antennas & Satellite Dish					A	A	A	A	A	A
	Outdoor Athletic Field / Court Facility, Outdoor										
	Art Gallery										
	Artist Studio										
	Auto Junk Yard										
	Automotive Charging Terminal	A	A	A	A	A	A	A	A	A	A
	Automotive Car Rental Agency										
	Automotive Motor Vehicle Repair								○		
	Automotive Auto Sales										
	Automotive Fuel Sales Vehicle-Fueling Stations								○		
	Automotive Wash Car Washes										
	B	Bakery, retail									
Bakery, wholesale									⊙	⊙	
Barns and Stables							A				
Bathhouse / Health Spa							⊙				
Corridor Bed & Breakfast, Corridor											
Neighborhood Bed & Breakfast, Neighborhood											
Bottling Plant									⊙	⊙	
Bowling Alley											
Brew Pub											
Building Materials Storage & Sales											
C	Bus Depot										
	Cemetery										
	Club, civic or private Private/Civic Club										
	Concession Stand				⊙		○				
Convenience Sales < 2,000 g.s.f.		○									

● = Permitted ⊙ = Permitted with Site Plan Approval ○ = Permitted with Special Use Permit and Site Plan Approval A = Accessory Use or Structure
 1 = Permitted only on second story or above, 2 = Permitted in association with public/private educational facilities, 3 = Less than 1,200 g.s.f., 4 = Less than 1,800 g.s.f. All uses not specifically mentioned or described by category in the use schedule are prohibited.

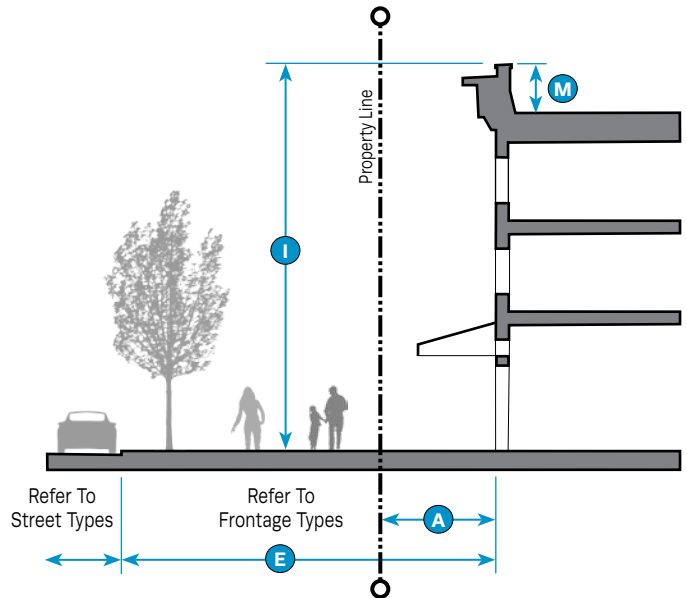
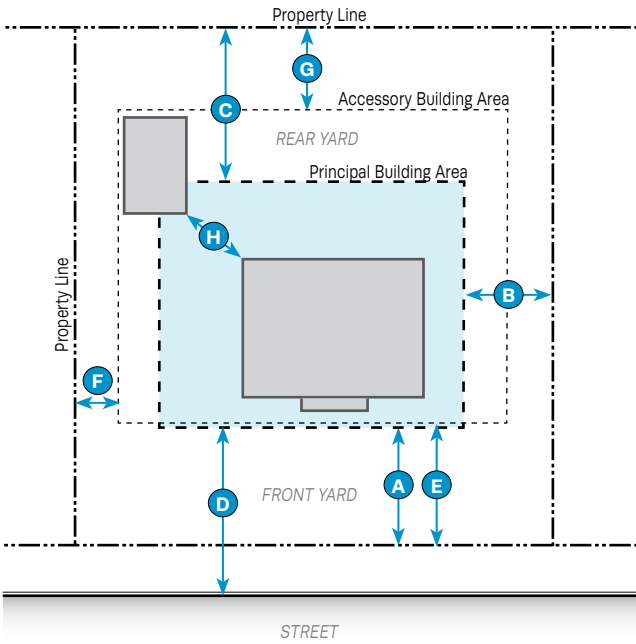
Use	OMB	WRB	INST-ED	INST-HTR	INST-MP	INST-PR	WD	IND-L	IND-G	IND-EX
Convenience Sales < 5,000 g.s.f.		○								
Cultural Facility			⊙ ²							
<u>Day Care</u> , Family Day Care										
<u>Day Care</u> , Group Family Day Care										
Day Care Center								A	A	A
Dormitory										
Private Docks, <u>Private</u>										
Drive-In <u>Establishment Facility</u> , <u>General</u> ⁰⁰³										
Drive-In, <u>Financial Institution</u> ⁰⁰⁴										
Drive-In, <u>Pharmacy</u> ⁰⁰⁵										
Drive-In Facility Canopy										
Eating & Drinking Establishment		⊙		⊙						
Eating & Drinking Establishment <40 seats		⊙		⊙						
Outdoor Eating & Drinking Establishment, <u>Outdoor</u>		A								
Educational Facilities										
Equipment Repair Shop										
Farm										
Farm Stand										
Financial Institution										
Forest Management						⊙				
Funeral Home										
<u>Geothermal Energy Systems</u>	A	A	A	A	A	A	A	A	A	A
Golf Course & Clubhouse										
Group Entertainment ⁰⁰⁷				⊙		⊙				
Helicopter			○							
Home Occupation										
Hospital	○									
Hotel/Motel										
<u>Hotel</u> , Pari-Mutual Racing <u>Hotel</u>										
Inn										
Laboratory			⊙					⊙	⊙	
Maintenance / Storage Facility	A	A			A	A		A	A	A
Maintenance & Operational Facility										
Marina & Dock		⊙								
Movie Theater										
Municipal Vehicle Repair and Storage					⊙					
Newspaper Plant										
Nursery						⊙				
Office	⊙					A ⁰⁰⁹		A ⁰⁰⁹		
Office, Medical / Clinic	⊙									
Open Air Market						⊙				

● = Permitted ⊙ = Permitted with Site Plan Approval ○ = Permitted with Special Use Permit and Site Plan Approval A = Accessory Use or Structure
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Use		OMB	WRB	INST-ED	INST-HTR	INST-MP	INST-PR	WD	IND-L	IND-G	IND-EX
P	Parking Facilities	⊙	⊙	⊙ ²	A	⊙	⊙				
	Employee Recreation Area, Employee			A	A	A			A	A	A
R	Recreation Facility			⊙ ²	⊙	○	⊙				
	Employee Recreation Facility, Employee						A		A	A	A
	Outdoor Recreation Facility, Outdoor		○								
	Real Estate Office										
	Religious Institution			⊙ ²							
	Retail										
	Riding Stable										
	Rooming House, Corridor Rooming House										
	Rooming House, Neighborhood Rooming House										
	Sales & Maintenance ⁰⁰⁸								⊙	⊙	
S	School			⊙							
	Private School, private			⊙							
	Outdoor Storage / Display, Outdoor		○					○	○	○	○
	Storage, Self storage							⊙			
	Service Establishments										
	Solar – Building Integrated Photovoltaic System	P	P	P	P	P	P	P	P	P	P
	Solar – Ground-Mounted Solar Energy System	A	A	A	A	A	A	A	A	A	A
	Solar – Large-Scale Solar Energy System					⊙	○	○	○	○	○
	Solar – Roof-Mounted Solar Energy System	A	A	A	A	A	A	A	A	A	A
	Solar – Parking Canopy Solar Energy System	A	A	A	A	A	A	A	A	A	A
Solar & HVAC / Utility Equipment		A				A	A	A	A	A	
INDUSTRIAL	Asphalt Mix Plant										⊙
	Concrete Mix Plant										⊙
	Distribution Plant & Wholesale Establishment							⊙	⊙	⊙	
	Extraction Equipment										A
	Extraction of Sand, Stone or Gravel										⊙
	Forest Management										
	Heavy Equipment Storage								⊙	⊙	
	Heavy Manufacturing									⊙	
	Light Manufacturing							⊙	⊙	⊙	
	Machine Shop								⊙	⊙	
	Solid Waste Landfill					⊙					
	Solid Waste Transfer Station					⊙					
	Salvage & Scrap Processing								○	○	
	TV/Radio Station & Receiving/Broadcast								⊙	⊙	
	Telecommunications Tower								⊙	⊙	
	Trucking & Freight Terminal								⊙	⊙	
	Utility Establishment							⊙	⊙	⊙	
	Warehouse							⊙	⊙	⊙	
Waste Recycling Center					⊙						

● = Permitted ⊙ = Permitted with Site Plan Approval ○ = Permitted with Special Use Permit and Site Plan Approval A = Accessory Use or Structure
 1 = Permitted only on second story or above, 2 = Permitted in association with public/private educational facilities, 3 = Less than 1,200 g.s.f., 4 = Less than 1,800 g.s.f. All uses not specifically mentioned or described by category in the use schedule are prohibited.

OMB 2.3.3 Office / Medical Business



Building Placement & Setbacks

Principal Building Setbacks (Distance separation)		
Front yard	40' min.	A
Side yard (one side / total both)	15' / 30' min.†	B
Rear yard	25' min.†	C
Frontage Design	Refer to Frontage Types	D

Accessory Building Setbacks (Distance Separation)		
Front yard	40' min.	E
Side yard	3' min.†	F
Rear yard	3' min.†	G
From Principal Building	25' min.	H

Lot Size & Coverage

Lot Size	10,000 s.f. min.
Lot Width	100' average min.
Principal Building Coverage	30% max.
Accessory Building Coverage	10% max.
Min. Lot Area Permeable	30% min.

Building Form

Height		
Principal Building	40' max.	I
Accessory Structure	20' max.	I
Parapet (if applicable)	3' min.	M

† = Refer to Specific District Requirements on following pages for additional information.

OMB continued

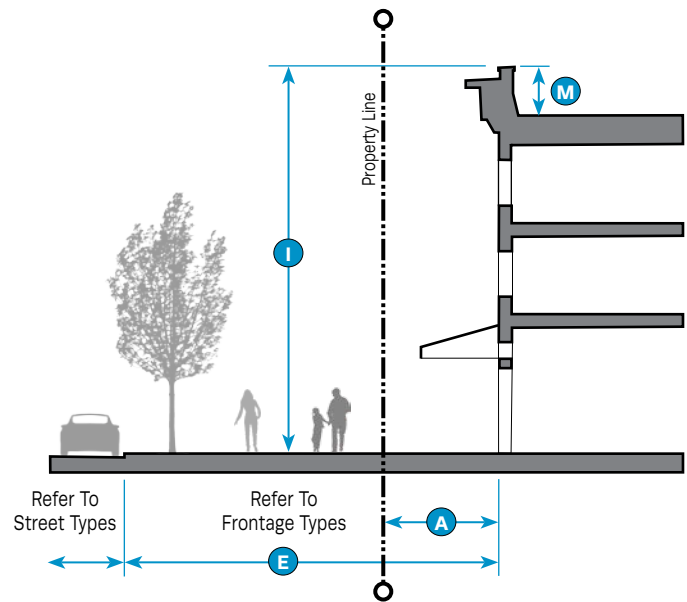
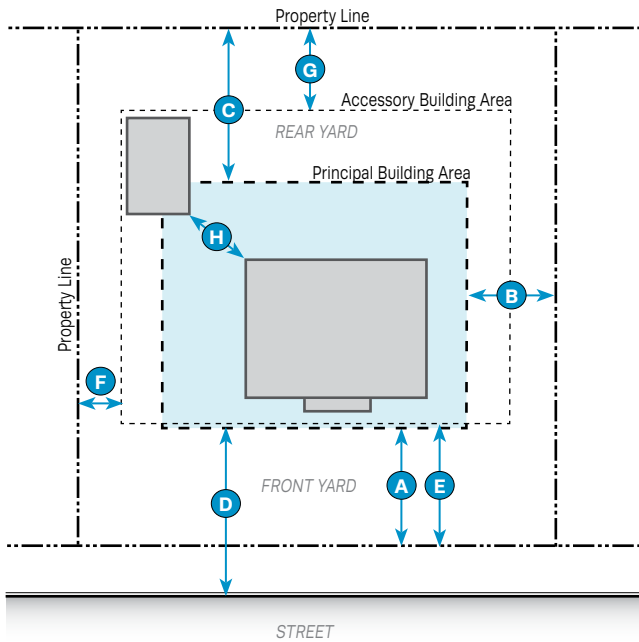
A. Intent of District

To accommodate business, medical and professional office uses as well as health related institutional facilities. ~~in the OMB-2:~~

B. Specific District Requirements

1. New development adjacent to residential districts shall comply with the residential buffer requirements of section 4.6.2.
2. ~~For properties abutting a residential district, the minimum setbacks shall be as follows:~~
 - a. ~~The side yard setback from the Principal Building shall be 40 feet.~~
 - b. ~~The rear yard setback from the Principal Building shall be 50 feet.~~
 - c. ~~The side or rear setback from an Accessory Building shall be 30 feet.~~
3. See Gateway Overlay District for additional requirements that may apply.
4. Applicants within this district may seek approval for a residential density bonus in exchange for providing affordable senior housing. Refer to 2.4.6 Incentive Zoning Districts for more information.
5. Open fire escapes may not project more than 6 feet into any required setback.
6. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
7. ~~Terraces and patios must be setback 10 feet from an adjoining lot line.~~

WRB **2.3.4 Water Related Business**



Building Placement & Setbacks

Principal Building Setbacks (Distance separation)		
Front yard	40' min.	A
Side yard (one side / total both)	15' / 30' min.†	B
Rear yard	25' min.†	C
Frontage Design	Refer to Frontage Types	D
Accessory Building Setbacks (Distance Separation)		
Front yard	40' min.	E
Side yard	3' min.†	F
Rear yard	3' min.†	G
From Principal Building	10' min.	H

Building Form

Height		
Principal Building	40' max.	I
Accessory Structure	20' max.	I
Parapet (if applicable)	3' min.	M

Lot Size & Coverage

Lot Size	20,000 s.f. min.
Lot Width	200' average min.
Principal Building Coverage	30% max.
Accessory Building Coverage	15% max.
Min. Lot Area Permeable	15% min.

† = Refer to Specific District Requirements on following pages for additional information.

WRB continued

A. Intent of District

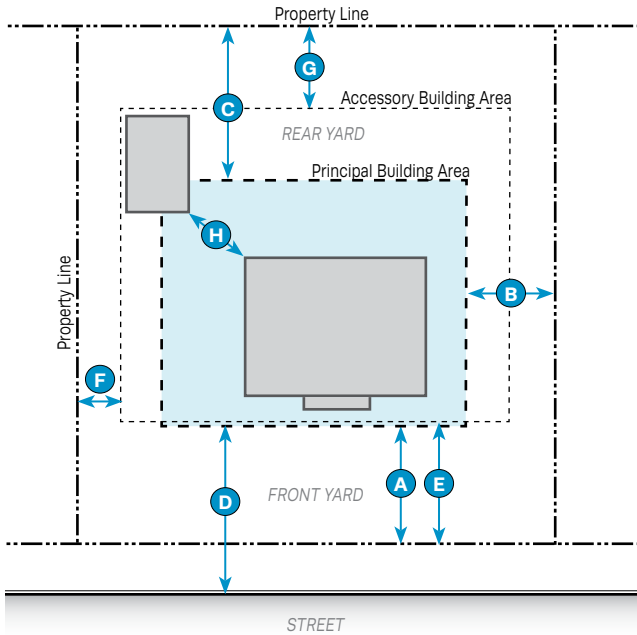
To accommodate commercial uses that are dependent upon and supportive of activities that utilize recreational waters.

B. Specific District Requirements

1. ~~For properties abutting a residential district, the minimum setbacks shall be as follows:~~
 - a. ~~The side yard setback from the Principal Building shall be 40 feet.~~
 - b. ~~The rear yard setback from the Principal Building shall be 50 feet.~~
 - c. ~~The side or rear setback from an Accessory Building shall be 30 feet.~~
2. New development adjacent to residential districts shall comply with the residential buffer requirements of section 4.6.2.
3. Open fire escapes may not project more than 6 feet into any required setback.
4. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
5. ~~Terraces and patios must be setback 10 feet from an adjoining lot line.~~

INST-ED

2.3.5 Institutional Educational



A. Intent of District

To accommodate uses that supplement and complement the operation of education oriented facilities.

B. Specific District Requirements

1. New development adjacent to residential districts shall comply with the residential buffer requirements of section 4.6.2.
2. Open fire escapes may not project more than 6 feet into any required setback.
3. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
4. **Terraces and patios must be setback 10 feet from an adjoining lot line.**

Building Placement & Setbacks

Principal Building Setbacks (Distance separation)

Front yard	30' min.	A
Side yard (one side / total both)	12' / 30' min.	B
Rear yard	30' min.	C
Frontage Design	Refer to Frontage Types	D

Accessory Building Setbacks (Distance Separation)

Front yard	30' min.	E
Side yard	5' min.	F
Rear yard	5' min.	G
From Principal Building	12' min.	H

Lot Size & Coverage

Lot Size	12,500 s.f. min.
Lot Width	100' average min.
Principal Building Coverage	20% max.
Accessory Building Coverage	8% max.
Min. Lot Area Permeable	30% min.

† = Refer to Specific District Requirements on following pages for additional information.

2.3.6 Institutional Horse Track Related

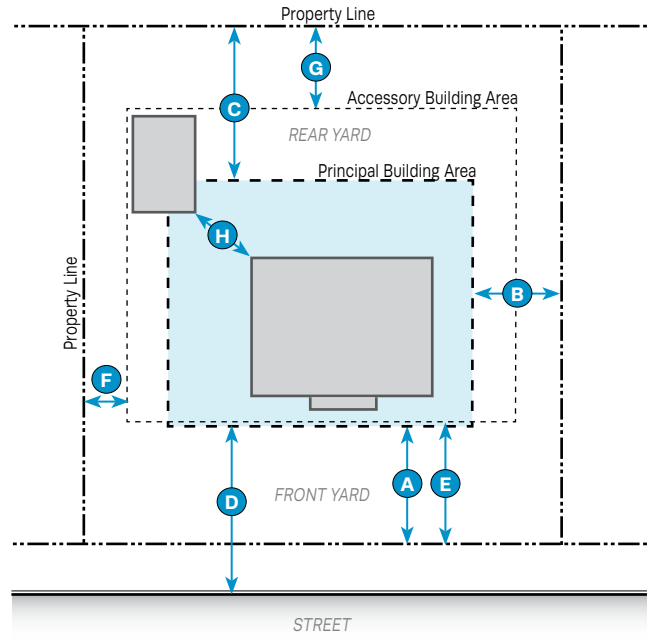
INST-HTR

A. Intent of District

To accommodate uses that supplement and complement the horse track operations.

B. Specific District Requirements

1. New development adjacent to residential districts shall comply with the residential buffer requirements of section 4.6.2.
2. ~~For properties abutting a residential district, the minimum setbacks shall be as follows:~~
 - a. ~~The side yard setback from the Principal Building shall be 40 feet.~~
 - b. ~~The rear yard setback from the Principal Building shall be 50 feet.~~
 - c. ~~The side or rear setback from an Accessory Building shall be 30 feet.~~
3. Open fire escapes may not project more than 6 feet into any required setback.
4. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
5. ~~Terraces and patios must be setback 10 feet from an adjoining lot line.~~



Building Placement & Setbacks

Principal Building Setbacks (Distance separation)

Front yard	30' min.	A
Side yard (one side / total both)	12' / 30' min.†	B
Rear yard	30' min.†	C
Frontage Design	Refer to Frontage Types	D

Accessory Building Setbacks (Distance Separation)

Front yard	30' min.	E
Side yard	5' min.†	F
Rear yard	5' min.†	G
From Principal Building	12' min.	H

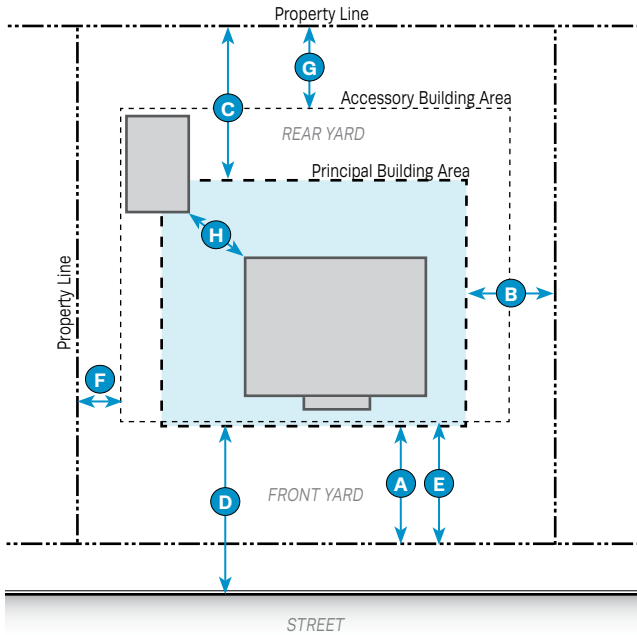
Lot Size & Coverage

Lot Size	20,000 s.f. min.
Lot Width	100' average min.
Principal Building Coverage	35% max.
Accessory Building Coverage	8% max.
Min. Lot Area Permeable	20% min.

† = Refer to Specific District Requirements on following pages for additional information.

INST-MP

2.3.7 Institutional Municipal Purpose



A. Intent of District

To accommodate uses associated with the operation and function of local government.

B. Specific District Requirements

1. New development adjacent to residential districts shall comply with the residential buffer requirements of section 4.6.2.
2. ~~For properties abutting a residential district, the minimum setbacks shall be as follows:~~
 - a. ~~The side yard setback from the Principal Building shall be 50 feet.~~
 - b. ~~The side or rear setback from an Accessory Building shall be 30 feet.~~
3. Open fire escapes may not project more than 6 feet into any required setback.
4. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
5. ~~Terraces and patios must be setback 10 feet from an adjoining lot line.~~

Building Placement & Setbacks

Principal Building Setbacks (Distance separation)

Front yard	100' min.	A
Side yard (one side / total both)	20' / 50' min.†	B
Rear yard	50' min.	C
Frontage Design	Refer to Frontage Types	D

Accessory Building Setbacks (Distance Separation)

Front yard	100' min.	E
Side yard	10' min.†	F
Rear yard	10' min.†	G
From Principal Building	10' min.	H

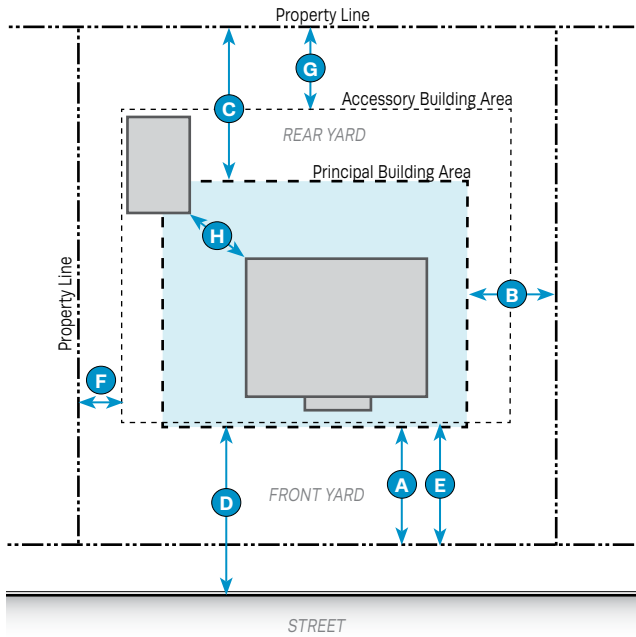
Lot Size & Coverage

Lot Size	2 acres min.
Lot Width	200' average min.
Principal Building Coverage	40% max.
Accessory Building Coverage	30% max.
Min. Lot Area Permeable	20% min.

† = Refer to Specific District Requirements on following pages for additional information.

2.3.8 Institutional Parkland / Recreation

INST-PR



A. Intent of District

To accommodate areas identified for passive and active recreation.

B. Specific District Requirements

1. Open fire escapes may not project more than 6 feet into any required setback.
2. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
3. Terraces and patios must be setback 10 feet from an adjoining lot line.

Building Placement & Setbacks

Principal Building Setbacks (Distance separation)

Front yard	60' min.	A
Side yard (one side / total both)	30' / 100' min.	B
Rear yard	100' min.	C
Frontage Design	Refer to Frontage Types	D

Accessory Building Setbacks (Distance Separation)

Front yard	60' min.	E
Side yard	30' min.	F
Rear yard	50' min.	G
From Principal Building	15' min.	H

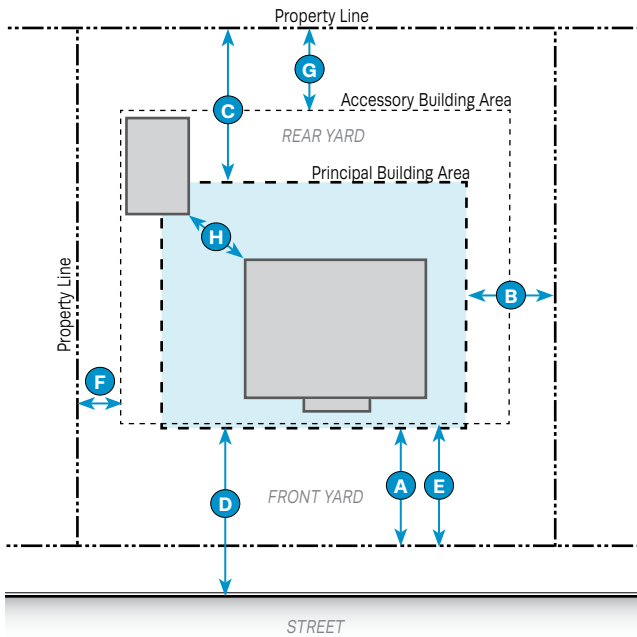
Lot Size & Coverage

Lot Size	2 acres min.
Lot Width	200' average min.
Principal Building Coverage	
Accessory Building Coverage	
Min. Lot Area Permeable	75% min.

† = Refer to Specific District Requirements on following pages for additional information.

WD

2.3.9 Warehouse District



Building Placement & Setbacks

Principal Building Setbacks (Distance separation)		
Front yard	40' min.	A
Side yard (one side / total both)	15' / 30' min.†	B
Rear yard	25' min.†	C
Frontage Design	Refer to Frontage Types	D
Accessory Building Setbacks (Distance Separation)		
Front yard	40' min.	E
Side yard	5' min.†	F
Rear yard	5' min.†	G
From Principal Building		H

Lot Size & Coverage

Lot Size	20,000 s.f. min.
Lot Width	100' average min.
Principal Building Coverage	30% max.
Accessory Building Coverage	15% max.
Min. Lot Area Permeable	20% min.

† = Refer to Specific District Requirements on following pages for additional information.

A. Intent of District

To accommodate industrial or warehouse-oriented business uses.

B. Specific District Requirements

1. The minimum area, width and total side yard requirements for multiple warehouse or storage structures (including self-storage) on any one lot shall be 50 percent of that otherwise required.

2. New development adjacent to residential districts shall comply with the residential buffer requirements of section 4.6.2.

3. For properties abutting a residential district, the minimum setbacks shall be as follows:

a. The side yard setback from the Principal Building shall be 40 feet.

b. The rear yard setback from the Principal Building shall be 50 feet.

c. The side or rear setback from an Accessory Building shall be 30 feet.

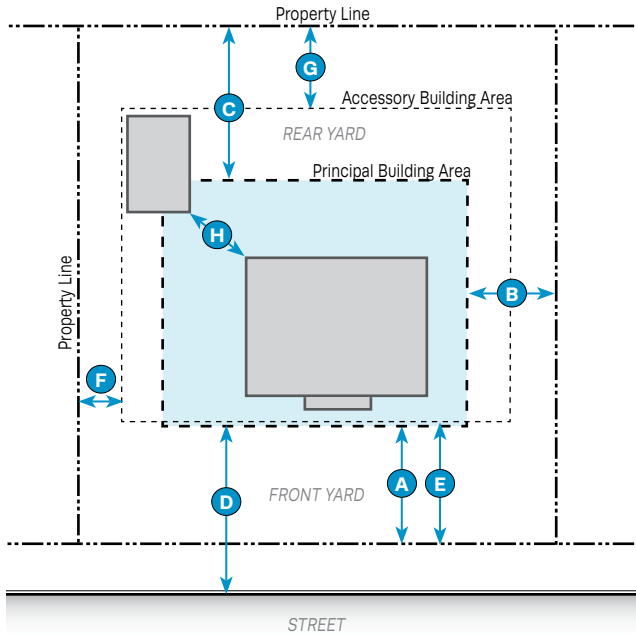
4. Open fire escapes may not project more than 6 feet into any required setback.

5. Pool walls or related structures must be setback 8 feet from an adjoining lot line.

6. Terraces and patios must be setback 10 feet from an adjoining lot line.

2.3.10 Light Industrial

IND-L



A. Intent of District

To accommodate light industrial and related business uses in areas where the intensity of the uses will have minimum adverse impacts on neighboring uses.

B. Specific District Requirements

1. New development adjacent to residential districts shall comply with the residential buffer requirements of section 4.6.2.
2. Open fire escapes may not project more than 6 feet into any required setback.
3. Pool walls or related structures must be setback 8 feet from an adjoining lot line.
4. Terraces and patios must be setback 10 feet from an adjoining lot line.

Building Placement & Setbacks

Principal Building Setbacks (Distance separation)

Front yard	40' min.	A
Side yard (one side / total both)	15' / 30' min.†	B
Rear yard	30' min.†	C
Frontage Design	Refer to Frontage Types	D

Accessory Building Setbacks (Distance Separation)

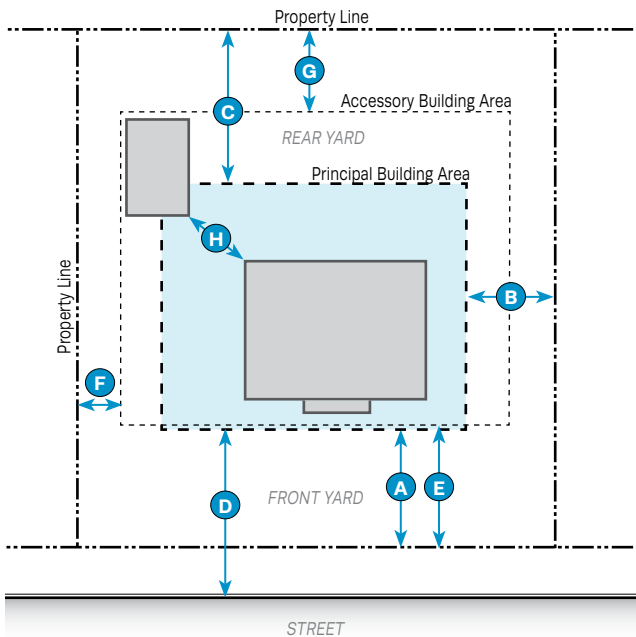
Front yard	40' min.	E
Side yard	10' min.†	F
Rear yard	10' min.†	G
From Principal Building	10' min.	H

Lot Size & Coverage

Lot Size	20,000 s.f. min.
Lot Width	100' average min.
Principal Building Coverage	40% max.
Accessory Building Coverage	10% max.
Min. Lot Area Permeable	25% min.

† = Refer to Specific District Requirements on following pages for additional information.

IND-G 2.3.11 General Industrial



Building Placement & Setbacks

Principal Building Setbacks (Distance separation)		
Front yard	40' min.	A
Side yard (one side / total both)	15' / 30' min.†	B
Rear yard	30' min.†	C
Frontage Design	Refer to Frontage Types	D

Accessory Building Setbacks (Distance Separation)		
Front yard	40' min.	E
Side yard	10' min.†	F
Rear yard	10' min.†	G
From Principal Building	10' min.	H

Lot Size & Coverage

Lot Size	40,000 s.f. min.
Lot Width	200' average min.
Principal Building Coverage	40% max.
Accessory Building Coverage	30% max.
Min. Lot Area Permeable	30% min.

† = Refer to Specific District Requirements on following pages for additional information.

A. Intent of District

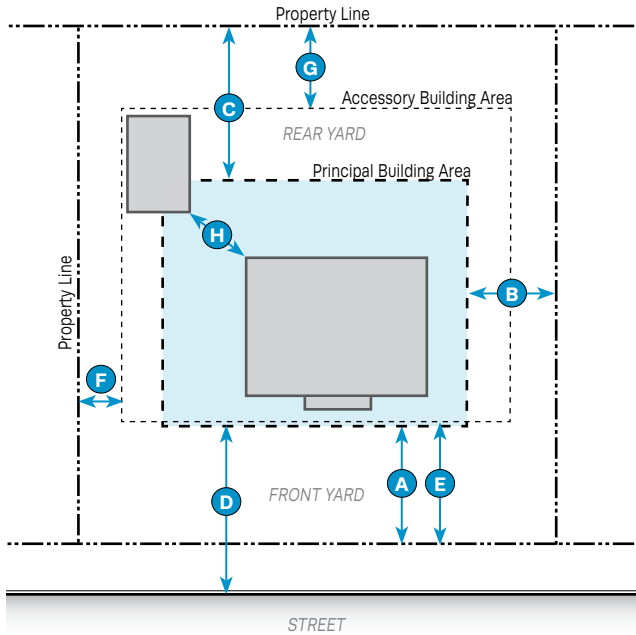
To accommodate light, moderate and heavy industrial uses in areas where the intensity of the uses will have minimum adverse impacts on neighboring uses.

B. Specific District Requirements

- New development adjacent to residential districts shall comply with the residential buffer requirements of section 4.6.2.
- ~~For properties abutting a residential district, the minimum setbacks shall be as follows:~~
 - ~~The side yard setback from the Principal Building shall be 40 feet.~~
 - ~~The rear yard setback from the Principal Building shall be 50 feet.~~
 - ~~The side or rear setback from an Accessory Building shall be 30 feet.~~
- Open fire escapes may not project more than 6 feet into any required setback.
- Pool walls or related structures must be setback 8 feet from an adjoining lot line.
- ~~Terraces and patios must be setback 10 feet from an adjoining lot line.~~

2.3.12 Industrial Extraction

IND-EX



Building Placement & Setbacks

Principal Building Setbacks (Distance separation)

Front yard	100' min. †	A
Side yard (one side / total both)	50' / 100' min.	B
Rear yard	100' min.†	C
Frontage Design	Refer to Frontage Types	D

Accessory Building Setbacks (Distance Separation)

Front yard	100' min. †	E
Side yard	10' min.†	F
Rear yard	10' min.†	G
From Principal Building	10' min.	H

Lot Size & Coverage

Lot Size	10 acres min.
Lot Width	500' average min.
Principal Building Coverage	80% max.
Accessory Building Coverage	10% max.
Min. Lot Area Permeable	20% min.

† = Refer to Specific District Requirements on following pages for additional information.

A. Intent of District

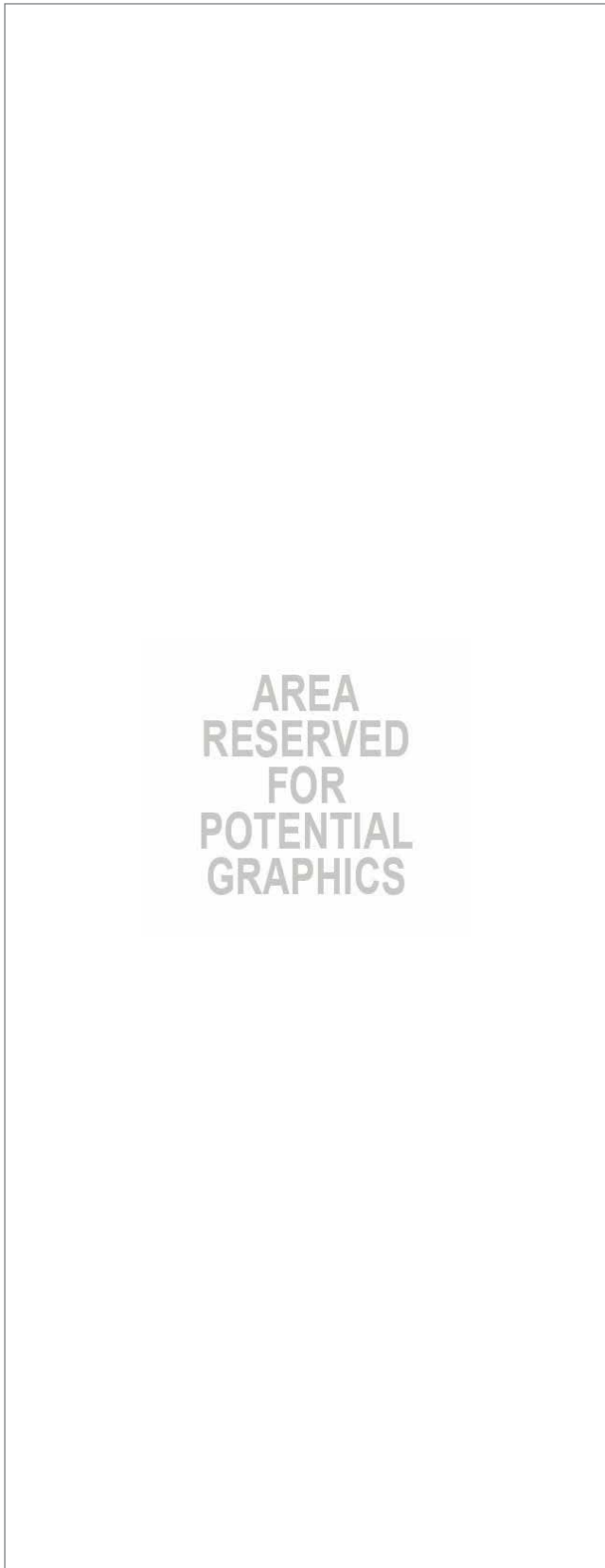
To accommodate mining and associated extractive uses.

B. Specific District Requirements

- For extractive and quarrying operations, the front and rear setbacks shall be a minimum of 100 feet, 50 feet for other principal uses.
- For extractive and quarrying operations, the front setbacks for Accessory Buildings shall be a minimum of 100 feet.
- New development adjacent to residential districts shall comply with the residential buffer requirements of section 4.6.2.
- ~~For properties abutting a residential district, the minimum setbacks from an Accessory Building shall be 30 feet.~~
- Open fire escapes may not project more than 6 feet into any required setback.
- Pool walls or related structures must be setback 8 feet from an adjoining lot line.
- ~~Terraces and patios must be setback 10 feet from an adjoining lot line.~~

PUD

2.3.13 Planned Unit Developments



A. Intent of District. A Planned Unit Development (PUD) is a district or floating zone wherein a planned mix of residential and non-residential uses is sanctioned by the City Council subject to restrictions calculated to achieve compatible and efficient use of the land in accordance with the City Comprehensive Plan. The intent of a PUD is to permit a mix of uses and arrangement of structures, not commonly possible under the requirements of this Chapter, to serve the public welfare of the community.

B. Procedures. Planned Unit Developments are reviewed and considered as amendments to the zoning, as described in Article 7.2.

C. Location. The City of Saratoga Springs includes a number of currently approved Planned Unit Developments, as follows:

1. Division Street PUD
2. Interlaken PUD
3. Saratoga Hospital / Professional PUD
4. Water's Edge / Woodlands on Saratoga Lake PUD
5. Weibel Plaza Commercial PUD
6. Woodlawn Oval PUD
7. Congress Park Center PUD
8. The Village at Saratoga PUD
9. Green Acres PUD
10. YMCA PUD

The specific development regulations for each of these approved PUD's is provided in the Appendix.

2.4 OVERLAY DISTRICTS & SPECIAL AREAS



2.4.1 Listing of Districts

Historic District Overlay

Architectural Review Overlay

Gateway Design Districts 1 & 2

Incentive Zoning Districts

Corridor Lodging District

Public Water Supply and Wetland Protection

Watercourse Protection District

2.4.2 Historic District Overlay

A. Intent

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

1. Protect and enhance the landmarks and historic districts which represent distinctive elements of the City's historic, architectural and cultural heritage;
2. Foster civic pride in the accomplishments of the past;
3. Protect and enhance the City's attractiveness to visitors thereby providing support and stimulus to the economy; and

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4. Ensure the harmonious, orderly and efficient growth and development of the City.

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

B. What Does It Mean To Be In A “Historic District”?

In 1977, the city enacted a local historic preservation ordinance to provide for designation of buildings and neighborhoods of special historic and architectural character in order to protect them from destruction, insensitive rehabilitation or new construction. A review process exists to review proposed changes to buildings within the districts. The goal of the process is to protect the architectural character of the Historic Districts's buildings while allowing owners the flexibility to adapt the structures to changing needs.

C. What Are My Responsibilities if My Property is Located in a Historic District?

If you are proposing to make an exterior change to a building within the Historic District, you are responsible for maintaining the historic integrity of the exterior of your building and must go through the review process and obtain approval from the Design Review Board prior to making changes. For more information about the review process and how to file an application, please refer to [Article 5.7](#).

- D. Location.** The City Council hereby establishes and designates the following Historic Districts and City Landmarks:

1. **Historic Districts.** The Historic District overlay areas shall be as indicated on the Zoning Map, which can be found at the City Office of Planning and Economic Development and at www.saratoga-springs.org, and briefly described below:

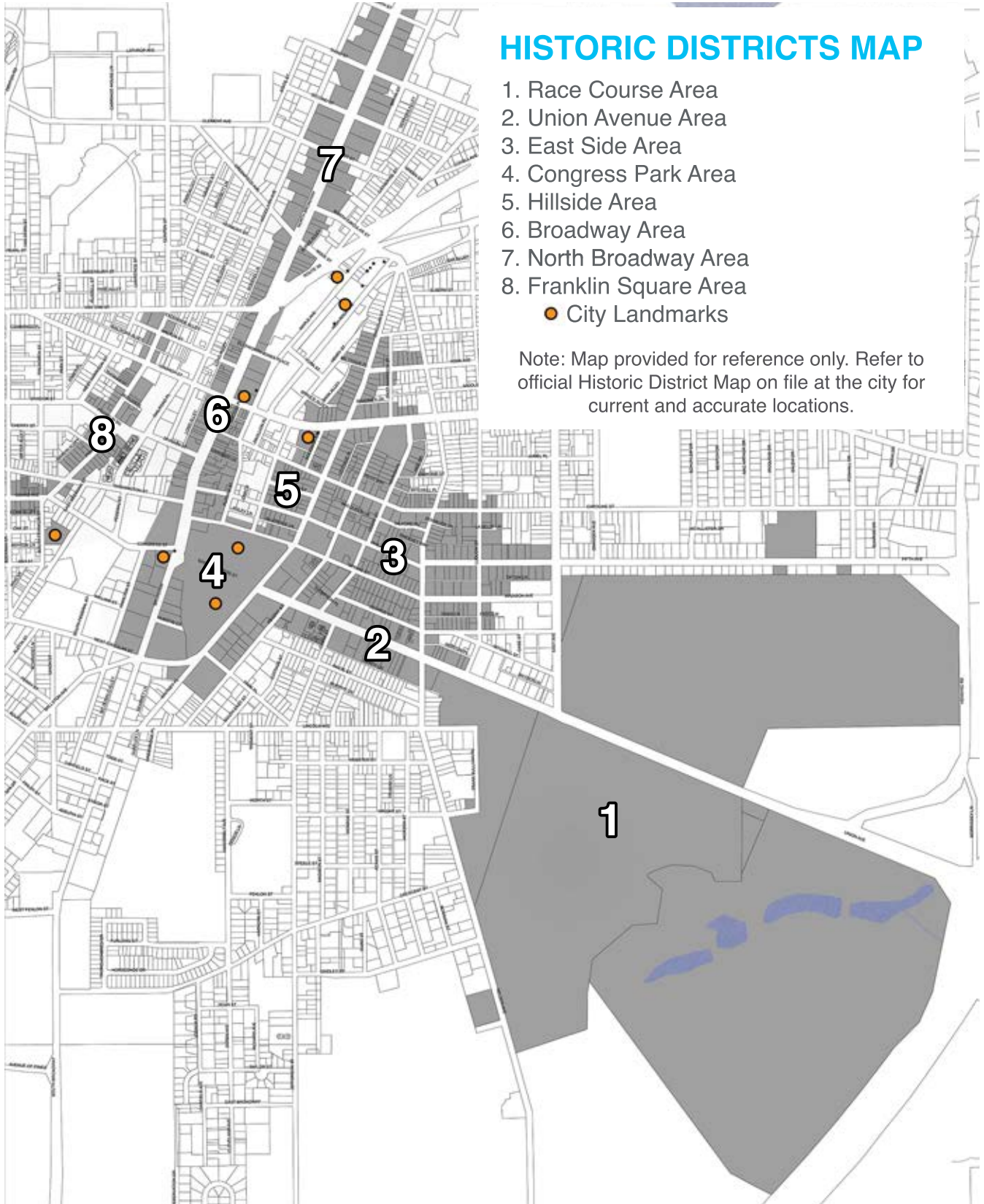
- a. [Saratoga Race Course Area](#)
- b. [Union Avenue Area](#)

- c. [Eastside Area](#)
- d. [Congress Park Area](#)
- e. [Hillside Area](#)
- f. [Broadway Area](#)
- g. [North Broadway Area](#)
- h. [Franklin Square Area](#)

2. City Landmarks.

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

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Only ordinary maintenance or repair is excluded from review.

- f. 6. "High Rock Park", High Rock Avenue, Tax I.D. 165.52-1-76, 165.44-2- lots 6, 22, 23, 24 and 25. Additional actions requiring review: removal, addition or alteration of any park feature such as structures, sculptures, monuments, pavilions, benches, topography, ponds, vegetation, fences, lights, walkways and roads. Only ordinary maintenance or repair is excluded from review.
- g. "Central Fire Station", 60 Lake Avenue, Tax I.D. 165.60-2-3. Additional actions requiring review: removal or alteration of any interior feature. Only ordinary maintenance or repair of any interior feature is excluded from review.
- h. "Gideon Putnam Cemetery", South Franklin Street, Tax I.D. 165.66-2-38. Additional actions requiring review: removal, addition alteration, or cleaning of any cemetery feature such as grave markers, structures, sculptures, monuments, pavilions, benches, topography, fences, lights, walkways and roads. Only ordinary maintenance or repair is excluded from review.

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

- 1. Construction, rehabilitation, alteration or exterior change to a structure that requires the issuance of a building or demolition permit.
- 2. Installation of an awning, sign or sign structure that requires a building or sign permit, or such modification with respect to size, materials, illumination, method of attachment and color.
- 3. Installation of telecommunications facilities per [Article 6.3.2](#).
- 4. Regardless of the requirement for a building or demolition permit, any material change to the exterior appearance of a structure that affects the historical characteristics and context of the District including:

- a. Addition or removal of exterior architectural features.
- b. Installation, removal or change of materials on exterior building elements including but not limited to roof, siding, windows, doors, porches, and the like.
- c. Enclosure or screening of building openings including but not limited to windows, doors, porches, and the like.
- d. Installation of accessory utility, mechanical or miscellaneous structures to the exterior of a building including but not limited to HVAC equipment, solar panels, wind turbines, radio or satellite transmission/reception devices, and the like.

5. Within a front yard setback:

- a. Installation, removal or change in material of drive- or walkways
- b. Installation or removal of architectural, sculptural or vegetative screening that exceeds 3 feet in height.
- c. Installation of accessory utility structures or radio/satellite transmission/reception devices exceeding 2' in diameter.

6. Change of the exterior color of any structure within a non-residential Zoning District.

7. Additional actions as set forth in [Section 7.4.18](#) occurring on or to a City Landmark.

8. [Historic Review of projects shall also apply to municipal work conducted by the City of Saratoga Springs.](#)

F. Actions Exempt from Review. The following actions are exempt from historic review:

- 1. Ordinary maintenance or repair of any exterior feature that does not involve a change in design, material, color or outer appearance.
- 2. Installation of accessory freestanding objects including but not limited to sculpture, tree houses, play equipment, clocks, fountains, flagpoles, basketball hoops, and the like.

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3. Installation of Individual air conditioning units, and radio or satellite antennas/receivers less than 2 feet in diameter.

G. Design Considerations. ~~For actions subject to review, the Commission shall evaluate whether the proposed alteration or construction is compatible with the subject structure, site and neighboring properties in the Historic District with regard to:~~ Applicable projects within the Historic Review Districts shall be in keeping with the Intent of the underlying district and shall conform to the following Historic District requirements:

1. **Site Mass and Open Space.** ~~The Commission shall consider whether the relationship of the dimension and mass of a building to the open space between it and adjoining buildings is compatible with the character of the neighboring area and with any specific zoning district intent.~~ The building's relationship to the site, setbacks, open space and adjoining buildings shall be compatible with the character of the neighboring area.
2. **Height and Roof Design.** ~~The Commission shall consider whether~~ The height and roof design of the proposed structure ~~is~~ shall be compatible with the historic form and context of the site and neighboring properties. ~~and with any specific zoning district intent~~
3. **Scale and Massing.** ~~The Commission shall consider whether~~ The scale and massing of the proposed structure ~~is~~ shall be compatible with the relationship of the building and its architectural elements to neighboring structures and community character.
4. **Proportion.** ~~The Commission shall consider whether~~ The proposed structure and its architectural elements, including front façades, windows, doors and bays, ~~are~~ shall be consistent with the dominant proportion and directional expression of neighboring structures and site.
5. **Directional Expression.** ~~The Commission shall consider whether the directional expression of a building and its architectural elements are compatible with the dominant horizontal or vertical expression of the neighboring buildings.~~
6. **Fenestration.** The amount of facade openings such as windows and doors shall be sufficiently compatible with the character of the neighborhood and does not include large areas of blank walls on public frontages.
7. **Doors.** Existing historic doors and door openings shall be retained and rehabilitated whenever possible. Restoration of historic openings is encouraged where previously altered. Where doorways must be altered to meet current building code and safety requirements, doors and entrance ways shall be designed to respect the exterior architectural character of the building.
8. **Windows.** Existing historic windows and window openings shall be retained and rehabilitated whenever possible. Restoration of historic openings is encouraged where previously altered.
9. **Architectural Rhythm.** ~~The Commission shall consider whether~~ The architectural, rhythmic pattern resulting from repeated elements such as window and door openings, columns, arches, and other facade elements ~~is~~ shall be consistent within the subject structure and relatively consistent with neighboring structures.
10. **Front Setback.** The front yard setback for the building line of all new construction shall be compatible with neighboring buildings and any specific zoning district intent. **## Note: Re-instated.**
11. **Entrances.** The building's public entrances shall be sufficiently prominent and proportional to the size of the building.
12. **Materials.** Materials used in new construction shall be compatible with those traditionally used in the neighboring area. Contemporary materials are acceptable provided that the overall texture, color and details of the building are compatible with neighboring buildings.
13. **Colors.** Architectural features of historic buildings shall be restored with colors and finishes appropriate to the nature of the materials and to the historic character of the building. Where historically documented colors are not used, colors shall

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be appropriate to the building's predominant architectural style(s). Colors used in new construction shall be compatible with neighboring buildings.

14. **Exterior Lighting.** The exterior lighting proposed shall be in keeping with the lighting requirements of section 4.11.

15. **Trees, Vegetation and Landscaping.** The proposal makes sufficient effort to maintain existing trees, vegetation and landscaping that contribute to the character of the property.

16. **New Construction and Additions.** New construction and additions should be undertaken such that their removal will not impair the original historic form and integrity of the structure, ~~and site and surrounding historic district.~~

17. ~~Treatment of Major Building Elements:~~

18. **Roofs.** Features that give a roof its essential historic and architectural character shall be retained and rehabilitated whenever possible. Roof designs for new structures shall be compatible with neighboring buildings. Exterior mechanical equipment shall be minimized and screened from view.

H. Maintenance & Repair. No owner or person with an interest in real property designated as a City Landmark or included within a Historic District shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the ~~Commission Design Review Board~~, produce a detrimental effect upon the character of the Historic District as a whole or the life and character of the property itself. Failure to correct such disrepair within 30 days of notification shall be subject to enforcement action. Examples of such deterioration include:

1. Deterioration of exterior walls or other vertical supports
2. Deterioration of roofs or other horizontal members
3. Deterioration of exterior chimneys
4. Deterioration or crumbling of exterior stucco or mortar

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

~~## Add demolition by neglect~~

~~## Note: The following text below would be removed from the zoning code, and kept on file with the city for reference. If desired, it could alternately be placed into the Appendix, but is not neand replaced by the map provided.~~

~~I. Historic Districts:~~

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

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across Frank Sullivan Place to the northeastern corner of said Tax Parcel 179.21-3-5, thence westerly and southerly along the boundaries of said Parcel 179.21-3-5 to the southwest corner of said parcel, thence directly across Wright Street to a point in the southerly line of Wright Street; thence westerly along the southerly line of Wright Street to the easterly line of Nelson Avenue; thence southerly along the easterly line of Nelson Avenue to a point directly across from the northeastern corner of Tax Parcel 179.00-5-5 (Inside District), thence westerly, southerly and easterly along the boundaries of said Tax Parcel 179.00-5-5 to its southeastern corner, thence directly across Nelson Avenue to a point, thence southerly along the easterly line of Nelson Avenue to the southerly boundary of property owned by the New York Racing Association, Inc.; thence easterly along the southerly line of property of the New York Racing Association, Inc., and Yaddo to a point in the westerly line of Interstate Highway No. 87; thence northerly along the westerly line of Interstate No. 87 to a point in Union Avenue; thence westerly along the center line of Union Avenue to a point, thence northerly, easterly, northerly, and westerly along the boundary of Tax Parcel 166.-3-25 (Outside District) to a point in the southeastern corner of tax parcel 166.14-4-25 (Inside District), thence northerly, westerly and southerly along the boundaries of said tax parcel 166.14-4-25 to a point in the northerly line of Tax Parcel 166.-3-25 (Outside District), thence westerly along the northerly line of said parcel 166.-3-25 to a point in the southeastern corner of Tax Parcel of Tax Parcel 166.14-2-29 (Inside District); thence northerly along the easterly line of Tax Parcel 166.14-4-29 to a point in the southerly line of Fifth Avenue, thence northerly across Fifth Avenue to a point in the southerly line of Tax Parcel 166.14-4-14 (Inside District), thence easterly, northerly, westerly, southerly, westerly, southerly and easterly along the boundaries of said Parcel 166.14-4-14 to a point in the northerly line of Fifth Avenue, thence southerly across Fifth Avenue and along the western boundary of Tax Parcel 166.14-4-29 (Inside District), to a point in the northerly line of Tax Parcel 166.-3-25 (Outside District), thence westerly along the northerly line of Tax Parcels 166.-3-25 (outside District) and 166.-5-1 (Inside District), to a point in the northwesterly corner of said Tax Parcel 166.-5-1, thence southerly along the easterly line of East Avenue to its intersection with Union Avenue, thence westerly along the center line of Union Avenue to the easterly line of Ludlow Street to the easterly line of

Ludlow; thence northerly along the easterly line of Ludlow to an alley between Mitchell Street and Union Avenue; thence westerly along said alley and a continuation thereof to a point one hundred fifty (150) feet (plus or minus) east of the easterly line of Nelson Avenue; thence northerly to northern line of George Street; thence easterly to a point 135 feet (plus or minus) east of the eastern line of Ludlow Street; thence northerly to the northern line of the unnamed alley between George Street and Madison Avenue; thence westerly 10 feet (plus or minus); thence northerly 50 feet (plus or minus); thence westerly 25 feet (plus or minus); thence northerly to the northern line of Madison Avenue; thence easterly 200 feet (plus or minus) along the northern line of Madison Avenue; thence northerly to the northern line of the unnamed alley between Fifth Avenue and Madison Avenue; thence easterly to the western line of East Avenue; thence northerly to a point 160 feet (plus or minus) north of the northern boundary of Fifth Avenue; thence westerly to a point 212 feet (plus or minus) east of the eastern line of Ludlow Street; thence northerly to the northern line of Caroline Street; thence westerly to a point 158 feet (plus or minus) east of the eastern line of Ludlow Street; thence northerly 140 feet (plus or minus); thence westerly to a point 47 feet (plus or minus) east of the eastern line of Ludlow Street; thence southerly 63 feet (plus or minus); thence westerly to the western line of Ludlow Street; thence northerly to a point 90 feet (plus or minus) from the northern line of Caroline Street; thence westerly 100 feet (plus or minus); thence northerly 70 feet (plus or minus); thence westerly 200 feet (plus or minus); thence southerly 80 feet (plus or minus); thence westerly to western line of Nelson Avenue; thence northerly to the northern line of Mitchell Place; thence westerly 250 feet (plus or minus); thence northerly to the northern line of Diamond Street; thence easterly to a point 72 feet (plus or minus) east of the eastern line of the unnamed alley between Marion Place and Nelson Avenue; thence northerly 80 feet (plus or minus); thence westerly to eastern line of unnamed alley between Marion Place and Nelson Avenue; thence northerly along eastern line of alley and continuing straight northerly to the northern line of Lake Avenue; thence westerly to a point 215 feet (plus or minus) from the eastern line of East Harrison Street; thence northerly 100 feet (plus or minus); thence westerly along a line 100 feet (plus or minus) from the northern line of Lake Avenue to the western line of East Harrison Street; thence northerly

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to the northern line of Spruce Alley; thence westerly 169 feet (plus or minus); thence northerly along the eastern side of the unnamed private drive and extending to a point 90 feet (plus or minus) from the southern line of York Avenue and 120 feet (plus or minus) from the westerly line of East Harrison Street; thence easterly to a point 42 feet (plus or minus) from the eastern line of East Harrison Street; thence northerly to the northern line of York Avenue; thence easterly to the western line of Nelson Avenue; thence northerly 138 feet (plus or minus); thence westerly to a point on the western line of East Harrison Street 152 feet (plus or minus) northerly from the northern line of York Avenue; thence northerly to the southern line of North Street; thence westerly to the westerly line of Circular Street; thence northerly to a point 100 feet (plus or minus) south of the southerly line of the unnamed alley between the head of Henry Street and Circular Street; thence westerly to the eastern line of Henry Street; thence southerly along a line 150 feet (plus or minus) west of the western line of Circular Street to a point 100 feet (plus or minus) north of the northern line of the unnamed alley; thence westerly to the eastern line of Henry Street; thence southerly along the eastern line of Henry Street to the southerly line of the unnamed alley; thence easterly to the western line of Bank Alley; thence southerly along the western line of Bank Alley to the southern line of Spruce Alley; thence westerly to the eastern line of Henry Street; thence southerly along the eastern line of Henry Street 50 feet (plus or minus); thence southeasterly 40 feet (plus or minus); thence southerly 153 feet (plus or minus) to the northern line of Lake Avenue; thence southerly across Lake Avenue to a point 100 feet (plus or minus) east of the eastern line of Henry Street on the southern line of Lake Avenue; thence southerly to a point 135 feet (plus or minus) east of the eastern line of Henry Street on the southern line of Short Alley; thence southerly to the southern line of Caroline Street; thence westerly to the eastern line of Henry Street; thence southerly along the eastern line of Henry Street to the southern line of the alley between Phila Street and Spring Street; thence easterly 98 feet (plus or minus); thence southerly to a point 100 feet north of the northern line of Spring Street; thence westerly along this line 100 feet north of the north line of Spring Street to a point in the easterly line of Putnam Street; thence northerly along the easterly line of Putnam Street and the easterly line of Maple Avenue to Grove Street; thence westerly along the

northerly line of Grove Street to a point 100 feet easterly of the east line of Broadway; thence northerly parallel with and 100 feet easterly of the east line of Broadway or the rear lot line of the property facing Broadway, whichever is greater, to a point in the outside corporation line; thence westerly along the corporation line to the center of North Broadway; thence westerly along the northerly line of Fourth Street to the point or place of beginning;

Commencing at a point at the southwest corner of the intersection of Van Dam Street and Clinton Street, running westerly 286 feet (plus or minus) along the southern line of Van Dam Street; thence southerly 84 feet (plus or minus) to the northern line of Walton Street; thence across Walton Street to its southern line; thence easterly to a point 100 feet (plus or minus) westerly from the western line of Clinton Street; thence southerly 160 feet (plus or minus) to the southern line of Railroad Alley; thence 24 feet (plus or minus) easterly along the southern line of Railroad Alley; thence southerly 137 feet (plus or minus) to the northern line of Church Street; thence across Church Street to a point on the southern line of Church Street 106 feet (plus or minus) westerly from the western line of Clinton Street; thence 100 feet (plus or minus) southerly; thence 36 feet (plus or minus) westerly; thence 35 feet (plus or minus) southerly; thence 15 feet (plus or minus) westerly; thence 45 feet (plus or minus) southerly to the unnamed public alley between West Harrison Street and Clinton Street; thence southerly along the eastern line of the alley to the northern line of Thomas Street; thence across Thomas Street to a point on the southern line of Thomas Street 100 feet (plus or minus) westerly from the western line of Clinton Street; thence southerly 215 feet (plus or minus) to a point 115 feet (plus or minus) from the northern line of Division Street and 100 feet (plus or minus) from the western line of Clinton Street; thence westerly to a point on the eastern line of West Harrison Street 115 feet (plus or minus) northerly from the northern line of Division Street; thence southerly along the eastern line of West Harrison Street to the southern line of Division Street; thence easterly to the eastern line of Marvin Alley; thence southerly along the eastern line of Marvin Alley to a point 332 feet (plus or minus) south of the southern line of Cherry Street; thence easterly 150 feet (plus or minus) to the western line of Franklin Street; thence south to the southern line of Washington Street; thence westerly 145 feet (plus or minus) along the southern line of

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Washington Street, thence southerly 86 feet (plus or minus); thence westerly 37 feet (plus or minus); thence northerly 14 feet (plus or minus); thence westerly 49 feet (plus or minus); thence northerly 24 feet (plus or minus); thence westerly 99 feet (plus or minus); thence northerly 79 feet (plus or minus) to a point on the southern line of Washington Street 335 feet (plus or minus) from the western line of Franklin Street; thence westerly 102 feet (plus or minus) along the southern line of Washington Street; thence southerly 62 feet (plus or minus); thence westerly 50 feet (plus or minus); thence southerly 8 feet (plus or minus); thence westerly 56 feet (plus or minus) to a point on the eastern line of Beekman Street 150 feet (plus or minus); from the northern line of Grand Avenue; thence southerly to the northern line of Cobb Alley; thence easterly along the northern line of Cobb Alley to the eastern line of South Franklin Street; thence northerly along the eastern line of South Franklin Street and the eastern line of Franklin Street to a point 60 feet (plus or minus) northerly of the northern line of Congress Street; thence easterly 100 feet (plus or minus); thence northerly 161 feet (plus or minus) to a point on the south line of Washington Street 68 feet (plus or minus) from the eastern line of Franklin Street; thence across Washington Street to a point on the northern line of Washington Street 141 feet (plus or minus) from the eastern line of Franklin Street; thence northerly 46 feet (plus or minus); thence easterly 15 feet (plus or minus); thence northerly 142 feet (plus or minus); thence, easterly 45 feet (plus or minus); thence northerly 159 feet (plus or minus); thence westerly 20 feet (plus or minus); thence northerly 50 feet (plus or minus); thence easterly 100 feet (plus or minus); thence northerly 205 feet (plus or minus) to a point on the southern line of Division Street 159 feet (plus or minus) easterly from the eastern line of Franklin Street; thence across Division Street to a point on the north line of Division Street 200 feet (plus or minus) easterly from the eastern line of Clinton Street; thence northerly 220 feet (plus or minus); thence westerly 67 feet (plus or minus); thence northerly 290 feet (plus or minus); thence westerly 150 feet (plus or minus) to a point on the eastern line of Clinton Street 120 feet (plus or minus) southerly from the southern line of Church Street; thence northerly along the easterly line of Clinton Street to the northerly line of Church Street; thence easterly along the northern line of Church Street 100 feet (plus or minus); thence northerly 490 feet (plus or minus) to a point on the southern line of Exchange Alley 100 feet (plus or minus)

easterly of the eastern line of Clinton Street; thence westerly along the southern line of Exchange Alley to the western line of Clinton Street; thence northerly to the southern line of Van Dam Street or place of beginning;

2.4.3 Architectural Review Overlay

- A. Intent.** The City finds that appropriate architectural design and the consistent quality of building exteriors directly contribute to the positive value of real property, the enhancement of community character, and the health, safety and general welfare of the City's residents. Therefore, the intent of this [Article Section](#) is to provide architectural standards for the construction, maintenance and enhancement of structures within designated areas of the City as identified in [Section 7.5.12](#).
- B. Architectural Review Districts.** [The Architectural Review Districts shall be as indicated on the Zoning Map, which can be found at the City Office of Planning and Economic Development and at \[www.saratoga-springs.org\]\(http://www.saratoga-springs.org\)](#)
- C. Actions Subject to Review.** The following actions shall be subject to architectural review by the [Commission Design Review Board](#) when occurring within designated [Architectural Review Districts areas](#) of the City as identified in this [Article Section](#):
1. Construction, renovation, alteration or exterior change to a structure that requires the issuance of a building or demolition permit.
 2. Installation of an awning, sign or sign structure that requires a building or sign permit, or such modification with respect to size, materials, illumination, method of attachment and color.
 3. Change of the exterior color of any structure within a non-residential Zoning District.
 4. Installation of telecommunications facilities per [Article 6.3.2](#).
 5. [Architectural Review of projects shall also apply to municipal work conducted by the City of Saratoga Springs.](#)

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D. Actions Exempt from Review. The following actions are exempt from architectural review:

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

E. The following areas shall be designated architectural review districts:

1. Beginning at the intersection of the center line of Broadway (or NYS Route 9) and Circular Street and extending to the rear lot line of the property facing Broadway on both east and west sides or 100 feet in depth, whichever is greater, and extending southward along Broadway to the City line.
2. Beginning at the intersection of the center line of Union Avenue (or NYS Route 9P) and Ludlow Street and extending to the rear lot line of the property facing Union Avenue on the north side or 100 feet in depth, whichever is greater, and extending eastward to the intersection of the center line of Union Avenue and the easterly line of Interstate 87, thence extending to the rear lot line of the property facing Union Avenue on both the north and south sides or 100 feet in depth, whichever is greater, and extending easterly and southeasterly along Union Avenue to the City Line.
3. Beginning at the intersection of the center line of Lake Avenue (or NYS Route 29) and Broadway and extending to the rear lot line of the property facing Lake Avenue on both the north and south sides or 100 feet in depth, whichever is greater, and extending eastward along Lake Avenue to the City line.
4. Beginning at the intersection of the center line of Route 50 and Broadway (or New York State Route 9) and extending to the rear lot line of the property facing Route 50 on both the north and south sides or 100 feet in depth, whichever is greater, and extending eastward to the City line.
5. Beginning at the intersection of the center line of Marion Avenue (or NYS Route 9) and Route 50 and extending to the rear lot line of the property facing Marion Avenue on both east and west sides or 100 feet in depth, whichever is greater, and extending northward along Marion Avenue to the City line.
6. Beginning at the intersection of the center line of Van Dam Street and Broadway and extending to the rear lot line of the property facing Van Dam Street on both the north and south sides or 100 feet in depth, whichever is greater, and extending westward along Van Dam Street to the intersection of the center line of Church Street (or NYS Route 9N) and Van Dam Street.
7. Beginning at the intersection of the center line of Church Street (or NYS Route 9N) and Broadway and extending to the rear lot line of the property facing Church Street on both the north and south sides or 100 feet in depth, whichever is greater, and extending westward along Church Street to the City line.
8. Beginning at the intersection of the center line of Washington Street (or NYS Route 29) and Broadway and extending to the rear lot line of the property facing Washington Street on both the north and south sides or 100 feet in depth, whichever is greater, and extending westward along Washington Street to the City line.
9. Beginning at the intersection of the center line of Ballston Avenue (or NYS Route 50) and Broadway and extending to the rear lot line of the property facing Ballston Avenue on both the east and west sides or 100 feet in depth, whichever is greater, and extending southerly or southwesterly along Ballston Avenue to the City line.
10. Beginning at the intersection of the center line of West Avenue and Church Street (or NYS Route 9N) and extending to the rear lot line of the property facing West Avenue on both the east and west sides or 100 feet in depth, whichever is greater, and extending southward along West Avenue to the intersection of the center line of Ballston Avenue (or NYS Route 50) and West Avenue.
11. All properties within the Transect Districts (T-4,

ARCHITECTURAL REVIEW OVERLAY

T-5, and T-6), UR-4A District, and Neighborhood Complementary Use Districts (NCUD-1, NCUD-2, and NCUD-3).

- F. Map of Architectural Review Area.** A reference map displaying the Architectural Review areas may be found in the City Office of Planning and Economic Development and at www.saratoga-springs.org.
- G. Design Considerations.** For actions subject to review, the Commission shall evaluate whether the proposed alteration or construction is compatible with the subject structure, site and neighboring properties in the architectural review district with regard to: Applicable projects within the Architectural Review Overlay shall be in keeping with the Intent and Guiding Principals of the underlying district and shall conform to the following requirements:
1. The proposal utilizes Facade Types and Building Types permitted for that district.
 2. The proposal shall be in keeping with the Design Considerations of the underlying district.
 3. **Site Mass and Open Space.** ~~The Commission shall consider whether the relationship of the dimension and mass of a building to the open space between it and adjoining buildings is compatible with the character of the neighboring area and with any specific zoning district intent.~~ The building's relationship to the site, setbacks, open space and adjoining buildings shall be compatible with the character of the neighboring area.
 4. **Height and Roof Design.** ~~The Commission shall consider whether~~ The height and roof design of the proposed structure ~~is shall be~~ compatible with the historic form and context of the site and neighboring properties. ~~and with any specific zoning district intent~~
 5. **Scale and Massing.** ~~The Commission shall consider whether~~ The scale and massing of the proposed structure ~~is shall be~~ compatible with the relationship of the building and its architectural elements to neighboring structures and community character.
 6. **Proportion.** ~~The Commission shall consider whether~~

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

7. ~~Directional Expression.~~ ~~The Commission shall consider whether the directional expression of a building and its architectural elements are compatible with the dominant horizontal or vertical expression of the neighboring buildings.~~
8. **Fenestration.** The amount of facade openings such as windows and doors shall be sufficiently compatible with the character of the neighborhood and does not include large areas of blank walls on public frontages.
 - a. **Doors.** Existing historic doors and door openings shall be retained and rehabilitated whenever possible. Restoration of historic openings is encouraged where previously altered. Where doorways must be altered to meet current building code and safety requirements, doors and entrance ways shall be designed to respect the exterior architectural character of the building.
 - b. **Windows.** Existing historic windows and window openings shall be retained and rehabilitated whenever possible. Restoration of historic openings is encouraged where previously altered.
9. **Architectural Rhythm.** ~~The Commission shall consider whether~~ The architectural, rhythmic pattern resulting from repeated elements such as window and door openings, columns, arches, and other facade elements is shall be consistent within the subject structure and relatively consistent with neighboring structures.
10. **Front Setback.** ~~The front yard setback for the building line of all new construction shall be compatible with neighboring buildings and any specific zoning district intent.~~
11. **Entrances.** The building's public entrances shall be sufficiently prominent and proportional to the size of the building.
12. **Materials.** Materials used in new construction

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

- 13. **Colors.** Colors used in new construction shall be compatible with neighboring buildings. Architectural features of historic buildings shall be restored with colors and finishes appropriate to the nature of the materials and to the historic character of the building. Where historically documented colors are not used, colors shall be appropriate to the building’s predominant architectural style(s).
- 14. **Exterior Lighting.** The exterior lighting proposed shall be in keeping with the lighting requirements of section 4.11.
- 15. **New Construction and Additions.** New construction and additions should be undertaken such that their removal will not impair the original historic form and integrity of the structure and site.
- 16. **Treatment of Major Building Elements.**
- 17. **Roofs.** Features that give a roof its essential historic and architectural character shall be retained and rehabilitated whenever possible. Roof designs for new structures shall be compatible with neighboring buildings. Exterior mechanical equipment shall be minimized and screened from view.

2.4.4 Gateway Design District 1

- A. **Intent.** The intent of the Gateway Design District-1 is to establish a series of site and construction standards and guidelines to encourage appropriate development while preserving and maintaining a rural “Country” character in this gateway area to complement the natural conditions of the neighboring Saratoga Spa State Park. These site and construction provisions shall guide the location and character of site development, buildings, roads, parking, signage, and vegetation.
- B. **District Location.** The Gateway Design District-1 includes designated parcels along southern Ballston Avenue (NYS Route 50), and along South Broadway

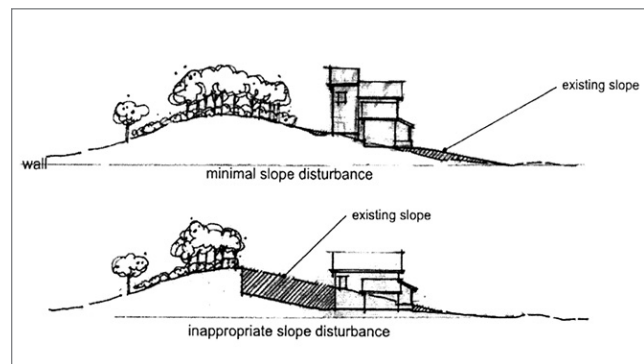


Figure 2.4-1: Appropriate minimal slope disturbance (top) and inappropriate slope disturbance (bottom) with too much grade cut.

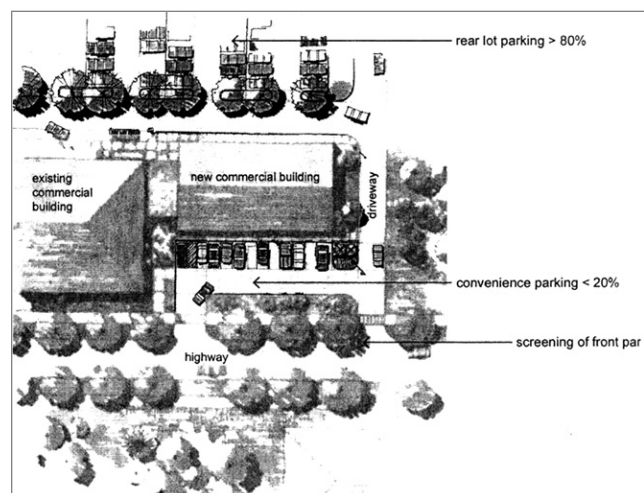


Figure 2.4-2: Example of parking for new building addition.

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(NYS Route 9), a map of which can be found at: www.saratoga-springs.org. This Gateway Design District-1 is comprised of two sub-zones as follows: **## Note: No map available from city. Need to show where these are, and where subzones are**

1. Zone A recognizes the prevalent commercial nature of this area and is intended to encourage similar uses in a more intensive, clustered manner.
2. Zone B also encompasses commercial areas but is intended to encourage low-density development with an emphasis on rural character. **## Note: Do we need zone a and b or can we do this with one?**

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

C. Applicability. These Gateway Design District-1 provisions include recommended design guidelines that may be waived if circumstances warrant and provided the intent of this Section is achieved, as well as mandatory standards as noted in this Section. Graphics, where provided, are for illustrative purposes and do not represent the only way to meet the intent of the standards and guidelines in this Section.

D. Frontage Types.

Note: Insert appropriate Frontage types here and revise / incorporate Vehicle / Ped Parking And Access below as needed.

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

1. Building location, type, and mass shall reinforce the site's natural landform. Uses with large footprints are appropriate to sites with flat or gently sloping landform; uses with smaller footprints can better fit rolling landforms.
2. The location of building and site elements should minimize reshaping of natural contours. Large-scale cut and fill of terrain should be avoided to minimize clearing and disturbance to the existing landform.

Figure 2.4-1

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

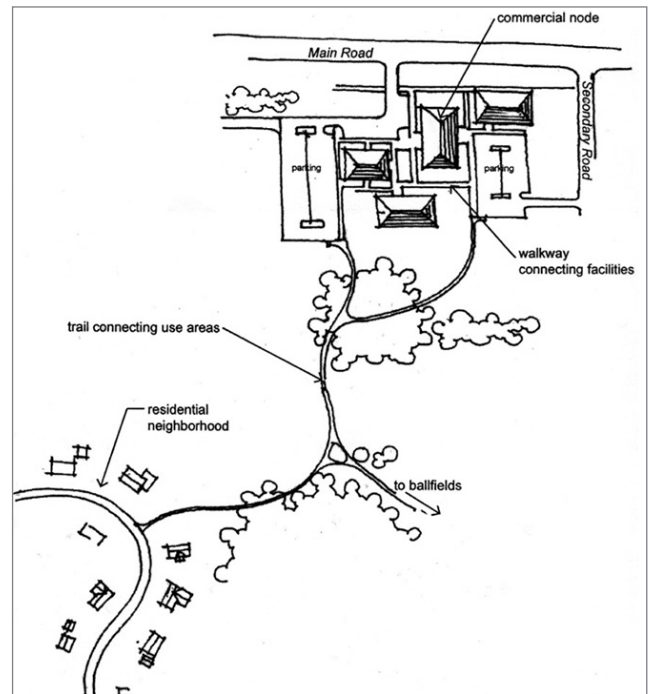


Figure 2.4-3: Pedestrian circulation systems for Gateway Overlay District 1.

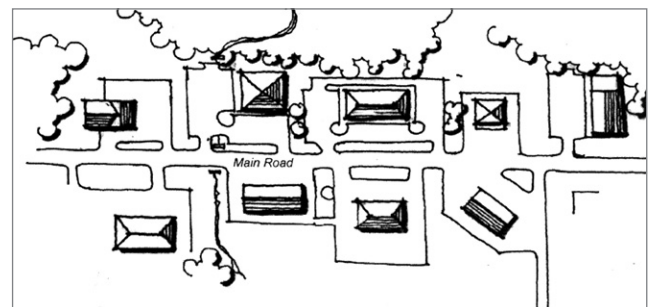


Figure 2.4-4: Plan illustrating negative impacts of multiple curb-cuts, removal of vegetation, wasted pavement for parking, and hazardous vehicle entries and exits.

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surrounding landform. Rural cut/fill slopes should be a maximum of 1:5 and gradually blend into surrounding slopes.

F. Vehicle / Pedestrian Circulation and Parking.

1. Alignment

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

- 2. Location.** No more than 20% of parking shall be located as convenience parking in front of the front line of buildings and this standard may not be waived. The balance shall be located to the side or rear of the building. The area between the street and the parking at the side and front of a building should be landscaped to buffer the visual impacts. *Figure 2.4-2*

3. Pedestrian Systems

- a. In Zone A, pedestrian systems should be walks that connect buildings with other buildings, buildings with parking areas, and buildings with public amenities (i.e. parks). These walks should be constructed of concrete or unit pavers.
- b. In Zone B, pedestrian systems should be trails that link commercial nodes to other use areas (i.e. neighborhoods). These trails should be constructed of flexible type pavements such as asphalt, stone dust, or mulch. *Figure 2.4-3*

- 4. Shared Driveways.** Shared driveways are strongly recommended in both zones of Gateway Design District 1. Minimum recommended spacing between adjacent driveways on the same side of the street is 500 feet. Access connections on opposite sides of the street should be aligned or off-set so as to

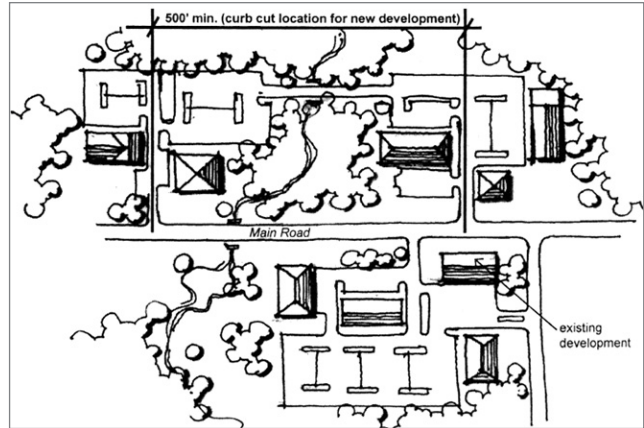


Figure 2.4-5: Plan illustrating benefits of limited and shared access include minimizing number of driveways for infill development.

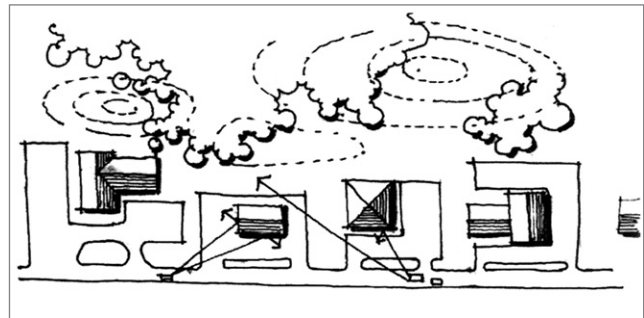


Figure 2.4-6: Linear corridor development limits views of rural resources such as vegetation, waterbodies, topography.

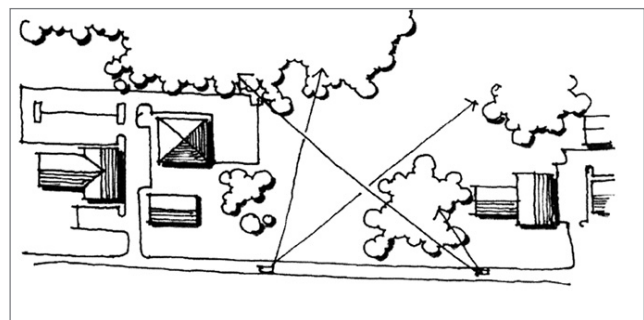


Figure 2.4-7: Cluster development opens up views of rural resources.

GATEWAY DESIGN DISTRICTS

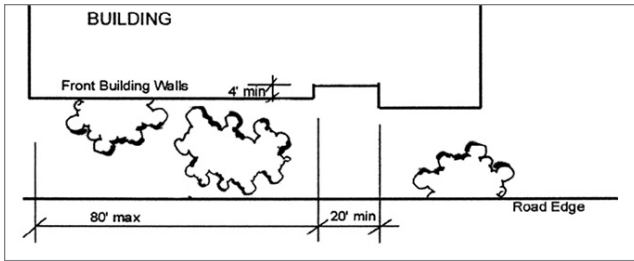


Figure 2.4-8: Front facade articulation.

eliminate left-turn conflicts. The Planning Board, as part of site plan review, should evaluate the effect of proposed driveway locations on development of abutting properties. Proposals for shared driveways may require cross access easements. *Figures 2.4-4, 2.4-5*

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

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

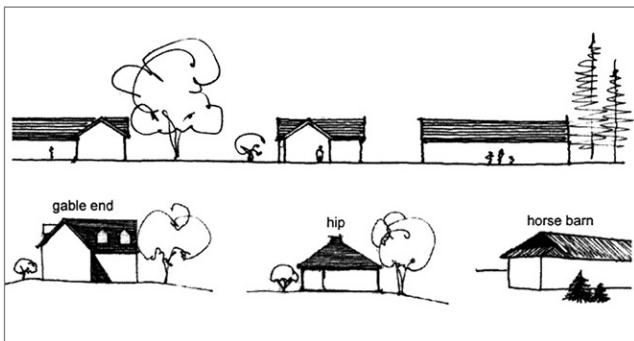


Figure 2.4-9: Elevation illustrating consistent one-story building height that does not provide interest in the landscape and is not recommended for the rural landscape (top). Rural roof form types (bottom) provide better variety.

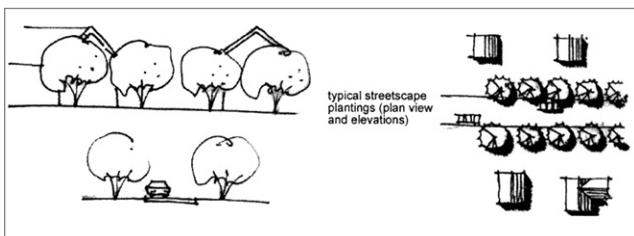


Figure 2.4-10: Planting concepts inside commercial nodes (Zone A) Structured alignment with regular spacing and single-species horticultural communities are used in commercial nodes and urban residential areas (Zone A).

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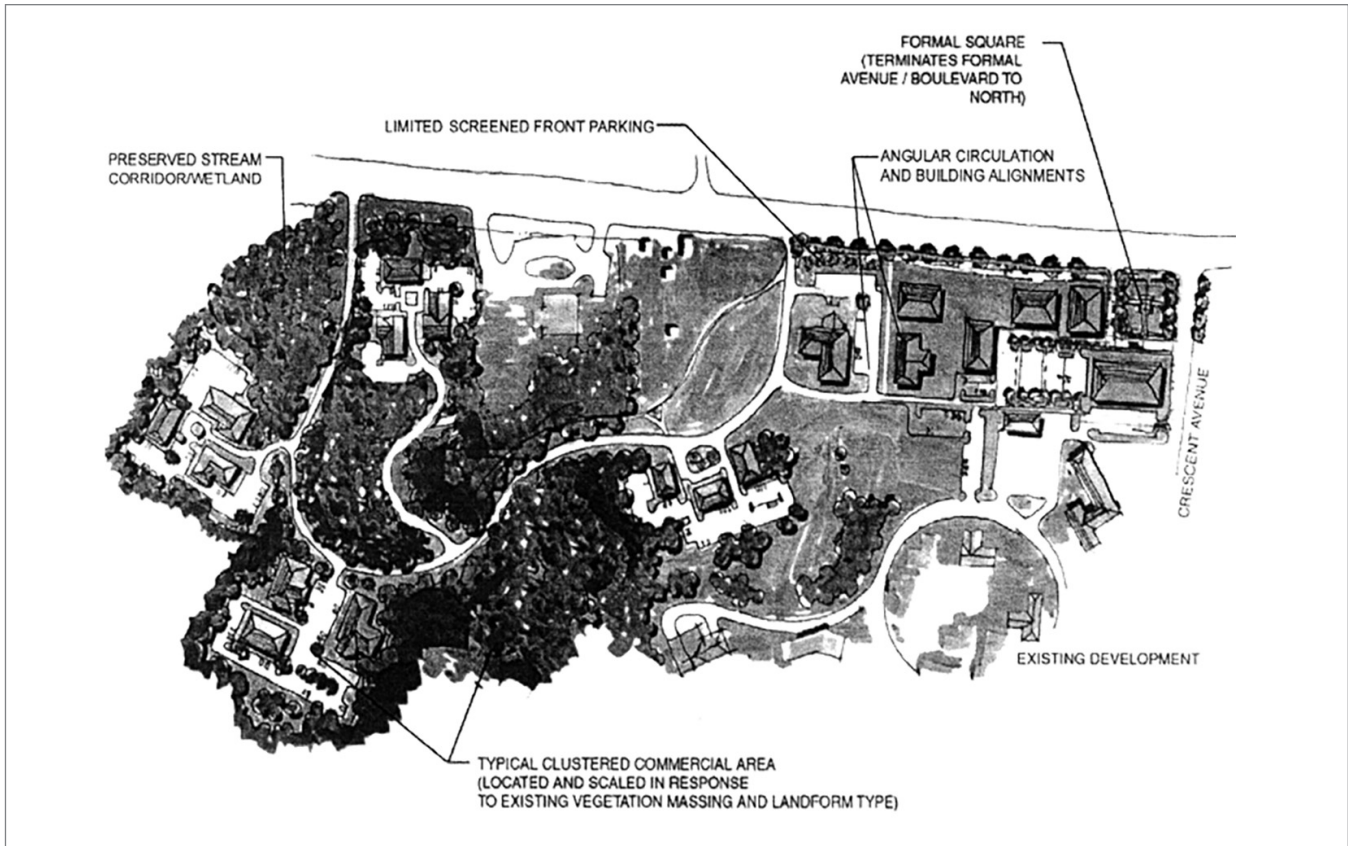


Figure 2.4-11: Conceptual development plan.

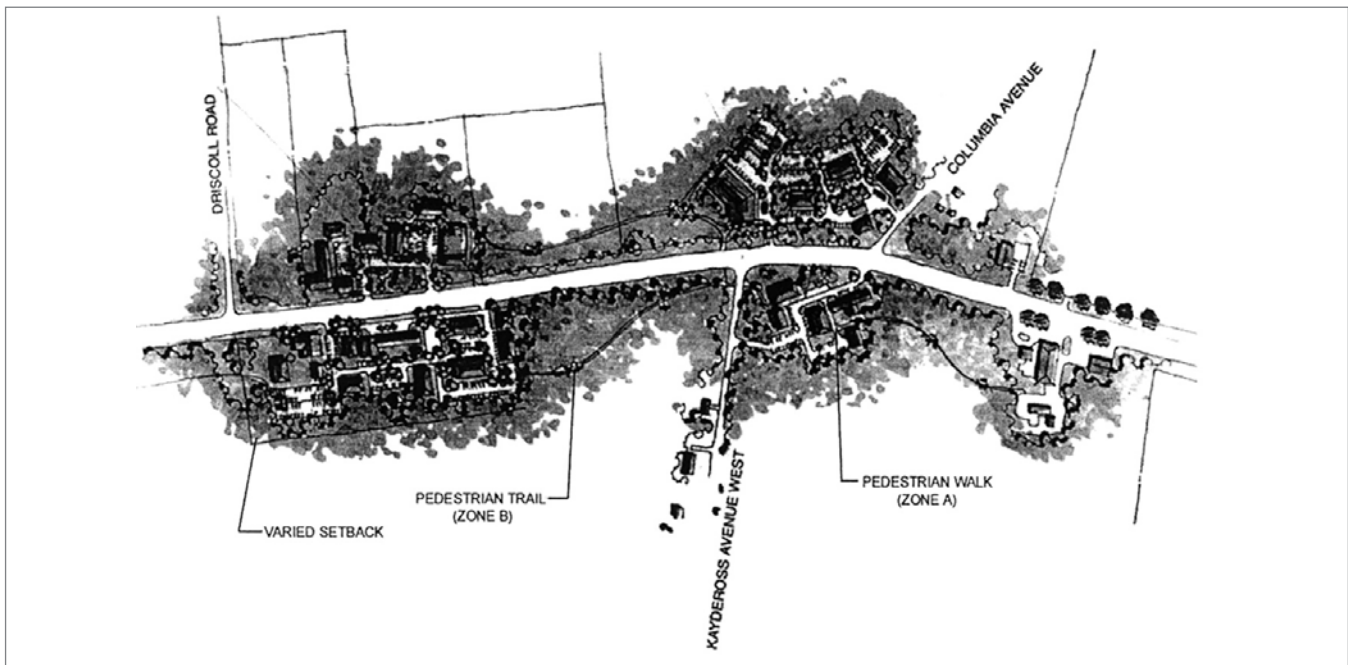


Figure 2.4-12: Conceptual development plan.

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rural landscape. *Figure 2.4-7*

2. Commercial Building Facades

- a. In Zone A, the building façade should be located between 30' and 50' from the right-of-way.
- b. No front building wall should be more than 80 feet in width unless interrupted by a recess or other vertical modulation at least 4 feet in depth and 20 feet in width. *Figure 2.4-8*

3. Building Height

- a. Unless otherwise regulated, buildings should have a maximum height of 40 feet and include 2 usable stories. Buildings with footprints greater than 20,000 square feet should have a minimum of 30% of each structure as 2 stories. A typical rural roof form should also be applied to this additional story. *Figure 2.4-9*
- b. Preferred rural roof forms include, but are not limited to, symmetrically pitched or hip roofs with or without gables and horse barn type roof ends.

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

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

1. Within Zone A, vegetation should occur in traditional, structured patterns while the type, form, mass, and configuration of vegetation in Zone B should reflect rural design characteristics.
2. Within Zone A, street tree plantings should be a consistent species planted geometrically. Landscaping in Zone B should consist of a mix of species and be planted in clusters. *Figure 2.4-10*

I. Gateway Design District 1 Conceptual Development Plans

The following concept plans illustrate a long-range build-out scenario incorporating existing and new development. The graphics include existing structures and site elements that do not meet the objectives of this Section. As these properties are redeveloped, the goal is to increase compliance with these objectives to the maximum extent possible. *Figures 2.4-11, 2.4-12*

2.4.5 Gateway Design District 2: Marion Ave

- A. **Intent.** The intent of the Gateway Design District 2 is to establish a series of site and construction standards and guidelines to encourage the development of an appropriate urban character for the Marion Avenue gateway. These site and construction provisions shall guide the location and character of building and streetscape elements within this overlay district.
- B. **District Location.** The Gateway Design District 2 shall include designated parcels in the Marion Avenue Gateway, a map of which can be found at: www.saratoga-springs.org.
- C. **Applicability.** These Gateway Design District 2 provisions include recommended design guidelines that may be waived if circumstances warrant and provided the intent of this Section is achieved, as well as mandatory standards as noted in this Section. Graphics, where provided, are for illustrative purposes and do not represent the only way to meet the intent of the standards and guidelines in this Section.
- D. **Commercially Zoned Properties**
 1. **Frontage Types**

Note: Insert appropriate Frontage types here and revise / incorporate Parking And Access below as needed.
 2. **Parking and Access**
 - a. No more than 20% of the parking in a commercial district shall be located as convenience parking in front of the front line of the building. This standard may not be waived. The balance of the

GATEWAY DESIGN DISTRICTS

parking shall be located to the side or rear of the building. The area between the street and the parking at the side and front of a commercial building should be landscaped to buffer the visual impacts.

- b. One bicycle parking or storage space should be provided for every 15 off-street vehicular parking spaces.
- c. Vehicle access to parking and services areas should be from a secondary street or alley whenever feasible. Shared driveways and parking are encouraged. *Figure 2.4-13*

3. Architectural Design ## Note check to make sure all of these ar appropriate, these were just copied/pasted from Broadway design guidlelines

- a. Minimum frontage build-out should be 50% of the front lot line.
- b. Roof forms may include symmetrically pitched roofs or flat roofs with cornice. Slopes of pitched roofs should be not less than 5:12, except that porch roofs may be sheds with pitches not less than 3:12. All gables should be parallel or perpendicular to the street.
- c. Mechanical systems proposed for rooftops may exceed the maximum height requirements provided they are adequately screened and set back from the building facade.
- d. Recommended roof materials include black or single tone asphalt shingles, standing seam roof with small seam with an approved color or natural slate. Imitation slate and wood shingles should be avoided. Parapet caps may be stone, concrete, or limestone.
- e. All architectural openings, including windows, doorways, arches and porch framing, should be constructed with their height equal to or greater than their width and framed by appropriately scaled lintel or arch at the top and sill at the bottom.
- f. The rhythm and proportions of architectural openings should complement that of adjacent buildings. The amount of windows and openings

should be greatest at the street level. Facade design should incorporate a primary material and an easily recognizable pattern (with sub-patterns or subtle variations for larger scale buildings). Breaks or fluctuations in pattern or materials may be used to draw attention to entrances or special façade elements.

- g. Recommended window materials include anodized aluminum or vinyl-clad frame (black, brown or approved color) or painted or stained wood. Recommended lintel and sill materials include brick, stone, wood or colored concrete. Bare aluminum frames should be avoided. Clear, frosted or stained glass is recommended; tinted or mirrored glass should be avoided.
- h. Shutters, if used, should be used throughout the façade and shall be proportioned to cover the window opening when closed.
- i. Recommended façade materials include common red brick (bare or painted), special masonry units (textured, colored, or painted), natural stone, or wood clapboard. Beige, multi-tone, or imitation brick siding; bare masonry units; metal, asphalt or vinyl siding; and imitation stone or exterior insulation finish systems (EIFS) should be avoided.
- j. Recommended trim materials include finish grade, painted, or stained wood. Bare lumber grade wood or plywood should be avoided.
- k. Canvas awnings incorporating a maximum of three approved colors may be used. Plastic awnings should be avoided.
- l. Recommended hard surface materials include asphalt, brick, paving stone, and patterned concrete. Asphalt use should be limited to parking and loading areas.
- m. Building signage should be simple and integrated into the design of the building. See [Chapter 6.1 "Signage"](#) for sign regulations.

E. Residentially Zoned Properties

1. Architectural Design ## Note: Cross check all of

GATEWAY DESIGN DISTRICTS

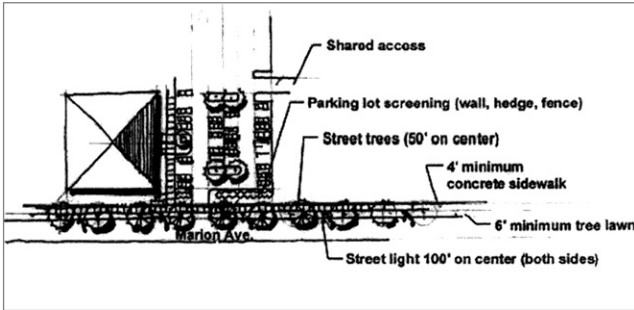


Figure 2.4-13: caption

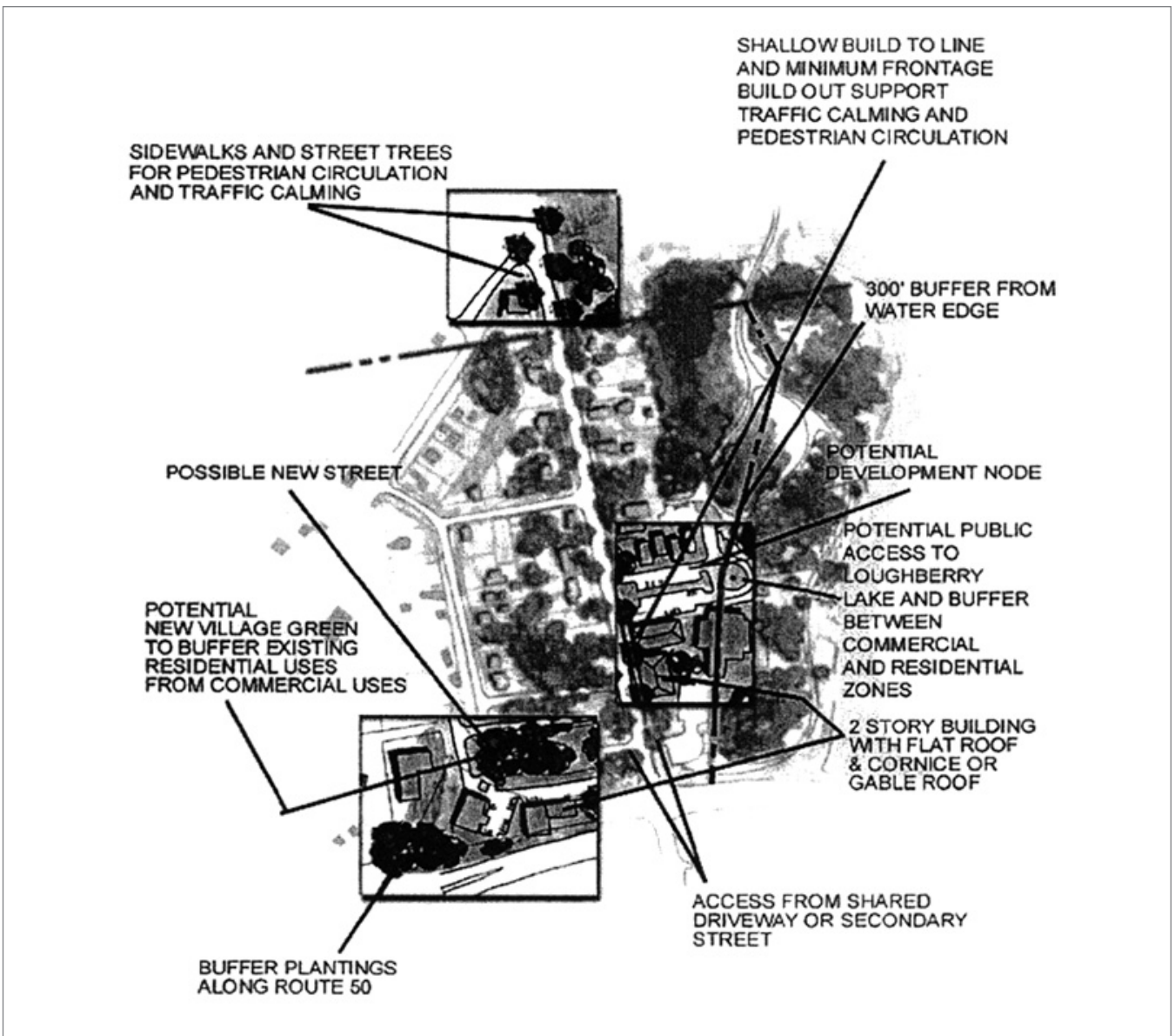


Figure 2.4-14: Conceptual development plan.

GATEWAY DESIGN DISTRICTS

these against commercial architectural design guidelines, eliminate duplicates – do we really need all of these, are they appropriate?

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

finish-grade painted or stained wood. Bare lumber grade wood or plywood should be avoided.

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

INCENTIVE DISTRICTS

2.4.6 Incentive Zoning Districts

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

A. Density Bonus for Affordable Senior Housing

1. **Intent.** This Section is established to encourage the construction of affordable senior housing opportunities in exchange for an increase in the otherwise maximum density of the underlying zoning district.
2. **Affordable Senior Housing Defined.** Affordable senior housing is defined as a structure where all the residential units are occupied by at least one person who is at least 55 years old and where each household has an income that is less than or equal to 60% of the Median Household Income as established by the U.S. Department of Housing and Urban Development for the Albany-Schenectady-Troy Metropolitan Statistical Area.
3. **Permitted Incentive.** The Planning Board, upon issuance of a special use permit and site plan review, may grant up to a 50% density bonus in addition to the maximum permitted density of the underlying district if the project is consistent with the definition of affordable senior housing.
4. **Permitted Locations.** An applicant may seek approval of this incentive in the following zoning districts:

- a. Suburban Residential
- b. All Urban Residential districts (UR-1 through UR-7)
- c. Neighborhood Complementary Use 3
- d. Office/Medical/Business 1 and 2
- e. Tourist Related Business (permitted only on 2nd story and above)
- f. Highway General Business (permitted only on 2nd story and above)

B. Density Bonus for Public Access to Open Space

1. **Intent.** This Section is established to encourage permanent public access to protected open space land in exchange for an increase in the otherwise maximum density of the underlying zoning district.
2. **Public Access to Open Space Defined. ## Note:** develop performance criteria for this
3. **Permitted Incentive.** The Planning Board, via a Conservation or Cluster Subdivision approval, may grant up to a 20% density bonus in addition to the maximum permitted density of the underlying district if the project establishes permanent public access to designated open space land.
4. **Permitted Locations.** An applicant may seek approval of this incentive in the following zoning districts:
 - a. Rural Residential
 - b. Suburban Residential 1
 - c. ~~Suburban Residential 2~~
 - d. Urban Residential 1

C. Density Bonus for Public Recreation or Affordable Housing

1. **Intent.** This Section is established to encourage the provision of public recreation benefits and/or affordable housing in exchange for an increase in the otherwise maximum density of the underlying zoning district.
2. **Public Recreation Benefits Defined.** The provision of exceptional public recreation benefits includes new recreational opportunities available to the public in an area where there has not been such an opportunity or public access to an important natural resource or park area.
3. **Affordable Housing Defined.** The provision of at least 20% of the housing mix made available to low- and moderate income households, as established by the U.S. Department of Housing and Urban Development for the Albany-Schenectady-Troy Metropolitan Statistical Area, at prices below the median housing price.
4. **Permitted Incentive.** The Planning Board, upon

CORRIDOR LODGING DISTRICT

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

5. Permitted Locations. An applicant may seek approval of this incentive in the following zoning districts:

a. Suburban Residential-2

b. Urban Residential-1

c. Rural Residential. ## Note: Added per request, for discussion.

2.4.7 Corridor Lodging District

Note: This overlay district has been deleted and instead covered in Article 3, defined instead as specific Use criteria.

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

B. Permitted Lodging Facilities. The following lodging facilities are permitted upon special use permit and site plan review:

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

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

3. Inn. A residential building with a resident manager in which eleven to twenty-five rooms are offered for rent to not more than fifty lodgers. An inn-

CORRIDOR LODGING DISTRICT

may offer meals to lodgers and/or the public for compensation. An inn may have regularly scheduled commercial indoor or outdoor activities such as weddings/receptions/showers, business meetings, catered events, and the like. The special use permit shall establish the type of permissible activities, a maximum number of events/days on which such activity can occur and the maximum number of people who can attend such events. The regularly scheduled activities above shall not require off-street parking. ## Note: Check this against definition.

- 20. Union Avenue
- 21. Washington Street
- 22. West Circular Street
- 23. Whitney Place

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

- 1. Ballston Avenue
- 2. Broadway
- 3. Church Street
- 4. Circular Street
- 5. Crescent Street
- 6. Crescent Avenue
- 7. East Avenue
- 8. Excelsior Avenue
- 9. Frank Sullivan Place
- 10. Geyser Road
- 11. Grand Avenue
- 12. High Rock Avenue
- 13. Lake Avenue
- 14. Lincoln Avenue
- 15. Marion Avenue
- 16. Nelson Avenue (between Union Ave and Crescent Avenue)
- 17. Nelson Avenue Extension
- 18. South Broadway
- 19. Route 9 (between Avenue of the Pines and Malta-Town Line)

WATER SUPPLY AND WETLAND PROTECTION

2.4.8 Public Water Supply and Wetland Protection District

- A. Intent.** This Section is intended to protect the City public water supply and wetland resources to provide for flood control, water quality, recreational, aesthetic and open space benefits.
- B. ~~Public Water Supply and Wetland Protection District~~**
- Locations.** The Public Water Supply and Wetland Protection District encompasses the following areas:
1. Land within 300 linear feet from the high water elevation for the Loughberry Lake Public Water Supply Reservoir.
 2. Lands and waters identified as Class I and Class II Freshwater Wetlands by the Commissioner of the New York State Department of Environmental Conservation. Such areas are generally shown on the maps entitled "Final Freshwater Wetlands Maps-Saratoga County" prepared by the New York State Department of Environmental Conservation. The precise boundaries of such wetlands may be determined by field inspection by the New York State Department of Environmental Conservation.
 3. For the purposes of general reference and convenience, the location of these areas has been provided on the Zoning Map of the City of Saratoga Springs, however this map should not be used to determine current and formal district locations. ##
 Note: What is used now for legal district location determinations?
- C. Restricted Activities.** No structures shall be permitted within the Public Water Supply and Wetland Protection District with the following exception. A principal or accessory residential structure that legally existed on or before January 1, 2001 within the Loughberry Lake Public Water Supply area may be expanded up to a total of 30% of its footprint.

WATERCOURSE PROTECTION DISTRICT

2.4.9 Watercourse Protection District

A. Intent. This Section is intended to protect City watercourses and adjacent lands to enhance recreational and visual amenities, minimize sedimentation and erosion, reduce excessive flooding, prevent degradation or loss of stream-related wetlands, flora and fauna, and control watercourse pollution. **## Note.** Verify that current stream buffer requirements are consistent with state requirements. Need to discuss what state regs may apply.

B. Watercourse Protection District Locations. All water and land within 50 linear feet of the center line top of the stream bank (as defined by the NYS Department of Environmental Conservation) of all City streams with a mean high water channel top width between 10 feet and 50 feet. Maps of these regulated watercourse areas are available in the City Clerk's Office and in the Office of Planning and Economic Development.

C. Activities Within District Subject To Permit. ~~Activities subject to permit.~~ A Watercourse Activity Permit shall be required before undertaking the following activities:

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

D. Activities Exempt from Permit. The following activities shall be exempt from these permit requirements:

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

E. Prohibited Activities. The following activities shall be prohibited:

1. Installation of any septic tank, leach field or other on-site sewage disposal facility.
2. Storage or dumping of any waste material, or debris that would alter the natural contours or characteristics of the watercourse.
3. New construction of principal or accessory structures over 500 square feet in ground floor area.
4. Watercourse alteration through piping, filling, excavation or the removal of vegetation except for the reasonable upkeep or preservation of the property.

Note: Existing section 3.6.4 Permit Application Process has been moved to Article 5.

COUNTRY OVERLAY AREA

2.4.10 Country Overlay Area

- A. **Intent.** The Country Overlay Area, created in the 2015 Comprehensive Plan, was intended to reinforce the rural country areas within the city boundaries by taking proactive measures to preserve the greenbelt surrounding the developed urban core of the city.

As taken from the 2015 Comprehensive Plan:

“The intent of this section is not to prohibit or permit any land use activity but instead to reaffirm that open space values be taken into consideration in development proposals within the Country Overlay Area or in adopting any zoning amendments for areas included in the Country Overlay Area.”

- B. **Location.** The Country Overlay Area is as defined in the 2015 Comprehensive Plan, or as modified in subsequent updates.
- C. **Special Design Considerations.** When reviewing development proposals within the Country Overlay Area, the following additional considerations should be made:

1. New development within the Country Overlay Area shall follow the Rural Design and Siting Standards provided in section 4.15.

ARTICLE 3 REQUIREMENTS FOR SPECIFIC USES

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3.1 REQUIREMENTS FOR SPECIFIC USES

Note: This article incorporates text from existing code Sections 2.2, 6.3 and 6.4.

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

3.1.1 Adult Bookstores and Adult Entertainment Establishments

Adult Book Stores and Adult Entertainment Establishments are recognized as having serious negative secondary effects such as increased crime rates, decreased property values, curtailed retail trade, deterioration of the quality of life, and spread of sexually transmitted diseases, as based on documented evidence and concluded within: The "Adult Entertainment Study", NYC Department of Planning, 1994, which contains summaries of impact studies from the cities of Islip, New York; Los Angeles, CA; Indianapolis, IN; Whittier, CA; Austin, TX; Phoenix, Arizona; Manatee County, Florida; New Hanover County, North Carolina and the State of Minnesota; and "Adult Use Study, Town of Clifton Park", Clifton Park and RMPC, 2000.

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

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

- B. No adult book store and/or adult entertainment establishment shall be permitted within 2,500 feet from the nearest property line of any other adult book store or adult entertainment establishment.
- C. Penalties. In addition to the penalties specified by [Article 9.2.2 Section 8.3.5](#) of this Chapter, violation of this section is punishable by a fine not exceeding \$1,000, or by imprisonment not exceeding 6 months, or by both fine and imprisonment. Each day, or any portion thereof, in which any violation of this section is committed or continued shall constitute a separate offense. In addition to these penalties, the City may institute any appropriate action or proceedings to enjoin the establishment or continuance of such use in violation of the provisions hereof, or take such other legal or administrative action deemed necessary or desirable to correct or abate such violation.

**3.1.2 Vehicle Fueling Stations
Automotive Fuel Sales**

In any district where ~~vehicle fueling stations~~ [Automotive Fuel Sales](#) are permitted, the following shall apply:

- A. No fuel pump shall be located closer than 20 feet from any property line.
- B. No property line associated with a vehicle refueling station shall be located within:
 - 1. 500 feet of a school, park, playground, fire station, public library, theater, religious institution, or other place of public assembly as defined by the NYS Uniform Fire Prevention and Building Code
 - 2. 250 feet of ingress or egress ramps to limited access highways
 - 3. 250 feet of an abutting residential district.
- C. No new or used vehicles or trailers shall be sold or rented at a ~~vehicle refueling~~ [Automotive Fuel Sales](#) station.

Note: Would like to discuss adding a provision, similar to below, which would address abandonment of gas stations which could become an issue with growth of electric car market. For discussion.

D. [Notice of Discontinuance and Removal. An](#)

Automotive Fuel Sales Station which discontinues active use for a period of more than two years shall be considered abandoned. The Zoning Officer shall notify the property owner or lessee in writing of this status. Fuel pumping facilities, canopy structures and underground fuel storage tanks shall be removed from the site within six (6) months of the date of the notice.

3.1.3 Automotive Repair

A. [Automotive repair uses are permitted in the Transect-5 and Transect-6 District with Site Plan Review and Special Use Permit, provided they meet they following conditions:](#)

- 1. [Service bay garage doors shall be located on the side or rear of the building so that they do not directly face the primary street; and,](#)
- 2. [Overflow parking and vehicle storage for customer vehicles which are not currently being serviced shall be located in the side or rear of the lot and screened from view with fencing and landscaping as directed by the Planning Board.](#)

3.1.4 Automotive Sales

A. [Automotive sales uses are permitted in the Transect-5 and Transect-6 District with Site Plan Review and Special Use Permit provided they meet they following conditions:](#)

- 1. [In the Transect-6 District, no vehicles shall be placed on display outdoors in view from the public way. All vehicle sales inventory stock shall be stored indoors in an enclosed showroom, or outdoors in the rear of the property and shielded from view from the public way as directed by the Planning Board.](#)
- 2. [In the Transect-5 District, no more than three vehicles shall be placed on display outdoors in view from the public way at any time. Exterior illumination of any vehicles on display outdoors must be turned off between the hours of 11 p.m. and 8 a.m. Remaining vehicle inventory stock shall be stored indoors in an enclosed showroom, or outdoors as described in item 1 above.](#)
- 3. [Off-site storage of vehicle sales inventory is permitted](#)

3.1.5 Corridor Lodging

A. Permitted Corridor Lodging Facilities. In addition to being allowed by district in the Use Schedules listed in Article 2, Bed & Breakfasts, Corridor, Rooming Houses, Corridor, and Inns may be permitted upon special use permit and site plan review for properties fronting selected travel corridors, as described below. ##Note: This subsection replaces the function of the Corridor Lodging Overlay District, which is being removed.

1. **Corridor Bed and Breakfast, Corridor.** A supplementary use in a single or two-family residential structure having a resident host where six to ten rooms are offered for rent and one or more meals are furnished to guests. Corridor bed and breakfast establishments may have regularly scheduled commercial indoor or outdoor activities such as weddings/receptions/showers, business meetings, catered events, and the like. The special use permit shall establish the types of permissible activities, a maximum number of events, and/or days on which such activities can occur and the maximum number of people who can attend such events. The above activities shall not require off-street parking.
2. **Corridor Rooming House, Corridor.** A supplementary use in a single or two-family residential structure having a resident host where five to ten rooms are offered for rent and where meals may be provided to lodgers for compensation. A corridor rooming house shall provide lodging to people for a rental period of no less than twenty-eight consecutive days. A corridor rooming house may have a common kitchen facility available to lodgers but shall have no kitchen or dining facilities in any guestroom. A corridor rooming house shall not have regularly scheduled commercial activities such as weddings, catered events, and the like.
3. **Inn.** A residential building with a resident manager in which eleven to twenty-five rooms are offered for rent to not more than fifty lodgers. An inn may offer meals to lodgers and/or the public for compensation. An inn may have regularly scheduled commercial indoor or outdoor activities such as weddings/receptions/showers, business meetings, catered events, and the like. The special use permit shall establish the type of permissible activities, a maximum number of events/days on which such

activity can occur and the maximum number of people who can attend such events. The regularly scheduled activities above shall not require off-street parking.

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

1. Ballston Avenue
2. Broadway
3. Church Street
4. Circular Street
5. Crescent Street
6. Crescent Avenue
7. East Avenue
8. Excelsior Avenue
9. Frank Sullivan Place
10. Geysler Road
11. Grand Avenue
12. High Rock Avenue
13. Lake Avenue
14. Lincoln Avenue
15. Marion Avenue
16. Nelson Avenue (between Union Ave and Crescent Avenue)
17. Nelson Avenue Extension
18. South Broadway
19. Route 9 (between Avenue of the Pines and Malta Town Line)
20. Union Avenue
21. Washington Street
22. West Circular Street
23. Whitney Place

3.1.6 Mobile Homes / Manufactured Homes

A. Residential Mobile/Manufactured Homes. Residential mobile/manufactured homes are permitted only within

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

B. Non-residential Mobile/Manufactured Homes.

1. A mobile/manufactured home may be used for temporary business/office purposes during construction of a permanent facility as approved by the Planning Board.

2. A mobile/manufactured home may be used as a temporary field office or tool house in conjunction with an approved construction or other similar work project.

3. Temporary mobile/manufactured homes shall be removed after project completion.

3.1.7 Telecommunications Facilities and Towers

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

A. Required Approvals

- 1. **Placement on Existing Telecommunication Facility.** New telecommunication equipment that is proposed to be added to (co-located) a previously approved telecommunication facility shall be a permitted use but shall require architectural review (or historic review if located within an historic district), and site plan review if applicable per **Article 7.2 Section 5.1** Site Plan Review.
- 2. **Placement on an Existing Structure.** New telecommunication equipment that is proposed to be added to an existing approved structure, other than an approved telecommunications facility, shall require a special use permit, architectural review (or historic review if located within an historic district), and site plan review if applicable per **Article 7.2**

Section 5.1 Site Plan Review.

- 3. **New Telecommunication Tower/Facility.** The construction of a new telecommunication tower/facility shall require a use variance, architectural review (or historic review if located within an historic district), and site plan review.

B. Additional Requirements for Telecommunications Tower/Facility Approvals

- 1. **Architectural and Historic Review.** In addition to the respective requirements associated with **Historic and Architectural Review in Articles 7.4 and 7.5 Architectural Review and Historic Review in Sections 5.4 and 5.5**, the following may be considered in association with telecommunication tower/facility review.
 - a. Pictorial representations of “before and after” views from key viewpoints selected by the City.
 - b. Alternative designs, materials, finishes and color schemes to minimize visual discord with neighboring areas.
 - c. No portion of any tower or accessory structure shall be used for a sign or other advertising purpose.
- 2. **Special Use Permit.** In addition to the requirements associated with Special Use Permit in **Article 7.1 Section 5.3**, the following may be considered in association with telecommunication tower/facility review.
 - a. Demonstration that ~~that~~ the applicant has explored co-location opportunities at existing approved telecommunication facilities including demonstration that such co-location is not feasible.
 - b. Demonstration that any new facility or tower may accommodate future shared use by other telecommunications providers including a letter of intent from the current property owner insuring good faith negotiation for future shared use of this facility/tower for telecommunication purposes.
 - c. Certification that the new facility will not interfere with radio or television service to the adjacent properties or with public safety telecommunications.

- d. Certification of a valid Federal Communications Commission (FCC) license.
- 3. Use Variance.** In addition to the requirements associated with a Use Variance in Article 8:0 6, the following may be considered in association with telecommunication tower/facility review.
- a. Demonstration that ~~that~~ the applicant has explored co-location opportunities at existing approved telecommunication facilities and other structures including demonstration that such co-location is not feasible. Demonstration shall include an inventory of all existing telecommunication facilities and other structures within a reasonable distance as determined by the ZBA in consultation with the applicant.
 - b. Demonstration that a new tower/facility is necessary to meet current or expected demand for services including demonstration that existing facilities, structures, or combination thereof, could not provide the intended service.
 - c. Justification for proposed height and design of the new telecommunications tower including an analysis of alternative heights and design.
 - d. Visual impact of the proposed tower/facility from abutting properties and streets. In addition to a completed Visual Environmental Assessment Form, a "Zone of Visibility Map" may be required to determine locations where the facility may be seen.
 - e. Demonstration that any new tower/facility may accommodate future shared use by other telecommunications providers including a letter of intent from the current property owner insuring good faith negotiation for future shared use of this facility/tower for telecommunication purposes.
 - f. Certification that the new facility will not interfere with radio or television service to the adjacent properties or with public safety telecommunications.
 - g. Certification of a valid Federal Communications Commission (FCC) license.
- 4. Use Variance – Additional Notifications.** In addition to the notification requirements associated with Article 8:0 6, the applicant shall send written notification via the U.S. Postal Service of a use variance application to the following [entities](#). Notice shall describe the proposed facility including the height and exact location of the tower and its capacity for future shared use. The applicant shall submit documentation of this mailing to the ZBA at the time of application.
- a. Property owners within a geographic radius of 500 feet from the subject property boundary.
 - b. Respective Town Clerk for the Towns of Greenfield, Malta, Milton, Saratoga and Wilton.
 - c. Saratoga County Planning Board.
 - d. Director of Saratoga County Emergency Services.
 - e. Administrator of any State and Federal Parklands from which the tower may be seen.
- 5. Site Plan Review.** In addition to the requirements associated with a Site Plan Review in [Article 7:2 Section 5.2](#), the following may be considered in association with telecommunication approvals.
- a. All proposed telecommunication structures shall be located on a single parcel. If the land is leased, the leased area shall include the entire telecommunications facility including any required yard setback areas.
 - b. Each freestanding telecommunication tower shall be located at a minimum setback from any property line equal to the height of the tower. Accessory structures shall comply with setback requirements of the underlying zoning district.
 - c. Existing on-site vegetation shall be preserved to the maximum extent possible. An inventory may be required to document existing vegetation. No trees, measuring more than 4 inches in diameter at a height of 4 feet off the ground, shall be cut prior to approval. Additional plantings may be required to screen the facility from neighboring areas
 - d. The tower and accessory structures shall be adequately enclosed by a fence or other confined means to ensure the security of the facility.
- C. Notice of Discontinuance and Removal.** The property owner or lessee shall notify the Zoning Officer in writing within 30 days of the discontinuance of the approved telecommunications use. All telecommunication

facilities and structures shall be removed from any site within four (4) months of the date of discontinued use.

3.2 REQUIREMENTS FOR ACCESSORY USES

~~This section establishes supplemental regulations for specific accessory uses in addition to those otherwise established in this Chapter. ## Note: The above was combined with the intent for the article.~~

3.2.1 Temporary Accessory Dwellings, Temporary

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

- A. Application.** The property owner shall seek a building permit to create a temporary accessory dwelling and indicate the period of time for which the temporary accessory dwelling is requested.
- B. Size.** A temporary accessory dwelling shall only be located in a residence with a minimum of 1,000 square feet. A temporary accessory dwelling shall not occupy more than 1/3 of the square footage of the primary dwelling.
- C. Access.** There shall be no exclusive access to the temporary accessory dwelling. Access shall only occur through a building entrance that serves both the principal dwelling and the temporary accessory dwelling and through a living area in the primary dwelling.
- D. Utilities.** A temporary accessory dwelling may have independent kitchen and bath facilities but shall not have separate utility meters or services from the street.
- E. Compensation.** Application for a temporary accessory dwelling shall include a notarized statement that no rent or other compensation shall be collected for occupancy of the temporary accessory dwelling.

3.2.2 Antennas and Satellite Receivers

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

- A. Building-mounted structures.** Building-mounted antennas or satellite receivers shall not exceed 6 feet in height, width or depth, shall not extend more than 6 feet above or beyond the building, and shall not encroach into required yard dimensions.
- B. Freestanding structures.** One freestanding antenna or satellite receiving structure is permitted per lot in a residential district; one or more are permitted in non-residential districts. Freestanding antenna or satellite receiving structures shall not exceed 20 feet in height, width or depth, and shall be located in the rear yard no less than 25 feet from rear and side property lines.

3.2.3 Automotive Charging Terminals

- A. Electric Vehicle Charging Terminals (also known as Electric Vehicle Supply Equipment - EVSE) for commercial or residential installation are a permitted Accessory Use in all districts, provided that they meet all State and local electrical codes and are installed by a licensed electrician.**
- B. Level 1 Vehicle Charging Terminals for private residential (non-public) use shall not require an Electric Vehicle Charging Permit. Level 1 Charging Stations are not permitted for commercial installations or those designed for public use.**
- C. Level 2 and Level 3 Vehicle Charging Terminals, for private residential use or commercial public use, shall require an Electric Vehicle Charging Permit as specified in Article 5.**

3.2.4 Carriage House, Garage & Barn Conversions

~~## Note: The following is for discussion purposes to address the issue of carriage house conversions and the potential for accommodating accessory dwelling units.~~

~~In the interest of helping to preserve and protect the historic accessory buildings such as carriage houses, garages and barns within the City of Saratoga Springs, the city finds that~~

providing a method for adaptive re-use of these structures is essential to prevent them from falling into disrepair from a lack of use, and may also help to provide additional housing opportunities within the city. The intent of this section is to provide for a lawful method for historic, pre-existing structures to be adapted to encourage preservation.

- A. Carriage house, garage or barn conversions under this provision are limited to existing accessory structures which are 50 years or older.
- B. Permitted uses approved as part of the conversion shall include Accessory Dwelling Units and Home Occupations which are permitted in the district.
- C. Conversions for residential use shall be limited to only one (1) accessory dwelling unit, with a minimum habitable space of 800 s.f. All parking which may be required as part of an accessory dwelling unit conversion shall be provided for on the property.
- D. No significant exterior changes to the structure shall be permitted which alter its character or style, including footprint size, height or types and styles of exterior material. Limited exterior changes may be permitted such as adding windows, vents or skylights to provide habitable space.
- E. Except in cases where an accessory dwelling unit is being created, approvals for any water or sanitary sewer hookup shall require written certification by the applicant that the facilities shall not be used as a dwelling unit, and that any change of use in the future to a dwelling until shall require new approvals.
- F. Conversions under this provision may only be approved as a Special Use Permit and shall follow all of the required public hearing, notification and referral requirements for such.
- G. Conversions under this provision within a Historic District shall require review and approval by the Design Review Board.
- H. Applications for conversions shall be referred to the Fire Department and Police Department for review and comment with regard to public safety, access for emergency vehicles.

- I. Any approved conversions which exist after the expiration of this provision may continue to operate as a pre-existing non-conforming use.

3.2.5 Outdoor Eating and Drinking Facilities Establishment, Outdoor

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

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

3.2.6 Geothermal Energy Systems

- A. Geothermal energy systems shall be constructed pursuant to a building permit as a permitted accessory use so long as the geothermal energy system meets the criteria set forth in this article, subject to obtaining all other necessary approvals.
- B. Permitted geothermal systems eligible to receive a building permit are those that (1) are of a system listed herein, (2) comply with the applicable general requirements as described herein and (3) satisfy the following basic criteria:
 1. An open loop system using standard water well(s) to both extract and return groundwater from/to the same aquifer and with well screens set within 50 vertical feet of one another.
 2. An open loop system that is not connected to a potable water system.

3. An open loop system where the depth to groundwater is at least 20 feet below the surface.

4. A vertical closed loop system using standard HDPE "U-bends" installed into drilled boreholes and grouted fully from bottom to top per industry standards.

5. A horizontal closed loop system using standard HDPE pipe installed into horizontal trenches and backfilled per industry standards.

6. A DX-to-earth contact system including either horizontal, diagonal or vertical loops and DX-to-water system including vertical loops.

7. Is not proposed to be located within the following areas of potential sensitivity:

a. One-hundred-year flood hazard zones considered a V or AE Zone on the FEMA flood maps.

b. Freshwater wetland or within 100 feet landward of the aforementioned.

c. Regulated surface water body.

d. Historic and/or culturally significant resources, in an historic district, or historic district transition zone where such system would be visible from a public way.

e. Within identified water supply or public water supply wellhead protection areas.

C. General Requirements. All permit applications shall be submitted to the Building Department on forms it provides and shall comply with all the requirements therein, including but not limited to the following:

1. Certification by the design engineer and/or installer that the geothermal system complies with all applicable regulations and all applicable state and/or local building codes.

2. Subsequent to installation and on or before final inspection, certification by the design engineer and/or installer that the geothermal system was installed as designed and that the design and installation complies with the relevant industry standards and guidelines outlined herein.

3. An engineering analysis of the geothermal energy systems showing compliance with the New York State Uniform Fire Prevention and Building Code

and certified by a licensed professional engineer. Soil studies shall be required for geothermal energy systems having installations to be located on nonstandard soil conditions such as rock/ledge, muck, urban fill or dredge spoil. No soil studies shall be required for all other geothermal energy systems, provided the manufacturer thereof submits a certification stating that the geothermal energy system and its foundation are suitable for installation in the soil at the proposed location.

D. Design Standards and Guidelines

1. The design and installation standards of geothermal systems, including related wells and boreholes for the GHX, shall conform to applicable industry standards, including, but not limited to, those listed below by type of system, and shall comply with the City of Saratoga Springs Code:

a. All systems: the American National Standards Institute (ANSI), the International Ground Source Heat Pump Association (IGSHPA), the American Society for Testing and Materials (ASTM), the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE), the Air-Conditioning and Refrigeration Institute (ARI), ACCA, Refrigeration Section of the International Building Code, and other similar certifying organizations. The manufacturer specifications shall be submitted as part of the application. The individual piping loops and circuits, and fully constructed piping network for all geo thermal systems shall be pressure tested for integrity of original material and joints prior to backfill in accordance with the manufacturer's instructions and the governing standards or guidelines. Materials used to backfill horizontal GHXs and the buried, horizontal piping for vertical GHXs shall be suitable granular soil and shall be free from frozen lumps, ashes, refuse, vegetable or organic matter, rocks, or boulders over 150 mm (six inches) in any dimension, or other materials that may damage the piping. The backfilled excavations shall be compacted in accordance with industry standard practice and governing guidelines and regulations.

b. Open loop systems: the National Ground Water Association (NGWA) and the American Water

Works Association (AWWA).

c. Closed loop systems: the International Ground Source Heat Pump Association (IGSHPA) and the NGWA.

d. Direct exchange (DX) systems: the Canadian Standards Association (CSA), the National Association of Corrosion Engineers (NACE), the American Society of Mechanical Engineers (ASME) and in accordance with manufacturer's guidelines, methods and standards.

2. For closed-loop systems, the following specifically apply:

a. Closed loop borefield installers must be trained and accredited by IGSHPA and certified by the piping manufacturer in polyethylene pipe heat-fusion or electro-fuse welding techniques, whichever is used.

b. Closed loop borefields that will supply greater than 50 tons of heating/cooling capacity must be designed by an IGSHPA certified geothermal designer in good standing with the IGSHPA.

c. If antifreeze solutions are used as a circulating fluid in the buried ground heat exchanger, only antifreeze recommended by IGSHPA such as methanol, ethanol and food-grade propylene glycol shall be permitted.

d. The borehole annulus (space between the borehole wall and the piping) shall be filled and sealed through its entire depth with a high-solids bentonite clay grout (at least twenty-percent solids by weight), from the bottom of the borehole to the top using the tremie method of grouting.

e. Where grouting material extends through zones of saline water, a salt-water-resistant grout material shall be used.

f. All horizontal closed-loop systems shall be no more than 20 feet deep.

3. For open horizontal loop systems, the following specifically apply:

a. Open loop system contractors must be registered with the NYSDEC for drilling and installing wells and installing and start-up of submersible pumps and a copy of a NYSDEC well

completion report must be submitted after the installation of the wells.

b. Prior to drilling, well drilling contractors must notify the Code Enforcement Officer of the location of wells installed as part of an open loop geothermal system.

c. Open loop systems with rated pumping capacity of greater than 45 gallons per minute (gpm), or systems of lesser capacity proposed on a site with existing water supply wells and for which the combined pumping capacity of proposed on a site with existing water supply wells and for which the combined pumping capacity of proposed and existing wells exceeds 45 gpm, must obtain a well permit from the NYSDEC Division of Water.

d. Open loop systems with a rated pumping capacity of greater than 45 gpm shall employ use of a plate-frame or shell-in-tube heat exchanger (HX) installed between the well piping and building hydronic loop to prevent cross-contamination of the return water by refrigerant, biocides, or corrosion inhibitors.

e. Heat pump coils and HS material of construction for open loop systems must be compatible with the groundwater chemistry per manufacturer's limits.

f. Water Extraction

▪ Open loop systems may utilize a waterway to the extent permissible under federal, state or local municipal laws or regulations.

▪ Installation requirements for open loop wells shall be the same as those for potable water wells with respect to the means to prevent aquifer contamination (grouting, etc.), or in conformance with standards, regulations, or guidelines established by the City Engineer, NYSDEC, NGWA, and AWWA.

▪ Any water table drawdown caused by an extraction well or wells shall not cause harm to the environment or otherwise impact the use of existing water supply wells on neighboring properties.

g. Discharge of Water

▪ Discharge of water from open loop systems into storm or sanitary sewer systems shall be

prohibited, except upon written approval of the Commissioner of Public Works or other authority having jurisdiction.

- Discharge of water from open loop systems into a waterway or tidal or freshwater wetland is not allowed unless approved by applicable federal, state and local authorities.
- Underground injection of water discharge from an open loop system shall be subject to the following conditions:

4. For DX systems, the following shall apply:

- a.** DX system contractors shall demonstrate that they have successfully completed a DX system installers training course and are certified by an applicable equipment and material manufacturer to install DX systems.
- b.** Piping and tubing shall be of a material equivalent to or better than Type Air Conditioning Refrigeration (ACR) piping, tubing and associated fittings in accordance with the appropriate ASTM standard and ASME standard.
- c.** Below-grade joints shall be purged with inert gas and brazed in accordance with American Welding Society (AWS) standards. Piping tubing and fittings shall be installed in accordance with CSA standards.
- d.** DX system contractors shall perform joining of all refrigerant connections per CSA standards.
- e.** All underground Type ACR piping and tubing shall have a cathodic protection system which shall be designed and installed in accordance with the appropriate CSA standards and local site-specific conditions.
- f.** For vertical DX boreholes that are drilled into saturated aquifer materials (below the water table), the borehole annulus shall be filled and sealed through its entire depth with a geothermal grout from the bottom of the borehole to the top using the tremie method of grouting per CSA standards.
- g.** Horizontal DX GHXs and vertical DX boreholes lying above the water table shall be backfilled and compacted as specified in this section. Due consideration shall be given to settling of the excavated area.

E. As-Built Drawings. Upon completion of construction, a scaled as-built drawing must be provided showing the locations of buried wells, closed loops, DX boreholes and horizontal connector piping, triangulated from two points on the property such as a building corner or other permanent structure. Offsets must also be shown from the nearest property line, and on-site septic systems and private water wells.

F. Setbacks

- 1.** For systems sized to serve conditioned space of 3,000 square feet of interior space or less, all geothermal equipment shall be located within the permitted yard setbacks for an accessory structure. For larger sized systems, all geothermal equipment shall be located within the permitted yard setbacks for a primary structure, or 25 feet from a property line, whichever is less.
- 2.** All horizontal closed-loop systems shall be no more than 20 feet deep.
- 3.** Above ground equipment associated with geothermal pumps shall not be installed in the front yard of any lot or the side yard of a corner lot adjacent to a public right-of-way and shall meet all required setbacks for the applicable zoning district.
- 4.** All geothermal systems shall be located a minimum distance of:
 - a.** Ten feet from any water, sewage or utility line.
 - b.** Ten feet from any building foundation.
 - c.** Twenty-five feet from any potential source of contamination, such as underground fuel tanks, except a supply well in an open loop system shall be a minimum of 50 feet from such potential source of contamination.
 - d.** Fifty feet from any storm water recharge structure.
 - e.** Fifty feet from any sewage disposal structure, such as a septic tank or cesspool or leaching field, except a supply well in an open loop system shall be a minimum of 75 feet from such sewage disposal structure.
 - f.** All setbacks or separation distances shall be verified by a qualified water supply engineer or hydrogeologist in order to protect against thermal impacts, water level drawdowns and

groundwater impacts or structures.

- G. Decommissioning.** If the geothermal system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at his/her expense in accordance with the requirements of the Code Enforcement Officer and any other decommissioning jurisdictional entity including NYSDEC.

3.2.7 Home Occupations

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

- A. Application.** The property owner shall seek a Building Permit, [zoning permit](#) and/or Certificate of Occupancy, as required by the Building Department, to establish a home occupation.

B. Requirements

1. Permitted activities shall be limited to business and professional offices, instructional facilities for not more than 3 students at any given time, and a workshop or studio for artists, composers, craft persons, web designers, photographers, tailors, writers and similar professions;
2. All business must be conducted entirely within a primary or accessory structure and shall occupy no more than 20% of the gross floor area of the residential unit, up to a maximum of 900 square feet;
3. Employees or staff shall be limited to residents of the dwelling unit and no more than one non-resident at a given time;
4. No more than 2 parking spaces associated with the customer / client visits are permitted, and must be accommodated on the property.
5. The business shall not generate more than six customer/client visits to the property per day, and such visits shall be limited to occur between 8:00 a.m. and 9:00 p.m.

6. One non-illuminated plaque sign, not exceeding 2 sq. ft. in area, or one non-illuminated yard sign not exceeding 4 sq. ft. per side, is permitted in association with the business in accordance with the design and permitting requirements of Section 4.11. Any signs within Historic or Architectural review districts shall require design review.

- C. Prohibited Activities.** The following activities are prohibited in association with any Home Occupation.

1. The outdoor storage or display of products, equipment or materials related to the business.
2. Any activities which result in noise, vibration, odor, smoke, glare or electrical interference detectable from outside the property at levels which are above those commonly experienced in the residential neighborhood.
3. Service or repair of large equipment such as household appliances, lawn mowers or motor vehicles.
4. Truck deliveries or pickup of goods, not including common mail couriers such as USPS, UPS, FedEx and similar services.

D. Requirements:

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

- E. Permitted Activities.** ~~Permitted home occupations include but are not limited to the following-~~

non-residential activities:

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

3.2.8 Short Term Rentals

Note: This section under construction. Language being prepared and provided by city.

3.2.9 Solar Access Energy Systems

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

A. Applicability

1. The requirements of this law shall apply to all Solar Energy Systems installed or modified after its effective date, excluding general maintenance and repair and Building-Integrated Photovoltaic Systems.
2. Solar photovoltaic (PV) systems constructed prior to the effective date of this Ordinance are not required to meet the requirements of this Ordinance.
3. Any upgrade, modification or structural change that alters the size or placement of an existing solar PV system by 50% or more, or that triggers NYS code compliance, shall comply with the provisions of this ordinance.
4. Roof and ground mounted solar energy systems 25kW or less are reviewed and permitted by the City through the Unified Solar Permit.

B. Historic and Architectural Review

1. In addition to specific requirements below, solar energy systems located in Historic and/or Architectural Review Districts must also meet the requirements of those districts as provided in Article

4.

C. Building Integrated Photovoltaic Systems

1. Building-integrated systems, as defined by this Ordinance, are not considered an accessory use and are not subject to the requirements of this Ordinance, but are subject to all other applicable building, electrical, and safety codes.

D. Solar as an Accessory Use or Structure

1. Roof Mounted Solar Energy Systems

a. **Roof-Mounted.** Roof-mounted Solar Energy Systems that use the electricity and/or thermal energy onsite or offsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.

b. **Height.** Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.

c. **Aesthetics.** Roof-Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirements:

- Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of the system.
- Panels may not exceed the height of the roof peak on which they are installed.

d. Roof-Mounted Solar Energy Systems that use the energy onsite or offsite shall be exempt from site plan review under the local zoning code or other land use regulations.

2. Ground-Mounted Solar Energy Systems

a. Ground-Mounted Solar Energy Systems that use the electricity and/or thermal energy primarily onsite are permitted as accessory structures in all districts.

b. **Height and Setback.** Ground-Mounted Solar Energy Systems shall adhere to the setback requirements for accessory structures in the

underlying zoning district. The height of the solar collector and any mounts shall not exceed [20] feet when oriented at maximum tilt.

c. Lot Coverage. The surface area of any ground mounted solar panels shall not be considered as impervious surface area for the purposes of lot coverage limitations, however any new footers, slabs or other impervious surfaces constructed underneath for the purposes of supporting the system shall be included.

d. All such Systems in residential districts shall be installed in the side or rear yards.

e. Ground-Mounted Solar Energy Systems that use the electricity and/or thermal energy primarily onsite shall be exempt from Site Plan Review under the local zoning code or other land use regulations.

3. Parking Canopy Solar Energy Systems

a. Ground-mounted solar energy systems specifically designed as parking canopies may be permitted as an accessory use with site plan review.

b. Roof-mounted solar energy systems specifically designed as parking canopies for the top deck of a parking structure shall be reviewed as a Roof-Mounted system.

c. Ground-mounted canopies shall not exceed 25 feet in height above grade. Roof-mounted canopies shall not exceed the allowable building height for the district.

E. Approval Standards for Large-Scale Solar Energy Systems as a Special Use

1. Large-Scale Solar Energy Systems are permitted through the issuance of a Special Use Permit, in districts indicated in the Use Schedules of Article 2, subject to the requirements set forth in this section, including Site Plan Approval. Applications for the installation of a Large-Scale Solar Energy System shall be reviewed by the Zoning Enforcement Officer and referred, with comments, to the Planning Board for its review and action, which can include approval, approval on conditions, and denial.

2. No large-scale ground-mounted solar array shall be installed on a designated wetland as defined by

the New York State Department of Environmental Conservation, the U.S. Army Corps of Engineers, or other governing body.

3. Special Use Permit Application Requirements. For a Special Use Permit application, the site plan application is to be used as supplemented by the following provisions:

a. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.

b. Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required. Blueprints shall include any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector.

c. The equipment specification sheets shall be documented and submitted for all panels, significant components, mounting systems, and inverters that are to be installed.

d. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.

e. Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by

a. Professional Engineer or Contractor. Cost estimations shall take into account inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.

f. Name, address, and contact information for proposed system installer.

g. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any.

h. The name, contact information and signature of any agents representing the project proponent.

i. Proof the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator.

4. Special Use Permit Standards

a. **Height and Setback.** Large-Scale Solar Energy Systems shall adhere to the setback requirements for primary structures in the underlying zoning district. The height of the solar collector and any mounts shall not exceed [20] feet when oriented at maximum tilt.

b. **Lot Size.** Large-Scale Energy Systems shall be located on lots with a minimum lot size of 5 acres.

c. **Lot Coverage.** A Large-Scale Solar Energy System that is ground-mounted shall not exceed 60% of the lot on which it is installed. The surface area covered by Solar Panels shall be included in total lot coverage.

d. **Fencing.** All Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be determined by the Planning Board. The fencing and the system may be further screened by any landscaping needed to avoid adverse aesthetic impacts.

e. Any application under this section shall meet

any substantive provisions contained in local site plan requirements in the zoning code that, in the judgment of the Planning Board, are applicable to the system being proposed. If none of the site plan requirements are applicable, the Planning Board may waive the requirement for site plan review as provided in Section 5.5.3 Evaluation Criteria for Special Use Permits.

f. The Planning Board may impose conditions on its approval of any special use permit under this section in order to enforce the standards referred to in this section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

F. Abandonment and Decommissioning

Solar Energy Systems are considered abandoned after two (2) years without electrical energy generation and must be removed from the property. Applications for extensions are reviewed by the Planning Board for a period of 10 years.

G. Enforcement

Any violation of this Solar Energy Law shall be subject to the same civil and criminal penalties provided for in the zoning regulations of City of Saratoga Springs.

H. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phrase, which shall remain in full force and effect.

3.2.10 Swimming Pools

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

A. Residential Swimming Pools

- 1. Residential swimming pools may be installed only as accessory to a residence for the exclusive use of the owners or occupants of such residence and their guests.

2. The pool shall be installed in the rear or side yard of the premises and shall not be installed in the front yard. For properties on corner lots, no pool may be installed on a yard with frontage on a public street, and must instead be installed behind the home in the rear yard only.
3. No pool wall or related structure shall be located within 8 feet of an adjoining lot line. There shall be no required separation distance from the swimming pool to the principal structure.

B. Commercial or Club Swimming Pools

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

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

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

D. Noise and Lighting Restrictions

1. No loudspeaker or other sound device, operated in connection with a pool, shall be heard beyond the property lines.
2. No lighting, operated in connection with a pool, shall illuminate beyond the property lines.

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

1. A maximum height of 8 feet is permitted within any commercial or industrial district, or along any boundary between a residential and non-residential district.
2. Light fixtures, post tops, finials and other ornamentation above the mass of the wall or fence shall not exceed 1/3 of the permitted height of the wall or fence. Such ornamentation may be placed at intervals no less than 8 feet on average.

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

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

3.2.11 Walls and Fences

A. Height. Walls and fences shall be measured from the

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The intent of this article is to provide design standards and guidelines for the City of Saratoga Springs which will reflect the desired quality of design, advance principles of the Comprehensive Plan relating to complete streets, energy efficiency, preservation of open space, landscaping and street trees, as well as other important initiatives.

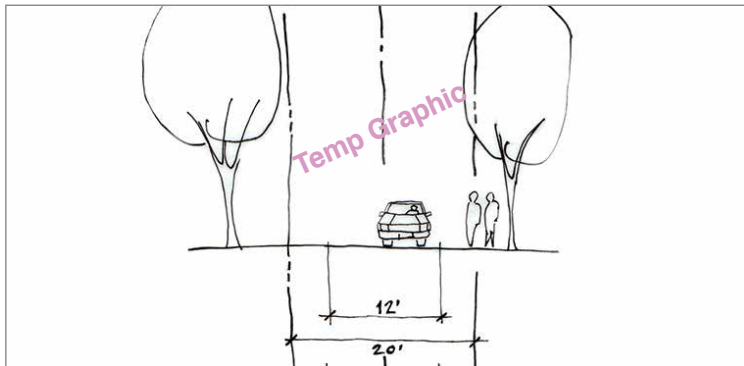
4.1 STREET STANDARDS

These street standards supplement the information provided above to provide applicants with an overview of standard street sizes including required right-of-way, pavement area and layout for tree belts, sidewalks, etc. The following street types define the existing and desired street configuration for the most common streets within the City of Saratoga Springs and promote and advance the principles of Complete Streets. These represent typical design standards but are not the only design solution possible for use in a particular setting. It should be noted that there may be requirements to address the specific parameters of a particular site and a need for specific improvements. The Planning Board in consultation with the city engineer shall determine the appropriate street standards applicable to any proposed new subdivision street or site plan reviewed per Sections 4.1.1 and 4.1.2.

Minimum ROW and Pavement Widths by Street Type

Street Type	R.O.W. Width	Curb to Curb Pavement Width
Alley	Twenty Feet (20')	Twelve Feet (12')
One Way Street	Forty-five feet (45') (55')	Twenty-five feet (25') (20')
One-Way Street (parking both sides)	Fifty-five feet (55')	Thirty-four feet (34') (20')
Small Rural Road	Fifty-five feet (55')	Twenty feet (20')
Pedestrian Street	Forty-five feet (45')	Twenty-five feet (25')
Neighborhood Street Urban Local	Fifty-five feet (55')	Twenty-eight feet (28')
Neighborhood Street (parking both sides)	Sixty-five feet (65')	Thirty-six feet (36')
Transit Corridor, State Hwy	Seventy feet (70') (65')	Forty-eight feet (48') (40')
City Gateway Boulevard (4 lane)	One hundred feet (100')	Forty-eight feet (48')

These recommended street types would require the following proposed changes to the existing street classifications and the following are the proposed minimum ROW widths and pavement widths, taking into account the newly incorporated Complete Streets and Green Infrastructure recommendations. Street Type dimensions subject to adjustment as determined necessary and appropriate by City Engineer.



Alley

These narrow lanes are used primarily as service roads with one-way or two-way (yield) traffic and traditionally have not been designed to support water, sewer, storm drainage nor provide separate pedestrian systems nor are they intended to serve as primary access to properties.

Alleys provide secondary means of access to abutting property and are not intended for general traffic circulation.

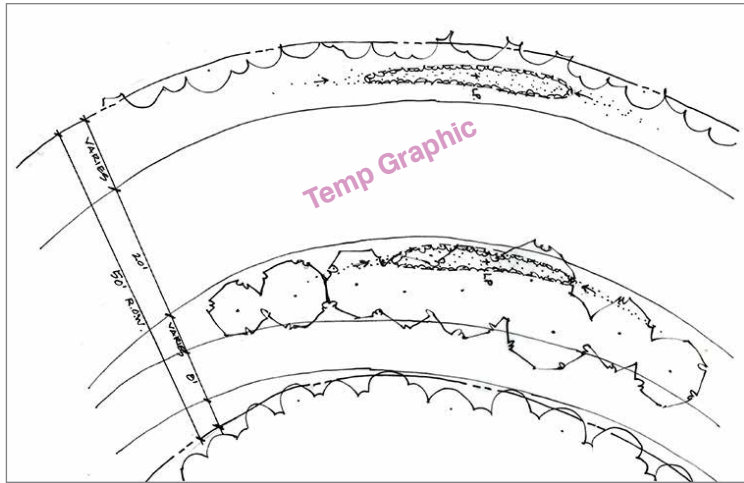
Bikes and pedestrians share the road with occasional vehicle use. A 20' wide ROW is paved 12' wide.



One-Way Street

Designed to address a particular traffic flow pattern by limiting vehicular traffic movement to one direction, otherwise similar to Neighborhood Street. Includes parking on one or both sides and a bike lane (if adequate ROW available) as well as tree planting belt and sidewalks. A one way street would have one 12' travel lane and an 8'-wide parking space on one side and a 5' wide bike lane within the 25' wide pavement. Two 5' wide planting / green infrastructure strips and two 5' wide sidewalks are also included in the minimum 45' wide ROW.

Recommend a minimum 50' ROW for one-way street. ROW and paving width would be increased to 55' for one-way streets that accommodate parking on both sides of the street simultaneously (i.e., not alternate side parking).



Small Rural Road

Small rural road intended to accommodate low-volume traffic movements and generally located far from the city center. Also a street type suitable for new streets in conservation subdivisions in the Rural Residential District.

Includes 20' of pavement for two-way travel at low design speed with sizable grass planted shoulder areas designed for occasional on-street parking and a minimum 8-foot wide shared-use path separated from the road with a planted buffer strip which varies in width from 4' to 20'.

In areas where the planted buffer strip is larger, it can accommodate trees as well as bioswales to direct stormwater along the road to a raingarden. Tree buffers should accommodate existing larger trees, otherwise new trees should be planted in clumps in these strips.

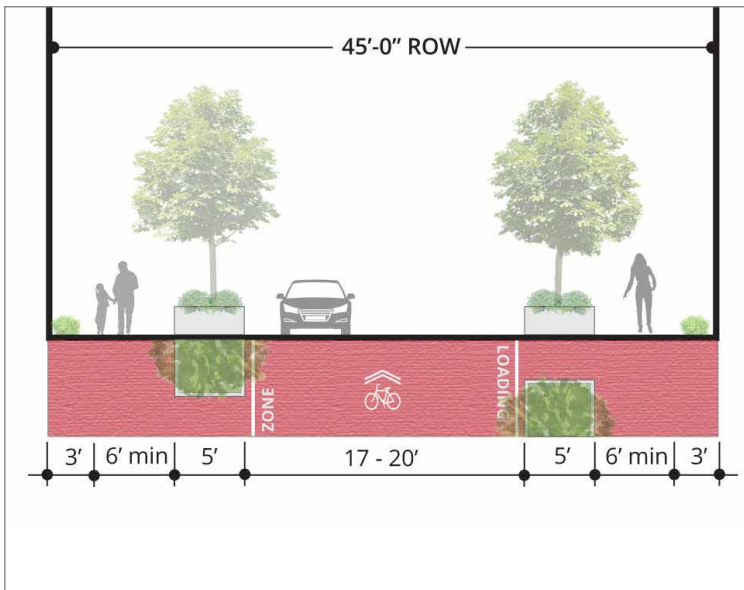


Rural Road

Rural roads are typically county routes passing through the city, bisecting a multitude of transportation situations.

In more rural settings these roads shall have a minimum of 24' of pavement (two 12' lanes), 2' shoulders on each side and either a 10' wide shared use path separated by a 6' wide planting strip, or two 5' wide on-the-road bicycle lanes, thus the required pavement width is determined by the situation and surroundings.

Sidewalks would not be required if the shared use path is installed, but may be required in other situations.



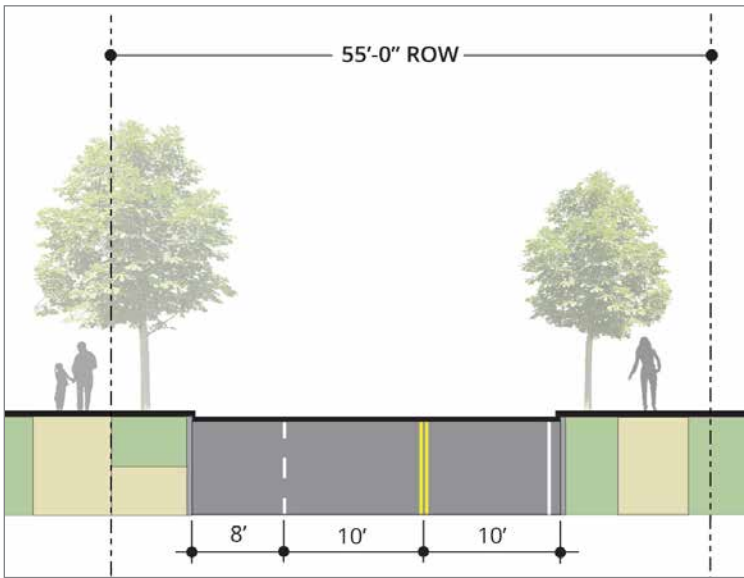
Pedestrian Street

Pedestrian Streets are a street classification suggested to offer a distinct street type, with special paving patterns and curbless design to give the whole street a pedestrian plaza feel. Vehicular traffic may or may not be allowed.

A 12' wide travel lane, plus a 5' wide bike lane, would be included to permit one-way deliveries or emergency vehicles, however the street would discourage through-traffic access. On either side of the travel lane, wide raised planting beds or planters would act as decorative bollards and separate lanes from the pedestrian-only areas on either side. Each side could accommodate a 6' wide sidewalk and an additional 3' wide strip for additional plantings/green infrastructure for stormwater management, benches, trash and recycling containers.

The minimum ROW width is 45' but 50' is recommended.

- Potential Examples:*
- Upper Caroline Street
 - New PUD Development

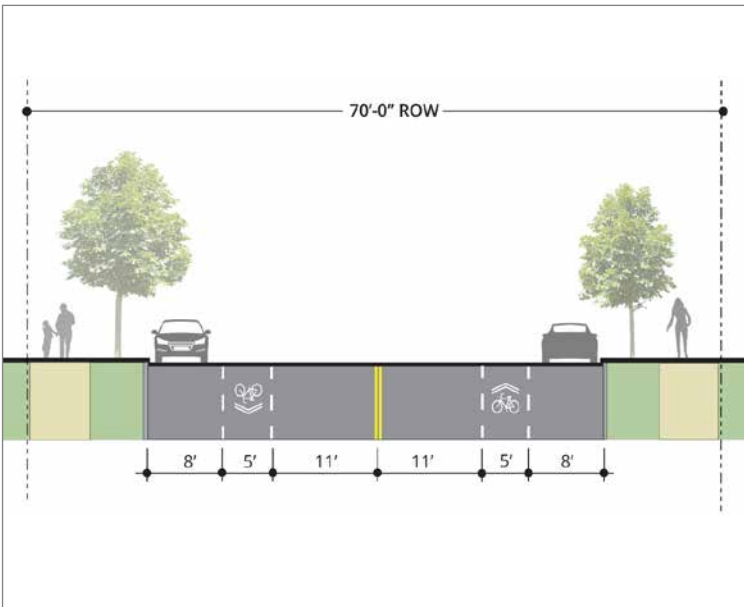


Neighborhood Street

This is the street-type for most neighborhoods in the city with roads that are typically narrower in width having a typical right-of-way of width of +/-50 feet and 55 feet in newer developments. They feature 2-way traffic at slow speeds.

The 28' wide pavement includes 2, 10' wide travel lanes and one 8-foot wide on street parking space, which may alternate sides on a scheduled basis. Due to the nature of alternating on-street parking on neighborhood streets, pavement striping or a designated bike lane would be inappropriate. In these areas, shared lane marking may be installed to notify motorists to be aware of the presence of cyclists on neighborhood streets.

Both sides of the street would include a 6' wide sidewalk, as well as a 5' wide tree belt. This tree belt should include periodic raingardens with dropped curbs to allow drainage for stormwater. **## Note: This to be incorporated into Frontage Types.**

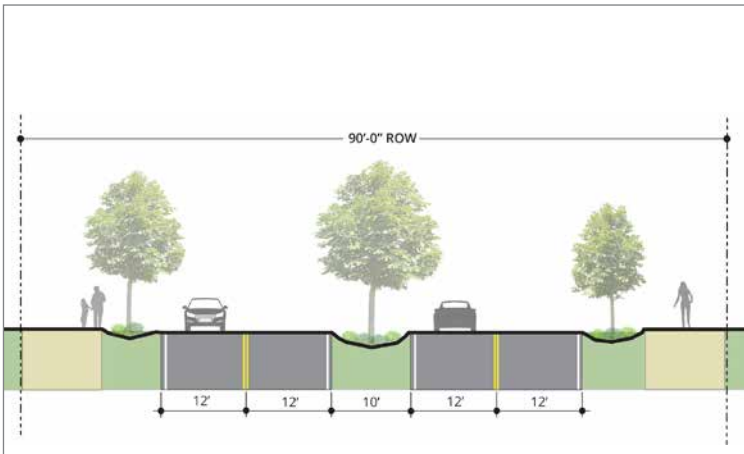


Transit Corridor, County Highway and State

These are highways, urban streets and other major streets and roadways intersecting the commercial core areas of the city shall require at the minimum:

- Two 11' wide travel lanes
- Two 8' wide on-street parking areas
- Two 5' wide bike lanes
- Two 5' wide planting strips, with street trees and raingardens fed by dropped curb drains.
- Two 6' wide (minimum) sidewalks
- (Alternative layouts where ROW cannot be widened shall include consideration of a side path and other appropriate bike and pedestrian accommodations)
- Total of 70' wide ROW, of which 45' is paved.

Potential Examples:
- Excelsior Avenue



City Gateway Boulevard

Type of State Highway with +/- 100' ROW width of

- 8' - 16' wide center planted median
- Four 12' wide marked travel lanes (14' or 28' pavement width)
- Two 5' - 8' wide planting strips
- Two 8' wide pedestrian paths (or 10' wide shared use path one side and 6' sidewalk on opposite side.
- (Alternative layouts may include on-street parking and other configurations as determined by the planning board.)

Total of 86' - 100' ROW, of which 45' is paved.

Potential Examples:
- Union Avenue
- South Broadway, south of Fenlon
- Route 9/50 from Van Dam to Marion Ave

4.2 COMPLETE STREETS

The City of Saratoga Springs adopted a Saratoga Springs Greenbelt Trail Feasibility Study, Greenbelt Trail Plan in 2014, Complete Streets Policy in 2012 and a Complete Streets Plan in 2016. This subsection provides a regulatory framework for implementation of these plans as part of the development review process. Applicants are encouraged to consult the adopted complete streets plan to understand the larger context and goals for making the city a more accommodating environment for all users of city streets. The Planning Board shall be responsible for determination of the required improvements associated with site plan and subdivision review under this article. The Planning Board shall consult with the City Engineer and, where appropriate, the Complete Streets Advisory Board prior to rendering a decision on any site plan or subdivision plat. The Code Enforcement Officer shall be responsible for determination of the required improvements, if any, under a building permit application where no site plan or subdivision approval is required.

4.2.1 Complete Streets Process

A. Applicability

1. All new proposed streets shall be constructed to provide the gold standard improvements for the street type being proposed for pedestrian, bicycle, and transit improvements as described in the Street Types Design Table on the following pages and in the accompanying illustrations. Where the planning board determines that standard cannot be achieved, the next highest level shall be required through a waiver, modification and/or mitigation.
2. Any new development which involves a subdivision, or construction of a new principal building, expansion of an existing principal building by more than 33 percent in gross square footage or renovation of an existing building representing an increase of 50 percent or more in assessed value, must provide safe, direct and convenient bicycle



and pedestrian facilities for the public, and, where required, transit facilities in accordance with this section.

3. All improvements to existing or newly constructed public and private vehicular rights of way must be designed as complete streets, providing for safe, comfortable, and convenient movement both along and across rights-of-way by people of all ages and abilities, using multiple modes, consistent with the city's Complete Streets policy and plan.
4. All public and private rights of way shall conform to the Public Right of Way Accessibility Guidelines set forth by the United States Access Board.
5. The planning board shall determine required improvements and where project impacts and related installation of permanent improvements require expansion of the public right-of-way, such area shall be dedicated to the city for such purpose in an instrument acceptable to the city attorney.

B. **Waivers, Modifications and Mitigation**

1. The planning board by super majority vote may waive or adjust the requirements of this section after making findings of fact documenting the rationale behind the waiver or modification if the following minimum standards for proposed improvements are met:
 - a. Accommodates required access for people with disabilities and access to adjacent uses and transit.
 - b. Ensures the safety, and facilitates the expected levels of pedestrian activity.
 - c. Provides safe and sufficient facilities for bicyclists.
2. In instances where the Gold, Silver or Bronze standards cannot be accomplished due to the configuration of the existing street infrastructure, the applicant shall contribute an amount commensurate with the cost of the otherwise required improvements as determined by the planning board to be set aside in the city Complete Streets Mitigation Fund, which shall be used for the sole purpose of creating complete streets through capital improvement projects in conformance with this ordinance.

C. **General Requirements**

1. Pedestrian facilities and where required, bicycle and transit facilities shall be provided along adjacent rights of way in accordance with the Complete Street Plan. Pedestrian facilities shall connect main building entrances to parking areas, transit stops and stations, and all uses on a site that allow for public access.
2. Pedestrian facilities must consist of accessible, easily discernible and ADA compliant walkways. The pedestrian facilities must be paved with a fixed, firm and non-slip material.
3. All construction projects in the city impacting motor vehicle, bike, or pedestrian movements to or across public facilities shall include provisions for temporary pedestrian facilities including ADA accommodations in a maintenance and protection of traffic plan to be filed by the applicant for review and approval by the city engineer.
4. Sidewalks, cross-access drive lanes and other facilities providing access between lots are encouraged and all new lot developments shall connect to existing adjacent facilities as required by the planning board. In the case where adjacent parcels are not developed or sidewalks/cross-access drive lanes do not exist, the pedestrian facility (and cross-access lane, where required) shall be constructed in a way that future adjacent parcel development may connect.

4.2.2 Complete Streets Designations

The city street system is divided into three generalized types of streets as shown and described in the Complete Streets Plan (December 2016) and outlined in the Street Types Design Table. This listing outlines the required improvements to be installed in association with development activities. The detailed design of improvements shall also consider the right-of-way, width to be provided, parking, and other improvements required as determined in the review process. An introduction to Complete Streets goals and an overview of the street types is offered below:

- A. **Complete Streets Typologies.** Streets within the City of Saratoga Springs are designated into the following general classifications:

- 1. Neighborhood Streets (N)
- 2. Commercial Core Streets (C)
- 3. Transit Corridors and Thoroughfares(T)
- 4. School Zones (S)

The Complete Streets Plan calls for levels of improvements to achieve complete streets within the city. Gold, Silver, and Bronze are used to describe treatment levels which are described in more detail for each of the city streets in the table and graphics below. The Street Types Design Table presents the recommended level of treatment for each city street listed and includes references to the appropriate graphics for the recommended pedestrian, bicycle and public transit improvements for that street section. Applicants seeking to improve properties along city streets should refer to the table and to the graphics to understand the complete streets requirements to mitigate the impact of the proposed development they shall contribute to accomplishing the city's goals as part of the proposed improvements either by providing the improvements or by payment of a mitigation fee in lieu of improvements.

Quote from Complete Streets Plan, December 2016: *"The improvements are listed as 'bronze,' 'silver,' and 'gold.' Gold represents the ideal improvements in a full build scenario. Silver and bronze represent intermediary phases that can be implemented to eventually achieve the 'gold' standard. It is important to realize that the bronze and silver phases, while they are improvements to the current conditions and can achieve a great deal in creating complete streets, they should not be viewed as desired final outcomes. The City should continue to strive for excellence and push towards achieving a 'gold' standard on every street."*

B. Street Type Descriptions

1. **Neighborhood Streets.** This street type is found in most neighborhoods in the city with roads that are typically narrower in width having a typical right-of-way of width of +/- 50 feet (55 feet in newer developments). In general they feature two-way traffic at slower speeds.

- a. A typical cross section includes a 28' wide pavement with 2, 10' wide travel lanes and one eight-foot wide on street parking space, which may alternate sides on a scheduled basis. Due

to the nature of alternating on-street parking on many neighborhood streets, pavement striping or a designated bike lane would be inappropriate and sharing the road with bicyclists is understood.

- b. Neighborhood streets include a 5' wide sidewalk, as well as a 5' wide tree belt. In new subdivisions or rebuilt areas this tree belt should include periodic rain gardens at the roadway low points with dropped curbs to allow infiltration of stormwater. Street lighting, crosswalks and ADA compliance shall be incorporated on all recommended Neighborhood Streets. Refer to the Street Type table and reference graphics for specific street recommendations.

2. **Commercial Core Streets.** The Commercial Core street type is found throughout the downtown area of the city. Streets in this area range in width from 20-foot wide alleyways to Broadway, the city's main thoroughfare, which has a 100-foot wide right-of-way (ROW) in some places. Because of the diverse mix of uses and activities in the downtown, particular attention should be given to fully implement the Complete Streets recommendations to ensure that adequate facilities are provided for all users. It is important to balance the allocation of the existing right of way to meet the various needs and to expand the right-of-way as needed when a new development occurs and when the situation requires it.

- a. All streets other than alleys in the commercial core as determined by the planning board shall have sidewalks on both sides of the street, with a minimum width of six feet and full Americans with Disabilities Act (ADA) compliance for all sidewalks and crossings. High visibility mid-block crossings with signage and curb bump outs should be installed where necessary and appropriate. Ideally buffered or separated bike lanes should be installed where the right-of-way widths and traffic patterns permit. Alternatively, shared lane markers should be incorporated into all repaving/restriping projects.

- b. Required ROW for new development varies between 55 feet and 70 feet typically and shall be determined and requested by the Planning Board.

3. Transit Corridors and Thoroughfares. These include county and state highways and other major streets where transit (typically bus service is available). Transit corridors and thoroughfares are the primary routes for motorists moving within and through the city. These streets serve a higher level of traffic, and are often wider – typically greater than 30 feet in pavement width and with wider rights-of-way (ROWs). In the commercial core, these roadways not only serve movement through the city, they serve as the commercial and social center providing space for retail, restaurants and other businesses. Outside of the commercial core, these roadways may have limited facilities for pedestrians and bicyclists, but generally may have paved shoulders or potential right-of-way to improve such conditions. In general speeds are higher in the outer sections of state highway.

a. The Transit Corridor and Thoroughfare street type has different characteristics in different areas of the city. Refer to the Street Type table and reference graphics for specific recommendations.

b. It is noted that along the Route 50 Arterial north of the city, from Van Dam to the Northway (except for the portion where a shared use path was constructed) bicycles and pedestrians are currently prohibited.

c. The highest level of service for all users should be included in the design of improvements along these corridors. Full pedestrian amenities including sidewalks, signalized crosswalks, street furniture and street trees where appropriate should be installed. Away from the commercial core, where there is less intensive pedestrian demand, side paths/shared use paths should be installed where the ROW allows. Along corridors with less demand for pedestrian or bicycle amenities, striped shoulders should be included into the street design. In outlying sections of the city where space is available, side paths or shared use paths may be required as part of new development proposals in lieu of sidewalks.

4. School Zones. These include areas of high levels of pedestrian, bike, auto and bus traffic and require special consideration to accommodate all modes especially during hours of peak traffic including when

school lets out.

5. Streets not listed on the Complete Streets Design Table shall be classified by the planning board, in consultation with public works and public safety, considering the NYS functional class, the existing level of improvements and ROW and the current and expected future traffic for pedestrians, bicycles and motor vehicles.

4.2.3 Public Transit Improvements

A. New development projects proposed on roadways which have a desired Gold (G), Silver (S) or Bronze (B) Transit Level listed in the Complete Streets Design Table and which are anticipated to produce an increase of more than 500 vehicle trips per day or with more than 50 new employees shall be required to include a Transportation Demand Management Study with mitigation program that will measurably reduce single-occupancy motor vehicle trips as part of site plan or subdivision approval.

B. A transportation demand management plan and mitigation program shall be prepared as part of the SEQR required documentation and shall outline measures that will be undertaken and maintained by the property owner/site employer(s) to reduce the projected number of single occupancy motor vehicle trips by a minimum of 25 percent from the baseline projection of such trips. Mitigation measures to be implemented as part of the project may include, but are not limited to ride-sharing programs, public transit facilities, employee incentives for transit use and other measures.

C. In lieu of the required transit improvements outlined



above, an in-lieu fee payment may be made as part of the Complete Streets Mitigation Fee, described in Section 4.2.5.

improvements that were not constructed. These funds shall be set aside in a capital reserve account established by the city for use in making improvements for bicycle, pedestrian and transit facilities in the city.

4.2.4 Saratoga Greenbelt Trail Corridor Improvements

- A.** The area identified as the Greenbelt Trail as shown on the zoning map shall be considered prior to any proposed construction of any building or structure and in any building permit, site plan or subdivision application so as to avoid any conflict with the future construction of the trail.
- B.** An applicant may propose dedicating land in fee or easement for public access and may propose constructing the trail in lieu of parkland/recreation fee requirements and/or as part of a conservation subdivision. The planning board shall determine the value of such land dedication and/or trail construction for purposes of relief from parkland/recreation fee requirements and/or for open space conservation land protection requirements and related incentives for allowing public access as related to a conservation subdivision.
- C.** Where it may be necessary for the city to purchase land or an easement to otherwise protect the trail corridor from development, the applicant shall advise the planning board as such so the city may take appropriate action to purchase the property or other appropriate action. In the event the city determines against the purchase the property, the applicant shall refer the matter to the Zoning Board of Appeals so that appropriate relief may be granted to the applicant.

4.2.5 Complete Streets Mitigation Fee

- A. **Payment in lieu of installation of required improvements.**** As part of the approval of a proposed site plan or subdivision and in lieu of installing required improvements where the planning board determines such improvements are not appropriate or readily feasible for installation at the time of the project approval, the applicant shall, as part of the site plan and/or subdivision approval contribute a mitigation fee in an amount commensurate with the cost of the

Complete Streets Design Table

Complete Streets Recommendations						
Street Name and Segment Description	Jurisdiction	Street Type	Pedestrian Level (P)	Bicycle Level (B)	Transit Level (T)	Reference Graphics on Following Pages
1st Street (State St to N Broadway)	City	Neighborhood Street	G	S		P:NG B:NS
5th Ave	City	Neighborhood Street	G	S		P:NG B:NS
Ballston Ave (West Ave to North Line Rd)	NYS DOT	Transit Corridor & Thoroughfare	B	B	B	P:TB B:TB T:RB T:PB
Ballston Ave (West Circular to West Fenlon)	City	Transit Corridor & Thoroughfare	G	G	G	P:TG B:TG T:RG T:PG
Ballston Ave (West Fenlon to West Ave)	City	Transit Corridor & Thoroughfare	S	S	S	P:TS B:TS T:RS T:PS
Beekman St (Church St to Lake St)	City	Neighborhood Street	G	S		P:NG B:NS
Beekman St (Lake St to W Circular)	City	Commercial Core	G	B		P:CG B:CB
Broadway Ave (Congress Street to North Broadway)	City	Commercial Core	G	B	S	P:CG B:CB T:RS T:PS
Broadway Ave (West Circular to Congress Street)	City	Transit Corridor & Thoroughfare	G	S	S	P:TG B:TS T:RS T:PS
Broadway / Rt 9 (West Circular to West Fenlon)	City	Transit Corridor & Thoroughfare	S	S	S	P:TS B:TS T:RS T:PS
Broadway / Rt 9 (West Fenlon to Crescent St)	City	Transit Corridor & Thoroughfare	S	B	B	P:TS B:TB T:RB T:PB
Broadway / Rt 9 (St Peters Catholic Senior High School)	City	School Zone	G	---		P:SG
Brook Rd	County	County Road & Highway	B	B		P:TB B:TB
Caroline St (Broadway to Henry St)	City	Commercial Core	G	S		P:CG B:CS
Caroline St (Henry St to Henning Rd)	City	Neighborhood Street	G	G		P:NG B:NG
Caroline St (Caroline Street Elementary)	City	School Zone	G	---		P:SG
Church St / Rt 9N (Broadway to Bensonhurst Ave)	City	Transit Corridor & Thoroughfare	G	G	G	P:TG B:TG T:RG T:PG
Circular St (Broadway to Union Ave)	City	Transit Corridor & Thoroughfare	S	B	B	P:TS B:TB T:RB T:PB
Circular St (Lake Ave to High Rock Ave)	City	Transit Corridor & Thoroughfare	S	B	B	P:TS B:TB T:RB T:PB
Circular St (Spring St to Lake Ave)	City	Transit Corridor & Thoroughfare	S	B	B	P:TS B:TB T:RB T:PB
Circular St (Union Ave to Spring St)	City	Transit Corridor & Thoroughfare	S	B	B	P:TS B:TB T:RB T:PB
Clark St	City	Neighborhood Street	G	B		P:NG B:NB
Clement Ave (State St to Carriage House Ln)	City	Neighborhood Street	G	G		P:NG B:NG
Clinton St (Church St to Van Dam St)	City	Neighborhood Street	S	G		P:NS B:NG
Clinton St (Clement Ave to Daniels Road)	City	County Road & Highway				
Clinton St (Van Dam St to Clement Ave)	City	Transit Corridor & Thoroughfare	G	S	S	P:TG B:TS T:RS T:PS
Congress St	City	Commercial Core	G	S		P:CG B:CB
Crescent Ave (I-87 to Rt 9P)	County	County Road & Highway	B	S		P:TB B:TS
Crescent Ave (Nelson Ave to I-87)	County	County Road & Highway	B	S		P:TB B:TS
Crescent Ave (South Broadway to Nelson Ave)	County	Transit Corridor & Thoroughfare	S	S	S	P:TS B:TS T:RS T:PS
Crescent St	City	Neighborhood Street	S	S		P:NS B:NS
Denton Rd (Clement Ave to Bloomfield Rd)	City	County Road & Highway	S	S		P:TS B:TS
Denton Rd (Bloomfield Rd to Locust Grove Rd)	City	County Road & Highway	B	S		P:TB B:TS
Division St (Broadway to Clinton St)	City	Commercial Core	G	B		P:CG B:CB

Complete Streets Design Table

Complete Streets Recommendations						
Street Name and Segment Description	Jurisdiction	Street Type	Pedestrian Level (P)	Bicycle Level (B)	Transit Level (T)	Reference Graphics on Following Pages
Division St (Clinton St to Outlook Ave)	City	Neighborhood Street	S	S		P:NS B:NS
Division St (Division Street Elementary School)	City	School Zone	G	---		SG
East Ave	City	Transit Corridor & Thoroughfare	G	G	G	P:TG B:TG T:RG T:PG
Excelsior Ave (Rock St to Marion Ave)	City	Commercial Core	S	G		P:CG B:CG
Excelsior Ave (Marion Ave to End)	City	Neighborhood Street	G	B		P:NG B:NB
Excelsior Spring Ave	City	Neighborhood Street	S	S		P:NS B:NS
Geyser Rd	County	Transit Corridor & Thoroughfare	S	S	S	P:TS B:TS T:RS T:PS
Geyser Rd (Geyser Rd Elementary School)	County	School Zone	G	---		SG
Gick Rd	City	County Road & Highway	S	S		P:TS B:TS
Gilbert Rd	City	County Road & Highway	B	B		P:TB B:TB
Grand Ave (Franklin St to West Ave)	City	Neighborhood Street	S	G		P:NS B:NG
Grand Ave (West Ave to Western City Border)	City	County Road & Highway	S	S		P:TS B:TS
Henning Rd	City	County Road & Highway	S	S		P:TS B:TS
Henning Rd (BOCES)	City	School Zone	S	---		SS
Henry St (Lake Ave to Spring St)	City	Commercial Core	S	S		P:CS B:CS
High Rock Ave (Circular St to Excelsior Ave)	City	Transit Corridor & Thoroughfare	G	G	G	P:TG B:TG T:RG T:PG
High Rock Ave (York St to Circular St)	City	Neighborhood Street	G	G		P:NG B:NG
High Rock Ave (Lake Ave to York St)	City	Commercial Core	G	G		P:CG B:CG
Hutchins Rd	City	Neighborhood Street	B	B		P:NB B:NB
Jefferson St (Crescent St to Crescent Ave)	City	Transit Corridor & Thoroughfare	S	B		P:TS B:TB
Jefferson St (Lincoln Ave to Crescent St)	City	Neighborhood Street	S	S	S	P:NS B:NS T:RS T:PS
Lake Ave / Rt 29 (Broadway to Circular St)	City	Commercial Core	G	S	S	P:CG B:CS T:RS T:PS
Lake Ave / Rt 29 (Circular St to East Avenue)	City	Transit Corridor & Thoroughfare	S	S	S	P:TS B:TS T:RS T:PS
Lake Ave / Rt 29 (East Avenue to Ritchie Pl)	City	Transit Corridor & Thoroughfare	S	S	S	P:TS B:TS T:RS T:PS
Lake Ave / Rt 29 (I-87 to City Border)	NYSDOT	County Road & Highway	B	S		P:TB B:TS
Lake Ave / Rt 29 (Lake Ave Elementary School)	City	School Zone	G	---		SG
Lake Ave / Rt 29 (Ritchie Pl to I-87)	NYSDOT	Transit Corridor & Thoroughfare	S	S	S	P:TS B:TS T:RS T:PS
Lake Ave / Rt 29 (St. Clements School)	NYSDOT	School Zone	G	---		SG
Lincoln Ave (Frank Sullivan Pl to Broadway)	City	Neighborhood Street	S	S		P:NS B:NS
Maple Ave (East Ave to Catherine St)	City	Neighborhood Street	S	B		P:NS B:NB
Maple Ave (Marion Ave to East Ave)	City	Neighborhood Street	B	B		P:NB B:NB
Maple Ave / Rt 9 (Maple Ave Middle School)	NYSDOT	School Zone	S	---		SG
Maple Ave / Rt 9 (Marion Ave to Northern City Border)	NYSDOT	Transit Corridor & Thoroughfare	S	S		P:TS B:TS
Marion Ave (Rt 50 to Excelsior Ave)	City	Transit Corridor & Thoroughfare	G	S		P:TG B:TS

Complete Streets Design Table

Complete Streets Recommendations						
Street Name and Segment Description	Jurisdiction	Street Type	Pedestrian Level (P)	Bicycle Level (B)	Transit Level (T)	Reference Graphics on Following Pages
Marion Ave / Rt 9 (Rt 50 to Maple Ave)	NYSDOT	Transit Corridor & Thoroughfare	S	S		P:TS B:TS
Meadowbrook Rd	City	County Road & Highway	B	S		P:TB B:TS
N Broadway	City	Neighborhood Street	G	G		P:NG B:NG
Nelson Ave (High Rock Ave to Union Ave)	City	Neighborhood Street	G	S		P:NG B:NS
Nelson Ave (Union Ave to Crescent Ave)	City	Transit Corridor & Thoroughfare	S	S	S	P:TS B:TS T:RS T:PS
Nelson Ave Ext	County	County Road & Highway	B	S		P:TB B:TS
Phila St (Broadway to Henry St)	City	Commercial Core	G	S		P:CG B:CS
Phila St (Henry St to Nelson Ave)	City	Neighborhood Street	G	S		P:NG B:NS
Rowland St Exd	City	County Road & Highway	B	B		P:TB B:TB
Rt 9N (Bensonhurst Ave to West Ave)	NYSDOT	Transit Corridor & Thoroughfare	S	S	S	P:TS B:TS T:RS T:PS
Rt 9 (West Ave to City Border)	NYSDOT	Transit Corridor & Thoroughfare	B	B	B	P:TB B:TB T:RB T:PB
S Broadway / Rt 9 (Crescent Ave to Southern City Border)	NYSDOT	County Road & Highway	G	G	B	P:TG B:TG T:RB T:PB
S Broadway / Rt 9 (Crescent St to Crescent Ave)	NYSDOT	Transit Corridor & Thoroughfare	S	S	S	P:TS B:TS T:RS T:PS
S Franklin St (Beekman St to Washington St)	City	Neighborhood Street	S	S		P:NS B:NS
Seward St	City	Neighborhood Street	S	S		P:NS B:NS
Spring St (Broadway to Circular St)	City	Commercial Core	G	B	B	P:CG B:CB T:RB T:PB
Spring St (Crescent St to Nelson Ave)	City	Neighborhood Street	S	S		P:NS B:NS
Stafford Bridge Rd	County	County Road & Highway	S	G		P:TS B:TG
State Hwy 50 (I-87 to Weibel Ave)	NYSDOT	Transit Corridor & Thoroughfare	B	B	B	P:TB B:TB T:RB T:PB
State Hwy 70 (Marion Ave to I-87)	NYSDOT	Transit Corridor & Thoroughfare	B	B	B	P:TB B:TB T:RB T:PB
State Hwy 50 / Rt 9 (Broadway to Marion Ave)	NYSDOT	Transit Corridor & Thoroughfare	B	B	B	P:TB B:TB T:RB T:PB
State Rte 9p (East Ave to I-87)	NYSDOT	Transit Corridor & Thoroughfare	B	S		P:TB B:TS
State Rte 9p (I-87 to Crescent Ave)	NYSDOT	County Road & Highway	B	S		P:TB B:TS
Union Ave (Congress Park to Nelson Ave)	City	Transit Corridor & Thoroughfare	G	B	B	P:TG B:TB T:RB T:PB
Union Ave (Nelson Ave to East Ave)	City	Transit Corridor & Thoroughfare	G	B		P:TG B:TB
Van Dam St	City	Transit Corridor & Thoroughfare	S	B	B	P:TS B:TB T:RB T:PB
W Circular St	City	Neighborhood Street	S	S		P:NS B:NS
W Circular St (Saratoga Springs High School)	City	School Zone	G	G		SG
Washington St / Rt 29 (Walnut Street to Broadway)	City	Transit Corridor & Thoroughfare	S	B		P:TS B:TB
Washington St / Rt 29 (West Ave to Walnut Street)	NYSDOT	Transit Corridor & Thoroughfare	S	B		P:TS B:TB
Washington St / Rt 29 (Western City Border to West Ave)	NYSDOT	Transit Corridor & Thoroughfare	B	B	B	P:TB B:TB T:RB T:PB
Weibel Ave	City	Transit Corridor & Thoroughfare	S	S	S	P:TS B:TS
West Ave	City	Transit Corridor & Thoroughfare	S	S	S	P:TS B:TS
West Ave (Saratoga Springs High School)	City	School Zone	G	---		SG

Pedestrians: Gold Level

Refer to the Complete Streets Design Table for lookup information on individual streets in the city.

P:NG (Pedestrian: Neighborhood Gold)



Required Improvements

- A. Full ADA compliance for sidewalks and crossings.
- B. Sidewalks continue through driveways.
- C. Gaps in street trees are filled and pedestrian scale lighting fixtures are 100% filled.

P:CG (Pedestrian: Commercial Core Gold)



- A. Full ADA compliance for sidewalks and crossings.
- B. Sidewalks wider than 5'.
- C. High visibility mid block crossings with signage and curb bump-outs.
- D. Street art or banners are installed reflecting the character of the neighborhood.
- E. Information kiosks and maps are installed.
- F. Gaps in street trees and pedestrian scale lighting are 100% filled.

P:TG (Pedestrian: Transit Corridor Gold)



- A. Full ADA compliance for all facilities.
- B. Sidepath on at least one side.
- C. High visibility mid block crossings with Rectangular Rapid Flash Beacons (RRFB).
- D. Wayfinding signage is installed with estimated travel times is installed.
- E. Street trees and pedestrian scale lighting are installed.

Refer to the Complete Streets Design Table for lookup information on individual streets in the city.

Pedestrians: Silver Level

P:NS (Pedestrians: Neighborhood Silver)

Required Improvements

- A. Sidewalks on both sides of street.
- B. 5' grass planting buffer between sidewalk and the street.
- C. Full ADA compliance at all intersections.
- D. Gaps in street trees and pedestrian lighting fixtures are 50% filled.



P:CS (Pedestrians: Commercial Core Silver)

Required Improvements

- A. Street furniture installed.
- B. Mid-block crosswalks where needed.
- C. Some sidewalks wider than 5'.
- D. Gaps in street trees and pedestrian scaled lighting fixtures are 50% filled.



P:TS (Pedestrians: Transit Corridor Silver)

Required Improvements

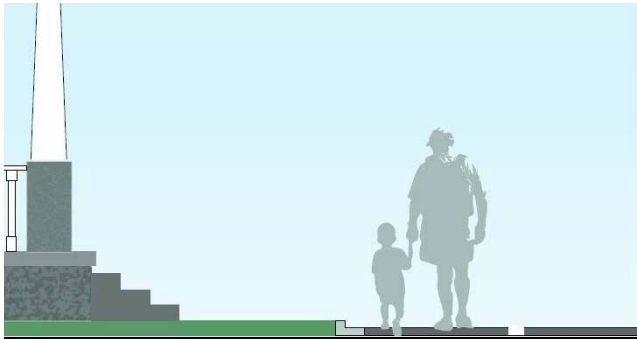
- A. ADA compliant sidewalks on at least one side with 5' buffer.
- B. At least one sidewalk at all intersections and mid-block crossings where appropriate.



Pedestrians: Bronze Level

Refer to the Complete Streets Design Table for lookup information on individual streets in the city.

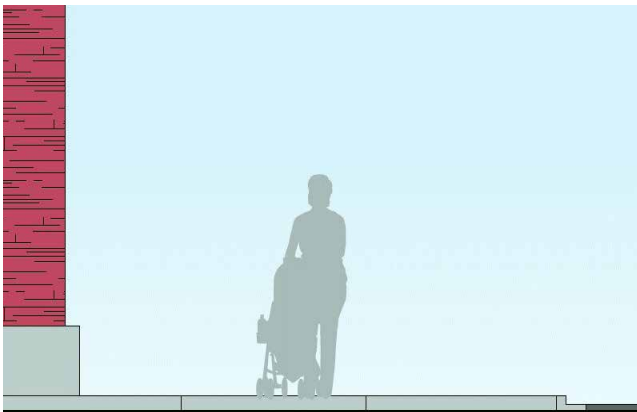
P:NB (Pedestrians: Neighborhood Bronze)



Required Improvements

- A. 4' or wider striped shoulders on both sides, or 5' continuous sidewalk on one side of the street.
- B. Posted and Operating Speeds of 30 m.p.h. or less.
- C. Full ADA compliance for all sidewalks, ramps and crossings.

P:CB (Pedestrians: Commercial Core Bronze)



Required Improvements

- A. Sidewalks on both sides of street.
- B. Some street trees and lighting present.
- C. Curb ramps and crosswalks at most or all intersections.
- D. New construction must be ADA compliant.

P:TB (Pedestrians: Transit Corridor Bronze)



Required Improvements

- A. Striped shoulders of at least 5' on both sides of street.

Refer to the Complete Streets Design Table for lookup information on individual streets in the city.

Bicycle: Gold Level

B:NG (Bicycle: Neighborhood Gold)

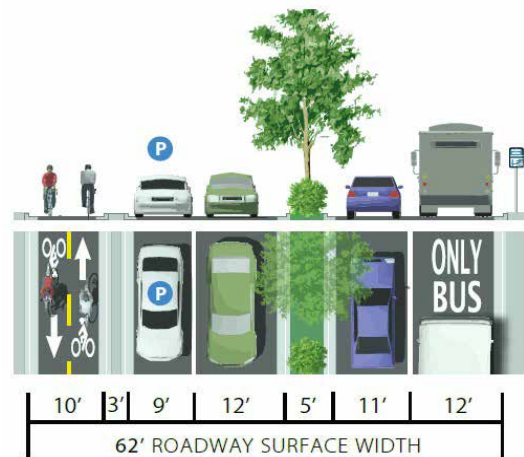
Required Improvements

- A. Bicycle boulevards officially adopted.
- B. Traffic calming installed.
- C. Speed limits reduced below 30 m.p.h.
- D. Bicycle boulevard wayfinding signage and markings are installed.



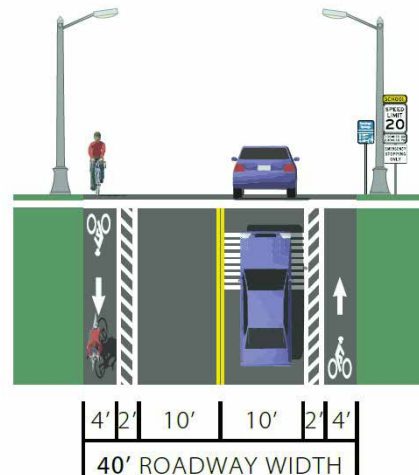
B:CG (Bicycle: Commercial Core Gold)

- A. Buffered bike lanes or separated bike lanes are installed.
- B. Transit only lanes installed where applicable.
- C. Wayfinding signage is installed.
- D. Medians are present.
- E. Temporary or permanent parklets.



B:TG (Bicycle: Transit Corridor Gold)

- A. Buffered bike lanes or side paths are installed.
- B. Wayfinding signage is installed.
- C. Street light gaps are 100% filled.



Bicycle: Silver Level

Refer to the Complete Streets Design Table for lookup information on individual streets in the city.

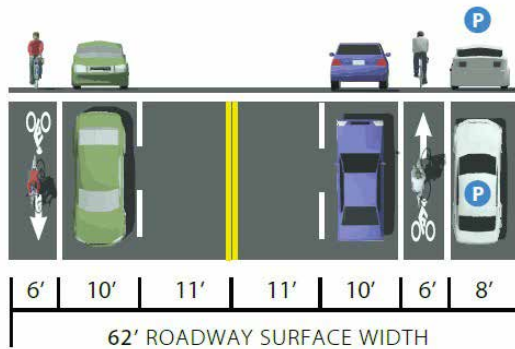
B:NS (Bicycle: Neighborhood Silver)



Required Improvements

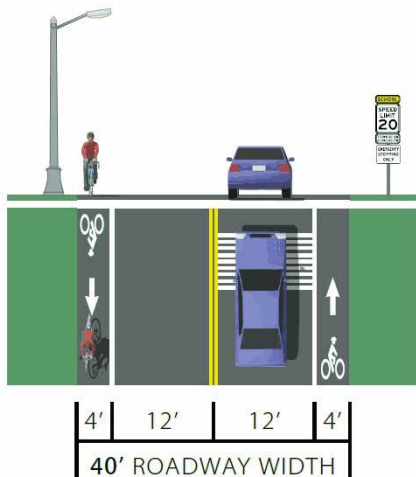
- A. Visual deflection for traffic calming installed.
- B. Street light gaps are 50% filled.

B:CS (Bicycle: Commercial Core Silver)



- A. Bike lanes are installed.
- B. Conflict zones are marked in green.

B:TS (Bicycle: Transit Corridor Silver)



- A. Shoulders are marked as bike lanes.
- B. "Gateway" traffic calming treatments are installed approaching neighborhoods and schools.
- C. Street light gaps are 50% filled.

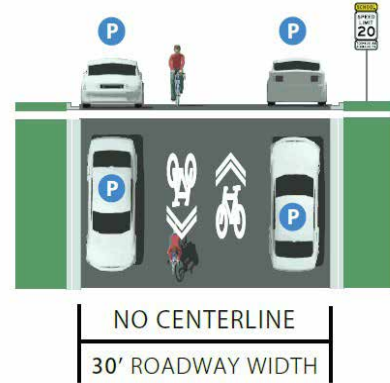
Refer to the Complete Streets Design Table for lookup information on individual streets in the city.

Bicycle: Bronze Level

B:NB (Bicycle: Neighborhood Bronze)

Required Improvements

- A. Bike route signage installed where appropriate.
- B. Curb gaps filled.
- C. Shared lane markings.



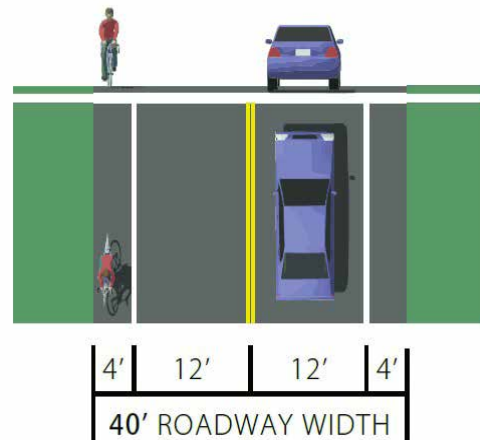
B:CB (Bicycle: Commercial Core Bronze)

- A. Install shared lane markings.
- B. Install bike route signs where appropriate.
- C. Reduce curb cuts where possible.



B:TB (Bicycle: Transit Corridor Bronze)

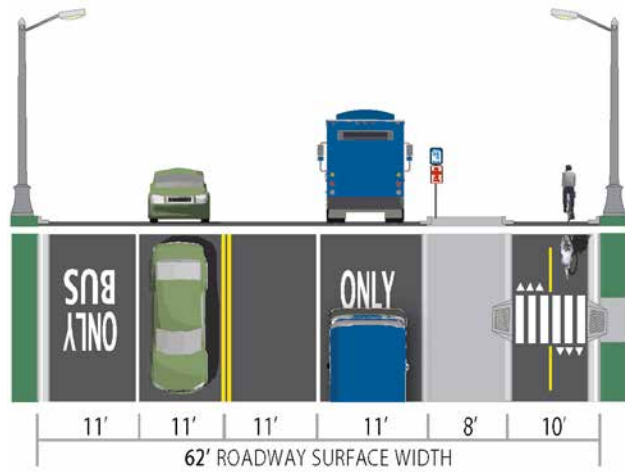
- A. 4 ft. min striped shoulders maintained.
- B. Bike route signage installed where appropriate.



Transit: Roadways

Refer to the Complete Streets Design Table for lookup information on individual streets in the city.

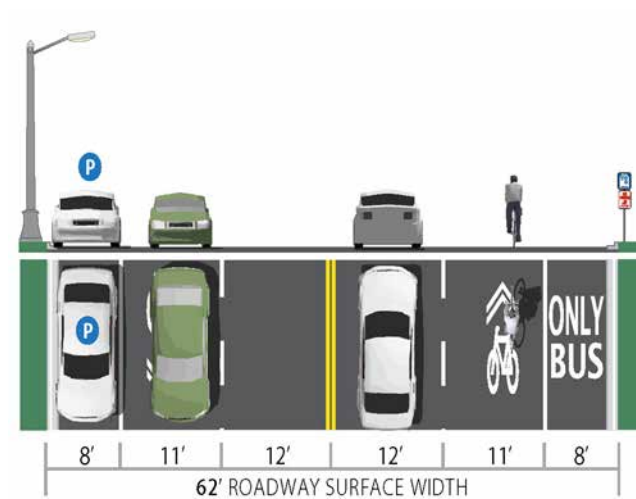
T:RG (Transit: Roadway Gold)



Required Improvements

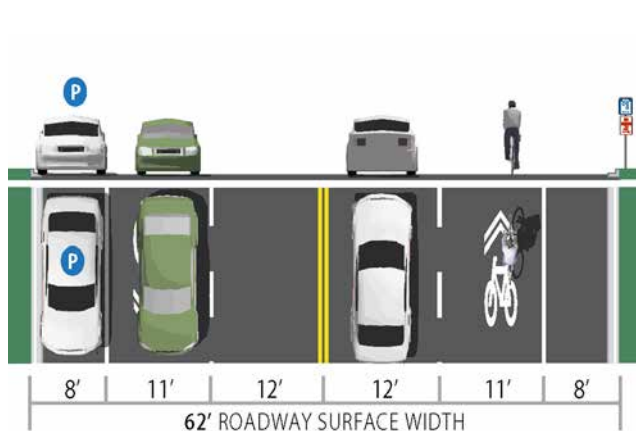
- A. "Bus Only" lanes installed where possible.
- B. Bicycle parking installed.
- C. Wayfinding signage installed.
- D. Buffered bike lanes or cycle tracks.
- E. Street light gaps are 100% filled.

T:RS (Transit: Roadway Silver)



- A. "Bus Only" striping in parking lanes at bus stops.
- B. Bike lanes are installed with transitions at bus stops.
- C. At least one 11' travel lane for bus and truck traffic.
- D. Street light gaps are 50% filled.

T:RB (Transit: Roadway Bronze)



- A. Bus stop signage with servicing route numbers.
- B. On-street parking restrictions for bus stops.
- C. Shared lane markings in travel lanes.
- D. Emphasize 4 E's in planning and design (Engineering, Education, Enforcement, Emergency Medical Services)

Refer to the Complete Streets Design Table for lookup information on individual streets in the city.

Transit: Pedestrian

T:PG (Transit: Pedestrian Gold)

Required Improvements

- A. High visibility crosswalks with signage provided near bus stops.
- B. Benches and shelters provided at bus stops.
- C. Gaps in the street trees and pedestrian scale lighting fixtures are 100% filled.



T:PS (Transit: Pedestrian Silver)

- A. Sidewalks on both sides.
- B. Crosswalks provided near bus stops (intersection or mid-block.)
- C. Grass buffer.
- D. Paved pedestrian waiting areas at bus stops.
- E. Benches provided at bus stops.
- F. Gaps in the street trees and pedestrian scale lighting fixtures are 50% filled.



T:PB (Transit: Pedestrian Bronze)

- A. 4 ft. or wider striped shoulders on both sides.
- B. Bus stop signage with servicing route numbers.
- C. ADA compliance for sidewalks, crossings, and waiting areas near bus stops.



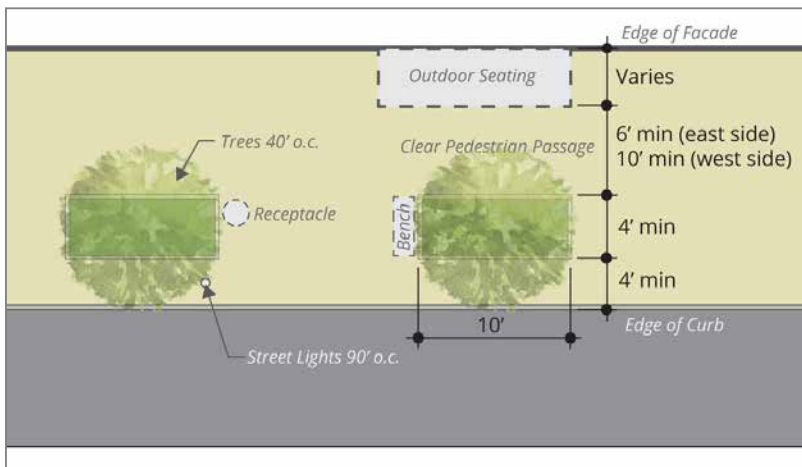
4.3 FRONTAGE TYPES

Frontage Types are established to provide design guidelines for the public realm--the area from the edge of the street curb to the front facade of the building for commercial/mixed use properties. These guidelines supplement the Street Type and Street Standards to provide a range of landscape architectural design options to create an attractive and vibrant public realm. Elements including street trees, shrubs, perennial and annual planting beds, lawn areas and green infrastructure for stormwater management, berms and screening, sidewalks, patios and outdoor dining, lighting, benches, public art and civic space, signage, fire hydrants, and where appropriate and permitted parking areas are included.

4.3.1 Frontage Type Determination

Because Frontage Types are established as more flexible design guidelines, separate and distinct from Street Type requirements, it allows the city some flexibility to mix-and-match different street designs with different frontage designs, depending on what is most appropriate for a given site. Each has a degree of flexibility--variable dimensions--which allow some adaptability to different site conditions. The recommended Frontage Types are listed for application to commercial/mixed use developments and the planning board shall determine which Frontage Type is best suited to the site including establishment of appropriate site-specific dimensions and improvement elements to facilitate enhanced design treatments and meet the goals of this Chapter.

Because Frontage Types include both the publicly owned right-of-way and the publicly accessible portion of private property a coordinated approach to design is appropriate so the investment in improvements will create a public realm of greatest benefit.



Classic Broadway

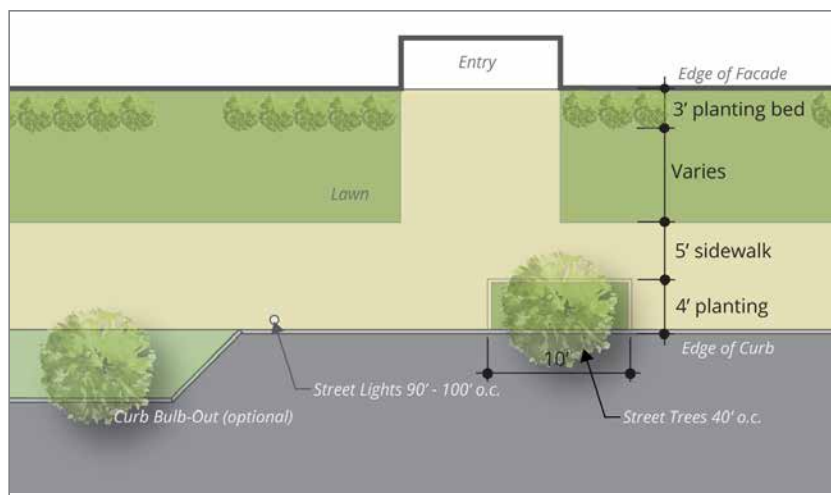
The Classic Broadway frontage type recognizes the iconic public realm possible along a wide expanse between curb and building facade. Concrete sidewalk extends the full depth of frontage. Includes a 4' buffer at the curb for pedestrians using on street parking. 4' x 10' minimum tree and planting beds--ideally longer beds to permit two street trees per bed. Areas for benches, public art, lighting, signage, transit stops and other amenities outside the clear pedestrian passage area.

A minimum clear width is provided for the pedestrian passage area, as well as an allowance for outdoor dining / seating areas. Provides variable measurements to accommodate both East and West sides of Broadway which have different depths.

Urban and Transit Corridor

The Urban and Transit Corridor frontage type is typical for properties along transit corridors and in the transect zoning districts. Frontage depth available will generally range from shallow in the older downtown area to deeper in more outlying areas. A wide 8' - 10' concrete sidewalk should be provided along curb with optional curb bulb-outs to buffer on-street parking and shorten pedestrian street crossing distance. Street tree beds provided every 40 feet. Street Lamp posts 100' on center. Beyond sidewalk, lawn and plantings provided to front facade to accommodate shallow front yard setbacks of approximately 10-15 feet. In addition to plantings, this area may also provide civic space including outdoor patio or terrace and public art. Transit stop as/if needed.

Example Location: Excelsior Ave, West Avenue





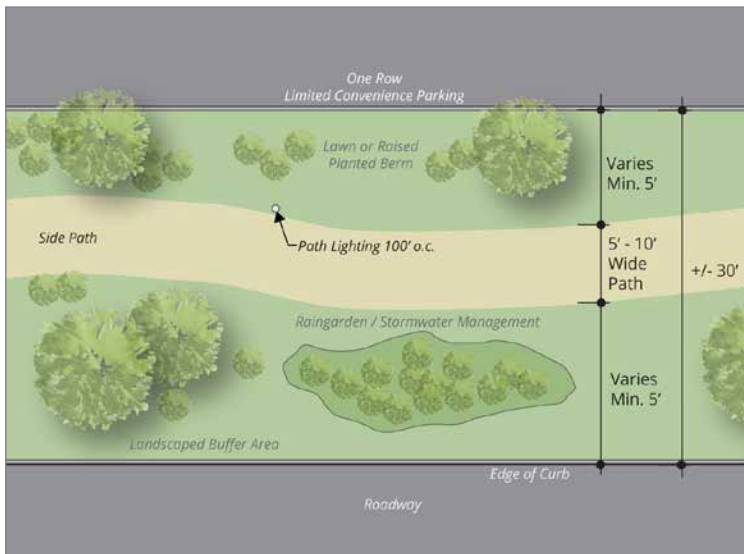
Suburban

The Suburban frontage type provides a narrow landscaped buffer along the road for trees, landscaping and stormwater management functions such as raingardens. Within this buffer area, sidewalks are provided or where space is available an 8-10" wide side shared use path can be provided along the road.

Beyond the path/sidewalk, additional plantings and landscaping continues. In general, parking is provided on the side or at the rear of the principal building. In areas where convenience parking in the front yard area is allowed as part of site plan review, that arrangement would be typically be limited to only one row of parking in the front of the principal building, buffered by a raised planted berm to help screen the parking.

Overall depth will vary depending on width of R.O.W. but will generally range from 5' in narrow areas to 20' or more' or more along larger areas.

Example location: Geysler Road entering the city.



Rural-Suburban

The Rural-Suburban frontage type provides a large expanse of landscaped buffer along the road for trees, landscaping and stormwater management functions such as raingardens. Within this buffer area, sidewalks or wide multi-use trails can meander and wind along the road.

Beyond the path/sidewalk, additional plantings and landscaping continues. In general, parking is provided on the side or at the rear of the principal building. In areas where convenience parking in the front yard area is allowed as part of site plan review, that arrangement would be typically be limited to only one row of parking in the front of the principal building, buffered by a raised planted berm to help screen the parking.

Overall depth will vary depending on the width of R.O.W. but will generally range from 15' in narrow areas to 30' or more along larger areas.

Example location: NYS Route 9 entering the city.

4.4 FACADE TYPES

Facade Types describe the allowable facade configurations for new buildings within the Transect zoning districts. Each Transect district in Article 2 specifies which Facade Types are permitted. The potential range of Facade Types are as follows:

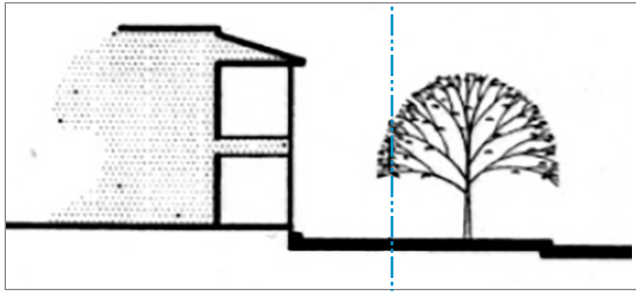


Figure 4.4-1 Porch. A covered but unenclosed structure projecting from the outside wall of a building. A great variety of porches are possible, but to be useful, none should be less than 8 ft. wide.

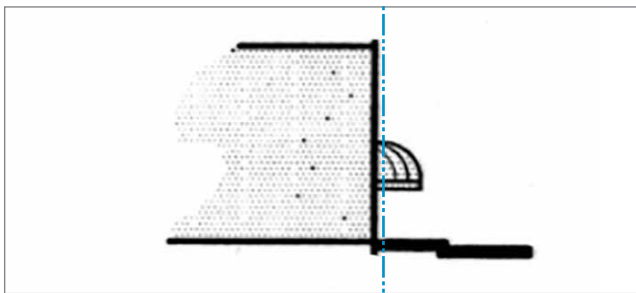


Figure 4.4-2 Shopfront & Awning. A facade aligned close to the frontage line with the entrance at sidewalk grade. This type is conventional for retail frontage. It is commonly equipped with cantilevered shed roof or an awning.

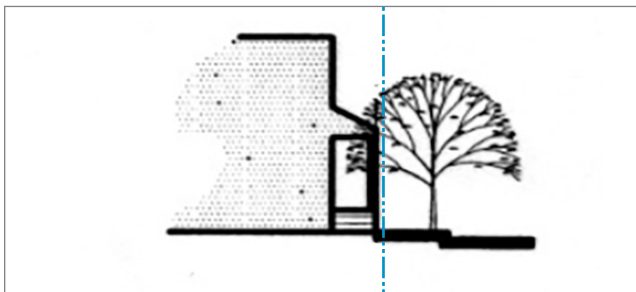


Figure 4.4-3 Stoop. A facade aligned close to the frontage line with the ground story elevated from the sidewalk, securing privacy for the windows. This type is suitable for ground-floor residential uses at shallow setbacks with row houses and apartment buildings. *An easement may be necessary to accommodate the encroaching stoop.*

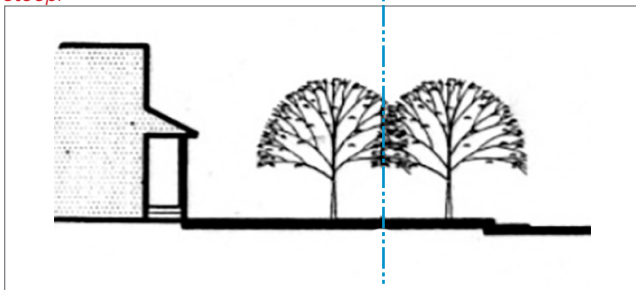


Figure 4.4-4 Open Front Yard. A facade set back substantially from the frontage line. The front yard thus created should remain unfenced and be visually continuous with adjacent yards.

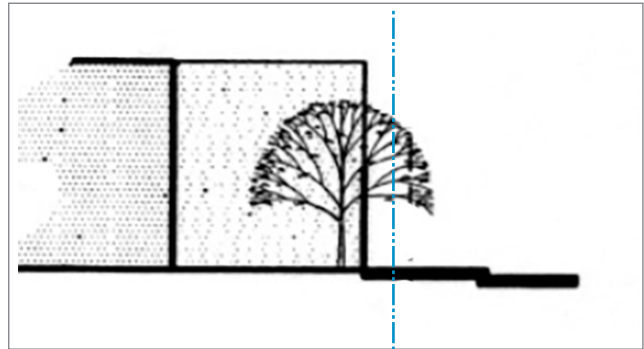


Figure 4.4-5 Forecourt. A facade aligned close to the frontage line with a portion of it set back. The forecourt created is suitable for entry courtyards, gardens, vehicular drop-offs, and utility off loading. This type should be used sparingly to prevent a continuous excessive setback.

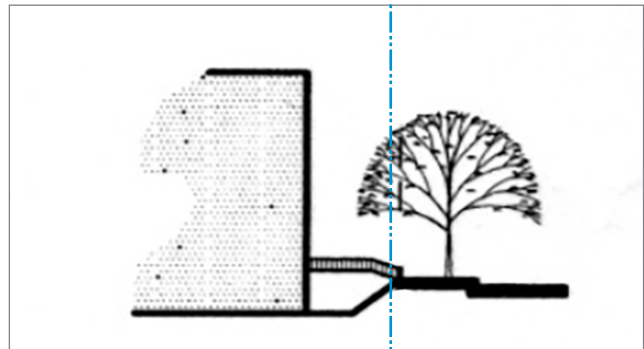


Figure 4.4-6 Terrace & Light Court. A facade set back from the frontage line with an elevated garden or terrace, or a sunken light court. This type can effectively buffer residential quarters from the sidewalk, while removing the private yard from public encroachment. The terrace is suitable for restaurants and cafes as the eye of the sitter is level with that of the standing passerby. The light court can give light and access to a basement.

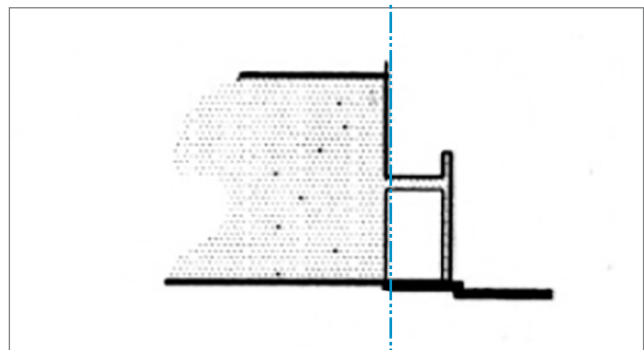


Figure 4.4-7 Arcade. A facade aligned on the frontage line with an attached colonnade, or the second story of the building extends over the sidewalk, while the ground story remains set back at the frontage line. This type is indicated for retail use, but only when the sidewalk is fully absorbed within the arcade so that a pedestrian cannot bypass it. An easement for private use of the right-of-way is usually required. To be useful, the arcade should be no less than 12 ft. wide.

4.5 BUILDING TYPES

Building Types describe the allowable design configurations for new buildings within the Transect zoning districts. Each Transect district in Article 2 specifies which Building Types are permitted. The potential range of Building Types are as follows:

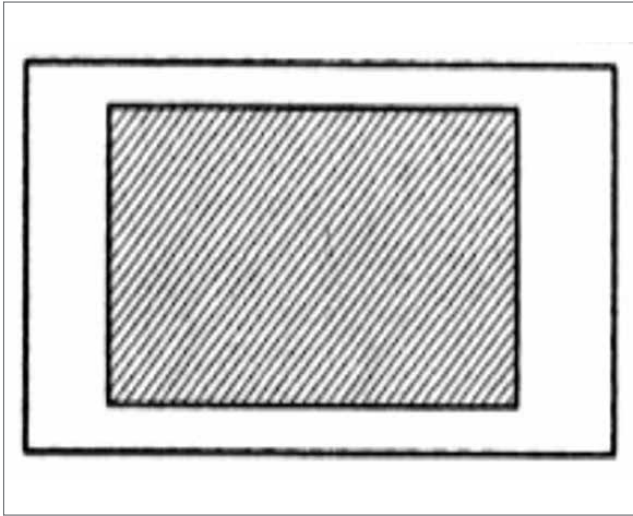


Figure 4.5-1 Detached Building. A building with setbacks on all sides. The front yard is intended to be semipublic and visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed outbuilding.

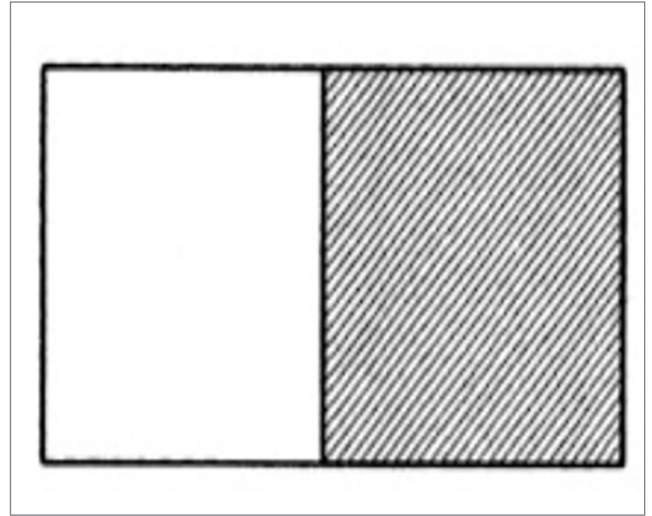


Figure 4.5-3 Common Wall Building. A building that occupies the full frontage of its lot, using shared walls, eliminating side yards, and leaving the rear portion as a large yard. The building facade defines the edge of the public space while the rear area can accommodate private space or substantial parking.

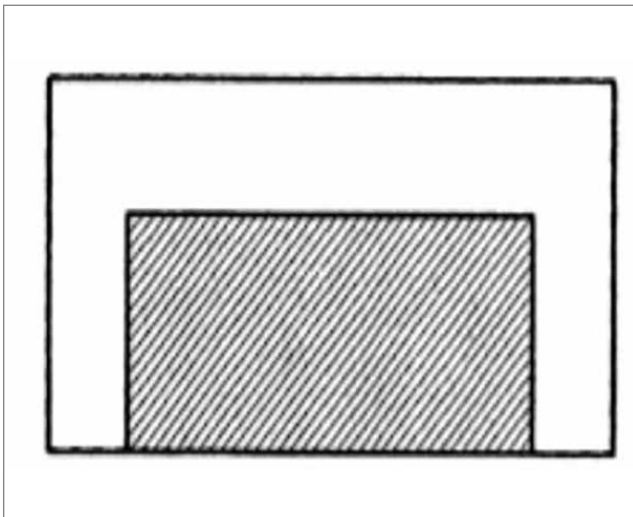


Figure 4.5-2 Side Yard Building. A building that occupies one side of the lot with the primary open space to the other side. The visual opening of the side yard on the street frontage causes this building type to appear freestanding.

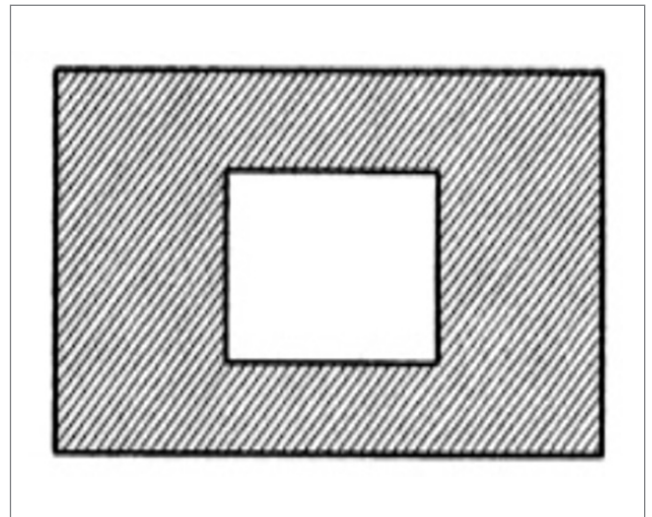


Figure 4.5-4 Courtyard Building. A building that extends to the Boundaries of its lot while internally defining one or more private courtyards. This building type is able to shield the private realm from all sides and accommodate potentially incompatible activities in close proximity, such as workshops, lodging, and schools.

4.6 URBAN DESIGN

This section is intended to provide guidance on required or preferred urban design concepts that may apply globally within the city, or which apply to particular districts. This enables common design elements to be referenced in a single location instead of being duplicated in many places in the code.

Applicability to Transect Zones. The following design requirements are required for all new development within Transect Zones T4, T5 and T6.

Applicability to Other Zones. Unless noted otherwise, the design requirements of this section only apply to other areas of the city if they are specifically referenced by their zoning district or overlay. Otherwise, they should be treated as recommended guidelines.

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

~~In contrast to traditional zoning districts that regulate one use from another, Transect Zones are designed to be more flexible with a focus on sound architectural and site design elements to encourage creative and sustainable new and in-fill development:~~

~~The intent of the Transect Zones is to encourage a diversity of complementary uses, promote successful urban form, extend traditional circulation systems with interconnecting streets, reinforce a strong pedestrian emphasis, and provide for civic space:~~

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

4.6.1 Urban Form & Site Design

- A.** Street networks should create blocks with a maximum perimeter of 1,200 feet in the T-6 Zone and 1,400 feet in the T-4 and T-5 Zones. Limiting a maximum of one curb cut per block face is strongly encouraged. These block perimeters may be exceeded to accommodate an internal parking lot or structure that is screened from public view along all street frontages.
- B.** All streets should connect to other streets to form

a circulation network. Cul-de sacs may be allowed only when there is no acceptable alternative due to site conditions such as waterways, wetlands, or steep slopes.

- C. Intersection Obstructions.** At all street intersections, in all districts, there shall be no obstruction to vision exceeding thirty (30) inches in height (other than an existing building, post, column or tree) within the triangle formed by the edge of pavement at the intersection and measuring thirty (30) feet along each street.
- D.** ~~Shallow build-to-line and minimum frontage build-out requirements are intended to support pedestrian-friendly streets:~~
- E.** All lots ~~should~~ shall have street frontage. Lots served by an alley may also have frontage on a passage.
- F.** Building façades within a streetscape ~~should~~ shall align with adjacent buildings within the required Build-to Area of the property unless otherwise directed by the planning board. ~~Buildings should be compatible with neighboring buildings and general site context:~~
- G.** In the case of larger structures, the overall building mass should be broken down into smaller components with variations in facade height and depth to reduce the visual scale. Long, uninterrupted building masses should be avoided. **Figure 4.6-X**
- H.** Buildings situated at corners should “wrap” the corner by continuing façade elements such as the cornice or other horizontal features on all street elevations.
- I.** Buildings situated at corners should provide additional massing and height at the corner to visually anchor and emphasize it.
- J.** Parking lots and service areas should be located in the rear of the site or within a central courtyard to screen it from view from the street and maximize facade exposure around the perimeter of the property. **Figure 4.6-X**
- K.** Parking Lots and service areas visible from and located within 20 feet of a public sidewalk shall be screened with plantings and a low wall or fence to help maintain

the street edge. See Landscape Buffer Types A, B and C in Section 4.8.

- L. Larger developments which may occupy an entire block or a substantial part of it should incorporate service alleys that allow private off-street access when possible, and / or pedestrian paths which allow the public to circulate through the site. **Figure 4.6-X**
- M. Front yard fences should not exceed 42 inches in height.

4.6.2 Residential District Buffers

Building height, use and screening buffer requirements shall be provided in instances where new development in any Mixed-Use or Specialty district directly abuts a residential zoning district, as illustrated below. **Figure 4.5-1**

A. Zone A – Landscape Buffer. A landscape buffer shall be provided in this zone as directed by the Planning Board, as generally provided from the Buffer Types listed in **Table 4.9 A**. The depth of this zone varies depending on the type of landscape buffer selected by the Planning Board. The Planning Board is authorized to modify the design criteria of the landscape buffer if deemed necessary for specific site considerations.

B. Zone B – Use Restriction. This zone shall extend 50 feet from the adjacent residential property line, and is intended for open landscape areas or low intensity uses such as surface parking, playgrounds, outdoor dining or service access. Loading docks or dumpster enclosures are not permitted.

C. Zone C – Height Restriction. This zone shall extend

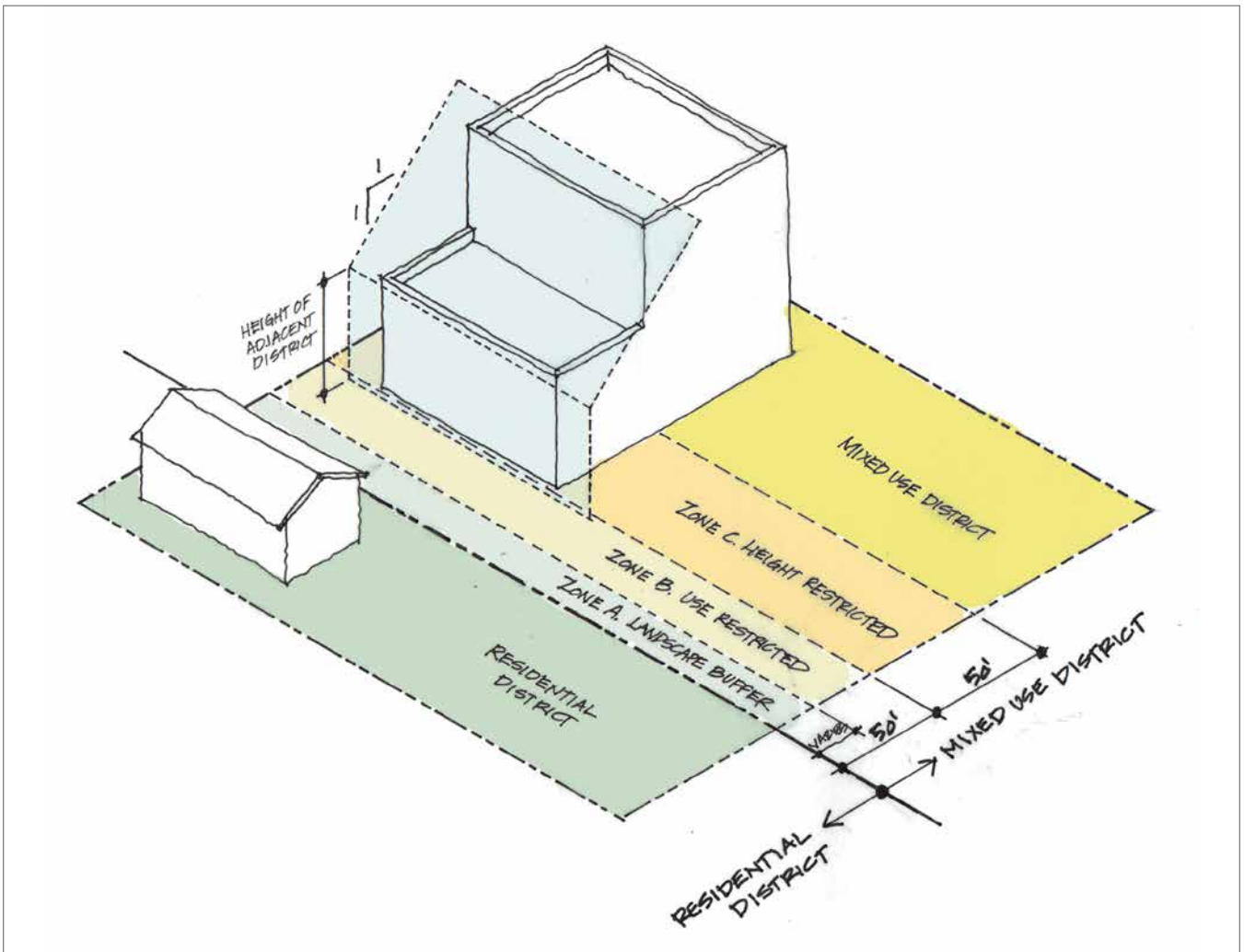


Figure 4.6 A. Residential District Buffers. Commercial development adjacent to a residential district shall be designed to minimize impacts on the residential neighborhood.

50 feet from the edge of Zone B. Any new structures within this zone shall be limited in height so as not to encroach on the neighboring residential district. The height restriction within this zone is initially limited to the allowed height of the adjacent residential district, extending upwards within a 45 degree plane (1:1 slope) away from the residential district, as illustrated.

The City of Saratoga Springs Standard Construction Details, should be provided along all frontages and in-offstreet parking areas. Streetlight spacing should be 75 to 100 feet on center, depending on site conditions.

4.6.3 Civic Space

- A. Development plans containing 10,000 square feet or more ~~should~~ shall provide for civic space as described in 4.10 Civic Space and Streetscape Public Amenities.
- B. ~~Streetscape Design ## Note: This is content is being deleted as it is replaced by Frontage Types.~~
 - 1. ~~Streetscape elements should include on-street parking, curbs, street trees, sidewalks and streetlights.~~
 - 2. ~~Street trees should be spaced on average 40 feet on center, depending on site conditions. At the time of planting, street trees should measure 15 to 20 feet tall, have a minimum caliper of four inches measured at a point 12 inches above the root ball, and have a minimum branching height of eight feet.~~
 - 3. ~~Historic or Decorative streetlights, as detailed in~~

4.6.4 Height & Roof Design

- A. ~~Building roof heights shall provide variations from adjacent buildings, and in the case of longer facades, variations within its own roofline to break up the skyline, provide more visual interest and highlight important features such as the building entry.. Figure 4.6-X~~
- B. Roof forms may include a symmetrical pitched roof or a flat roof with a cornice. Slopes of pitched roofs should be not less than 5:12, except that porch roofs may be sheds with pitches not less than 3:12. All gables should be parallel or perpendicular to the street.
- C. ~~Structures with sloping roofs should take measures to ensure that the fall of snow, ice or rain does not create a hazard for pedestrians.~~
- D. Rooftop mechanical systems may exceed the maximum building height provided they do not exceed 25% in aggregate coverage of the roof area and are adequately

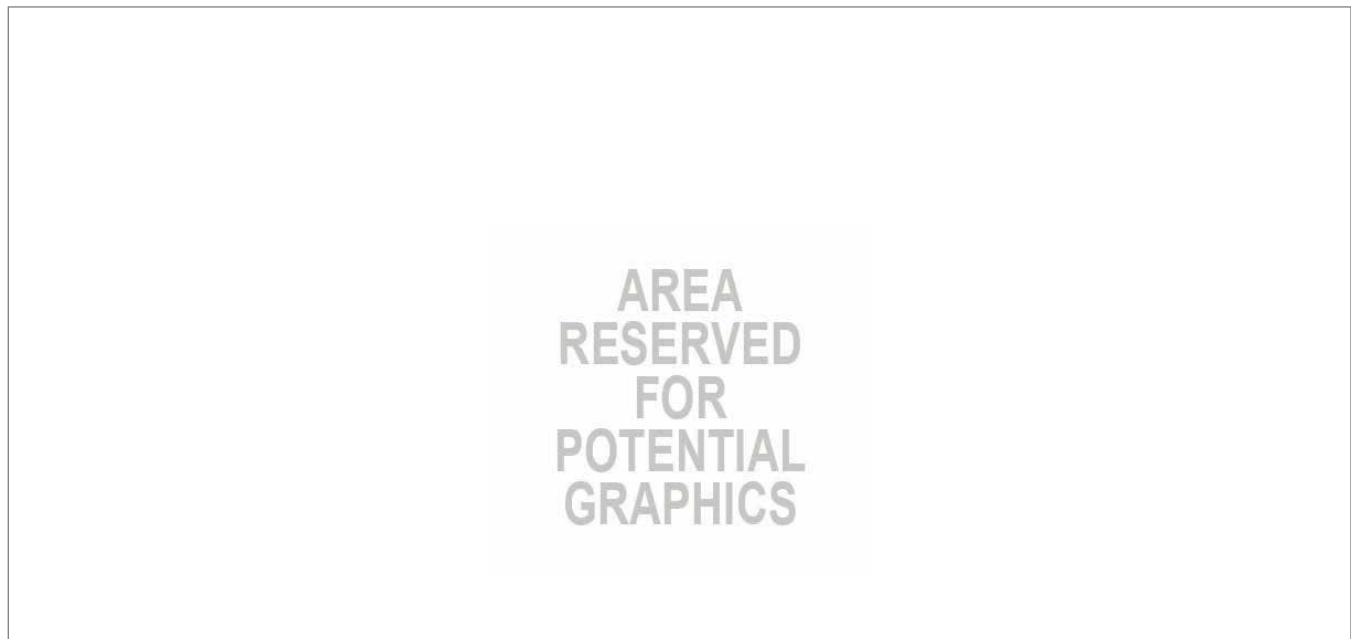


Figure 4.6 B. Facade composition

screened and set back from the building facade.

4.6.5 Facade Composition

- A. The scale and proportion of building facades, design and materials used in new construction should complement ~~that~~ those used in neighboring buildings.
- B. The overall visual scale of the building shall be reduced primarily by creating physical articulations in the facade.
- C. New facades should include base, middle and top levels and coordinate the relative height of these façade elements "datum lines" with those of adjacent and nearby buildings. **Figure 4.6-X**
- D. The use of smaller facade patterns at higher floor levels can help to reinforce the base, middle, top composition.
- E. The facades of longer buildings shall provide for variations and articulations in the plane of the facade and roofline to avoid becoming one continuous flat surface. **Figure 4.6-X**
- F. Facade design should be composed in a regular and recognizable pattern ~~Facade design should incorporate a primary material and an easily recognizable pattern~~ (with optional sub-patterns or subtle variations for larger ~~scale~~ buildings). Breaks or fluctuations in facade patterns or materials ~~may~~ should be used to draw attention to entrances or special façade ~~elements~~ areas.
- G. Large areas of blank wall shall be avoided along all public frontages, particularly at ground level adjacent to pedestrian areas.
- H. The use of decorative designs and adornment is strongly encouraged to enliven a facade and create a more pedestrian scale.

4.6.6 Windows, Doors and Facade Openings

- A. All architectural openings, including windows, doorways, arches and porch framing, should be constructed with their height equal to or greater than their width and framed by appropriately-scaled lintel or arch at the top



Figure 4.6 C. Material Transitions.

- and sill at the bottom.
- B. The rhythm and proportions of architectural openings should be consistent and complement that of adjacent buildings or the otherwise fit the design character appropriate for the zoning district. ~~and concentrate windows and openings at the street level.~~
- C. The ground floor pedestrian areas should provide the highest percentage of facade opening with large storefront windows and entranceways, while the upper floors and non-pedestrian areas may have a decreasing amount of facade opening.
- D. Window shutters, if used, should be used consistently throughout the façade and should be sized and proportioned to appear to be able to cover the window opening ~~when~~ if closed.
- E. Sliding doors and windows should be discouraged along primary facades except to access porches serving residential or lodging uses on the second or higher story.
- F. Ground floor storefront entrances shall be recessed enough from the pedestrian sidewalk such that the door can be opened without obstructing the effective width of the sidewalk.

4.6.7 Entranceways

- A. Main building entrances ~~should~~ shall face the street, and should be easily identifiable and scaled appropriately to ~~the size of the building facade.~~ to the size of the street-

~~they front.~~

- B.** Buildings situated at corners are encouraged to locate the primary entrance at the corner to take advantage of the increased visibility. Corner entranceways shall be recessed or setback from the normal plane of the corner to provide more room for pedestrian circulation.

4.6.8 Materials & Colors

- A. Primary Materials.** All facade designs are encouraged to utilize a single facade material as the "primary" material, and using other materials more sparingly as secondary decorative or accent elements. A single facade utilizing multiple types of different materials equally is discouraged.
- B. Material transitions.** All transitions from one facade material to another shall occur at a hard edge depth transition where one material can terminate into another at an inside corner. **Figure 4.6-X**
- C. Contrast.** Primary and secondary facade materials should contrast well with each other, using a mix of dark and light to be more visible.
- D. Roof Materials.** Recommended roof materials include black or single tone asphalt shingles, standing seam roof or natural slate. Imitation slate and wood shingles should be avoided. Parapet caps may be stone, concrete, or limestone.
- E. Facade Materials.** Recommended façade materials include common red brick (bare or painted), special masonry units (textured, colored, or painted), natural stone, or wood clapboard. The following should be avoided: beige, multi-tone, or imitation brick siding; bare masonry units; metal, asphalt or vinyl siding; and imitation stone or exterior insulation finish systems (E.I.F.S.). Recommended trim materials include finish grade, painted, or stained wood. Bare lumber grade wood or plywood should be avoided.
- F. Windows.** Recommended window materials include anodized aluminum or vinyl clad frame (black, brown or approved color) or painted or stained wood. Recommended lintel and sill materials include brick, stone, wood or colored concrete. Bare aluminum frames

should be avoided. Clear, frosted or stained glass is recommended; tinted or mirrored glass should be avoided.

- G. Hardscape.** Recommended hard surface materials include brick, paving stone, porous pavement, and patterned concrete. Asphalt use should be limited to parking and loading areas.
- H. Awnings.** Canvas awnings incorporating a maximum of three approved colors may be used. Plastic/vinyl awnings should be avoided.
- I. Balconies.** Balconies and porches visible from the street right-of-way should be built of wood, metal, or concrete. Pressure-treated lumber may be utilized for concealed structural members, and structures not visible from the street right-of-way. All exposed surfaces visible from the street right-of-way, including floor decks, stairs, railings, columns, brackets and any other structural and/or decorative roof support members, should be built with paint grade finish lumber or metal and painted in appropriate colors. Porch stairs should have solid risers and sides enclosed with either solid wood construction or open lattice panels with maximum openings of 4 square inches.

4.6.9 Access and Parking Considerations

- A.** Shared parking or the use of public parking lots is encouraged.
- B.** On-street parking along the adjacent frontage may be counted toward any parking requirements.
- C.** Surface parking areas should be located at the internal or rear areas of the property and shall not be closer to the street than the principal building. Surface parking areas located within 10 feet of a public sidewalk shall be screened by a continuous landscape buffer as illustrated in 4.8.X or other suitable landscape screening as directed by the Planning Board at least 3.5 feet in height. Openings in such landscape wall shall be no larger than necessary to allow automobile and pedestrian access. ~~Surface parking areas should be screened by a suitable streetwall or continuous hedge between 3.5 and 4.5 feet in height and located at the middle or rear of a property.~~

~~Streetwall materials should be compatible with the adjacent building façade. Openings in such streetwalls and hedges should be no larger than necessary to allow automobile and pedestrian access.~~

- D. Vehicle access to parking and service areas should be from an alley wherever feasible. Corner lots with alley access should only access parking through the alley. The Planning Board may require granting of cross access easements or dedication of right-of-way to assure appropriate block size and alley access to future development sites.
- E. Off-street loading, service or storage areas ~~should~~ shall be located behind buildings or parking structures, enclosed within the principal building envelope, or screened from view from the street right-of-way. Screening or landscaping should be compatible with adjacent structures and existing building materials.
- F. Overhead garage doors ~~should~~ shall not be located on the front of buildings, but should face the side or rear of the property. If placement at the property front is unavoidable, such doors ~~should~~ shall be positioned set back at least 20 feet behind the plane of the principal building façade, and ~~should~~ shall not exceed 2 cars per garage doors, or 10 feet per garage space in width.
- G. ~~Where otherwise not required, the provision of bicycle parking shall be considered.~~

4.7 PARKING REQUIREMENTS

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

4.7.1 Applicability

- A. The parking and loading requirements shall apply to all zoning districts with the following exception: there are no minimum off-street parking requirements in the Transect-6 district.
- B. The Planning Board shall have the authority to waive the minimum number of required parking spaces in any Commercial (Mixed-use?), Transect, Neighborhood Complementary Use, or Urban Residential-4A district, provided:
 1. The applicant can demonstrate that sufficient parking accommodations can be provided; and,
 2. The applicant can demonstrate that the waiver will not result in any adverse impacts on the subject site or within the District.

~~## Note: Need determination on above to confirm if "Commercial" districts would only include mixed-use, industrial or Institutional districts.~~

4.7.2 Calculation of Required Parking

- A. **Uses Not Identified.** For uses not expressly listed in the mandatory off-street parking table, required parking shall be calculated on the basis of the most similar use listed as determined by the Zoning Officer.
- B. **Multiple Uses.** In instances of multiple uses, the required off-street parking calculation shall include the minimum standards that apply to each use.
- C. **Fractional Measurements.** When calculating the required number of parking spaces, any fraction up to and including $\frac{1}{2}$ shall be disregarded and fractions over $\frac{1}{2}$ shall require one parking space.
- D. **Floor Area Measurement.** When calculating the

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

- E. Number of Employees.** When calculating the required number of parking spaces on the basis of the number of employees or staff, the maximum number present at any one time (greater than 30 minute period) shall govern.
- F. Maximum Parking Allowed.** No use may provide parking quantities greater than 20% over the amount specified in this article unless waived by the Planning Board.
- G.** Off-street loading areas may not be used to satisfy off-street parking requirements.

4.7.3 Off-Site Parking

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

- A.** That lot is within 300 feet of the parcel with the principal use; and
- B.** There are covenants that tie the two lots together as set forth in ~~6-2-5(3)~~ 4.8.5 below.

Table 4.7 A Parking Space Dimensions

Parking Angle	Width	Length	Height
0° (Parallel)	9 feet	22 feet	7 feet
<u>30°</u>	<u>xx</u>	<u>xx</u>	<u>xx</u>
45°	9 feet	18 feet	7 feet
<u>60°</u>	<u>xx</u>	<u>xx</u>	<u>xx</u>
90° (Perpendicular)	9 feet	18 feet	7 feet

Table 4.7 B Parking Aisle Dimensions

Parking Angle	Travel Aisle Width (min.)	
	One Way Traffic	Two Way Traffic
0° (Parallel)	13 feet	19 feet
30°	11 feet	20 feet
45°	13 feet	21 feet
60°	18 feet	23 feet
90° (Perpendicular)	22 feet	24 feet

4.7.4 Shared Parking

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

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

4.7.5 Off Street Parking Schedule

Except where waived in accordance with the above provisions, off-street parking spaces shall be provided and maintained by the owner of the property as follows: ~~indicated in Table 4.7-3~~ Required Off Street Parking Spaces.

- A. Bicycle Parking.** ~~Within the Transect Districts, one bicycle parking or storage space should be provided for every 15 off-street vehicular parking spaces. Bicycle parking shall be provided in accordance with Section 4.10 Pedestrian Amenities.~~

4.7.6 Design Requirements

A. Parking Space Dimensions

1. Each off-street parking space shall have the following minimum dimensions:
 - a.** ~~Parallel parking: Width = 9 feet, length = 22 feet, height = 7 feet~~
 - b.** ~~Perpendicular parking: Width = 9 feet, length = 18~~

Table 4.7 C. Required Off-Street Parking Spaces

Use / Activity	Minimum Number of Spaces
Agricultural activity (farming)	1 per employee
Art gallery	1 per 400 sq. ft. of floor area plus 1 per 2 employees
Animal clinic/kennel	1 per 200 sq. ft. of floor area plus 1 per 2 employees
Automotive sales and service	1 per 200 sq. ft. of sales floor area plus 1 per 600 sq. ft. of service floor area plus 1 per company vehicle
Bottling plant	1 per 2 employees plus 1 per company vehicle
Bowling alley	1 per 3 persons of design capacity
Broadcasting station	1 per 2 employees plus 1 per company vehicle
Bus depot	1 per 5 seats in waiting room plus 1 per 2 employees
Building material storage and sales	1 per 200 sq. ft. of sales floor area plus 1 per company vehicle
Car rental agency	1 per 250 sq. ft. of sales floor area plus 1 per company vehicle
Car wash	1 per bay plus 1 per 2 employees
Cemeteries	1 per 2 acres
Convenience sales	1 per 200 sq. ft. of sales floor area plus 1 per 2 employees
Convalescent homes/ nursing homes	1 per 2 beds plus 1 per 2 employees
Corridor bed & breakfast	1 per guest room plus 2 per resident manager or residential unit
Corridor rooming house	0.5 per guest room plus 2 per resident manager or residential unit
Cultural facility	1 per 300 sq. ft. of floor area
Day care center	1 per employee
Eating & drinking establishments	1 per 4 seats plus 1 per 2 employees
Educational facilities	1 per 5 students (>16 yrs) plus 1 per 2 employees
Equipment repair shop	1 per 300 sq. ft. of sales area plus 1 per 2 employees
Extraction industry	1 per 2 employees plus 1 per company vehicle
Financial institutions & banks	1 per 200 sq. ft. of floor area plus 1 per 2 employees
Funeral home	1 per 400 sq. ft. of floor area plus 1 per company vehicle
Group entertainment (nightclubs, theaters, etc.)	1 per 4 seats
Heavy equipment storage, sales & maintenance	1 per 200 sq. ft. of sales floor area plus 1 per 600 sq. ft. of service floor area plus 1 per company vehicle
Horse barn	1 per 10 stalls
Horse race track & grandstand	1 per 4 seats
Hospitals	1 per 2 beds plus 1 per 2 employees
Hotel/motel	1 per guestroom plus 1 per 2 employees
Inn	1 per guestroom plus 1 per 2 employees
Laboratory	1 per 2 employees
Machine shop	1 per 300 sq. ft. of sales floor area plus 1 per 2 employees
Manufacturing and assembly	1 per 2 employees plus 1 per company vehicle
Marina & docks	1 per 3 slips
Medical offices/clinics	1 per 200 sq. ft. of floor area
Movie theater	1 per 4 seats
Neighborhood bed & breakfast	1 per guestroom plus 2 per resident manager or residential unit
Neighborhood rooming house	0.5 per guestroom plus 2 per resident manager or residential unit
Newspaper plant	1 per 2 employees plus 1 per company vehicle
Nurseries	1 per 300 sq. ft. of sales area plus 1 per 2 employees plus 1 per company vehicle
Office (incl. real estate)	1 per 300 sq. ft. of floor area
Open air market	1 per 500 sq. ft. of floor area
Outdoor recreation/ entertainment	1 per 200 sq. ft. within enclosed buildings plus 1 per 3 persons for outdoor facilities at maximum capacity: Miniature golf, skateboard park, water slide and similar uses; 1 per 300 sq. ft. of facility area plus 1 per 200 sq. ft. of building floor area; Driving range: 1 per tee plus 1 per 200 sq. ft. of building floor area; Par Three Course: 2 per golf hole plus 1 per 200 sq. ft. of building floor area
Private/civic clubs	1 per 4 seats plus 1 per 2 employees
Recreational facility	1 per 5 seats
Religious institutions	1 per 10 seats
Residences	2 per unit; 1.5 per unit in a UR-4, UR-5, T-4 or T-5 District
Retail	1 per 300 sq. ft. of sales area plus 1 per 2 employees
Riding stable	1 per 2 horse stalls
Salvage & scrap processing	1 per 2 employees plus 1 per company vehicle
Self storage facility	1 per 2 employees
Senior assisted care facility	1 per employee plus 1 per 4 residential units (with or without kitchen)
Senior housing	1 per residential unit
Service establishment	1 per 200 sq. ft. plus 1 per 2 employees
Solid waste transfer station	1 per 2 employees plus 1 per company vehicle
Trucking & freight terminals	1 per 2 employees and 1 per company vehicle
Utility establishment	1 per 2 employees plus 1 per company vehicle
Vehicle fueling station	2 per facility and 2 per repair bay
Warehouse	1 per 2 employees and 1 per company vehicle
Waste recycling center	1 per 2 employees plus 1 per company vehicle

Table 4.7 D. ADA Accessible Parking Spaces

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

feet; height = 7 feet

- c. ~~Parking on angle -- Containing an unobstructed rectangle measuring at least: Width = 9 feet; length = 18 feet; height = 7 feet ## Note: Clarify~~

B. Parking Aisle / Access Drive Dimensions

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

Parking Angle Aisle Width (feet)

(Degrees)	One-way traffic	Two-way traffic
0 (parallel)	13	19
30	11	20
45	13	21
60	18	23
90 (perpendicular)	22	24

2. For off-street parking areas with more than 4 spaces, driveways shall have a minimum width of 10 feet for one-way traffic and 22 feet for two-way traffic with the following exception: a 10 feet foot wide driveway is permitted for two-way traffic when:
 - a. the driveway is not longer than 50 feet; and
 - b. it provides access to not more than 10 spaces; and
 - c. sufficient turning space is provided so that vehicles need not back into a public street.
3. Access drives to off-street parking areas shall not

occupy more than 25% of the total lot frontage with the following exception: on lots with greater than 150 feet of frontage, the aggregate width of such drives shall not exceed 48 feet for each 300 feet of lot frontage.

- C. **ADA Accessible Parking.** Accessible parking spaces shall be at least 8 feet wide and shall have an adjacent aisle at least 8 feet wide. Two accessible parking spaces may share a common access aisle. Each accessible parking space shall be marked with ADA-compliant signage and any other applicable standards of the Americans with Disabilities Act (ADA). The number of accessible parking spaces provided shall be in accordance with the following as noted in Table 4.6-4.
- D. ~~Parking Location. Required off-street parking is permitted within required yard areas for allowed single and two-family uses in the UR-1, UR-2 and UR-3 zoning districts but prohibited elsewhere. ## Note: Moved to District pages.~~
- E. **Pavement.** All parking spaces shall be constructed with asphalt, porous pavement, concrete or other material that will provide equivalent protection against potholes, erosion and dust. Spaces shall be appropriately demarcated with painted lines or other markings.
- F. **Landscaping.** At least 10% of the area of any parking lot containing more than 15 parking spaces shall consist of landscaped green space to minimize the impact of extensive impermeable areas.
- G. **Drainage.** All parking areas shall be adequately drained. All lots with more than 4 parking spaces shall have drainage connected to a public storm sewer if located within 500 feet of an available public storm sewer system.

4.7.7 Off Street Loading Areas

- A. **Calculation.** Off-street parking areas may not be used to satisfy off-street loading requirements.
 1. Nonresidential Uses: One space for a building with a floor area of 5,000 to 20,000 square feet. No space will be required if it can be demonstrated that deliveries do not exceed one vehicle per day.

2. Hotels: None required for hotels with less than 10,000 square feet floor area. One space required per 30,000 feet of floor area thereafter.
 3. Industrial Uses: One space for 5,000 to 10,000 square feet. One space required for each additional 75,000 square feet thereafter.
- B. Dimensions.** Each required off-street loading area shall have the following minimum dimensions: Width = 12 feet; length = 55 feet; height = 14 feet.
- C. Location.** Off-street loading areas shall be located and designed to permit safe access to and from a public right-of-way and safe loading and unloading without obstructing any public right-of-way, parking space or parking lot aisle.
1. Drive-in establishment driveways and vehicle staging areas are not permitted within required yard areas.
 2. Off-street loading areas are not permitted in front of any principal building.
- D. Construction.** Except for unique circumstances, off-street loading areas shall be graded and surfaced with asphalt, porous pavement, concrete or other material that will provide equivalent protection against potholes, erosion and dust.

4.7.8 Parking Structures

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

4.7.9 Bicycle Parking

This section is intended to provide bicycle access to employment, commercial destinations, and along transit corridors and to access other transportation hubs, to provide safe and adequate bicycle parking facilities and to encourage the use of bicycles as an alternative to motor vehicle transportation, thereby reducing traffic congestion, reduce consumption of fossil fuels and thereby improve air quality, and increasing the health, safety and welfare of both city residents and visitors.

- A. Applicability.** Bicycle parking facilities shall be provided for all uses and structures located in the Commercial Core Service Area and all uses and structures adjacent to or within 500 feet of the Gold Level Transit Corridors as established in the Complete Streets Designation in Section 4.1. These requirements shall apply to new development, building expansions, or occupancy changes requiring a site plan approval or special use permit where automobile parking is required or provided.
- B. Bicycle Parking Requirements.** One (1) bicycle parking or storage space shall be provided for each use or building plus one (1) additional bicycle parking or storage space shall be provided for every (10) automobile parking spaces required for any occupied use or structure up to 50,000 square feet. Parking requirements for uses greater than 50,000 square feet shall be determined by the Planning Board who shall estimate expected bicycle parking demand during the site plan review process. Calculations based on the number of required vehicle parking spaces shall prevail whether the vehicle parking spaces are actually provided or not.
- C. Exemptions.** Any expansion or change of use proposed for an existing structure where two (2) bicycle spaces or less would be required and single and two-family (duplex) dwellings shall be exempt from providing those spaces.
- D. Joint Use of Bicycle Parking Facilities.** Required bicycle parking spaces for two (2) or more adjacent uses or structures may be satisfied by the same parking facilities used jointly, provided that such right of joint use and maintenance is evidenced by a deed, lease, contract, reciprocal easement, or similar written instrument establishing the joint use, and that the

facilities are within 200 feet of the building or parcel housing the use.

use in similar situations.

E. Bicycle Parking Location & Design Standards

1. All bicycle parking facilities shall be installed in accordance with the guidelines promulgated by the Association for Pedestrian and Bicycle Professionals (APBP)
2. Bicycle parking or a sign leading thereto shall be visible from the main entrance of the structure or facility.
3. Bicycle parking shall be visible, well lit, and as convenient to cyclists as auto parking.
4. Bicycle parking facilities shall provide sufficient security from theft and damage. They shall be securely anchored to the ground, shall allow the bicycle wheel and frame to be locked to the facility, and shall be in a location with sufficient lighting and visibility.
5. Bicycle parking facilities shall be visually compatible and of a design standard consistent with the setting.
6. Required bicycle parking spaces shall be of a sufficient dimension to accommodate a full-sized bicycle, including space for access and maneuvering.
7. Bicycle parking facilities shall be sufficiently separated from motor vehicle parking areas to protect parked bicycles from damage by motor vehicles.
8. The surfacing of bicycle parking facilities shall be designed and maintained to be clear of mud and snow.
9. Bicycle parking racks and lockers shall be anchored securely.

F. Waivers from Bicycle Parking Requirements

The requirements may be reduced upon approval of the Planning Board based on the extent that the applicant can demonstrate the regulation is unnecessarily stringent due to:

1. The characteristics of the use, structure, or facility makes the use of bicycles unlikely;
2. The characteristics of the site or area preclude the installation of bicycle parking; and/or,
3. Results from a documented survey of bicycle parking

4.8 STORMWATER MANAGEMENT

Saratoga Springs is located at the confluence/outlets of several important streams and water bodies including the Kayaderosseras, Geyser Brook, Spring Run, Bog Meadow Brook, Bear (Swamp) Creek, Loughberry Lake and its tributaries, Lake Lonely and its outlet and Saratoga Lake and its outlet; Fish Creek. Equally important, and the reason for the settlement and growth of the city, are its rich aquifers, including the world renowned mineral waters. The intent of this section is to encourage the use of latest and best design practices in handling localized stormwater runoff, in coordination with the Stormwater Management requirements of Article 5.

While historic urbanization patterns have buried most of the older streams and natural drainage ways in the center of town, the outer districts still possess extensive areas of relatively undisturbed streams, ponds, lakes and natural areas including extensive wetlands and floodplains that serve as natural water treatment mechanisms and to absorb floodwaters and provide important. These areas serve an important function

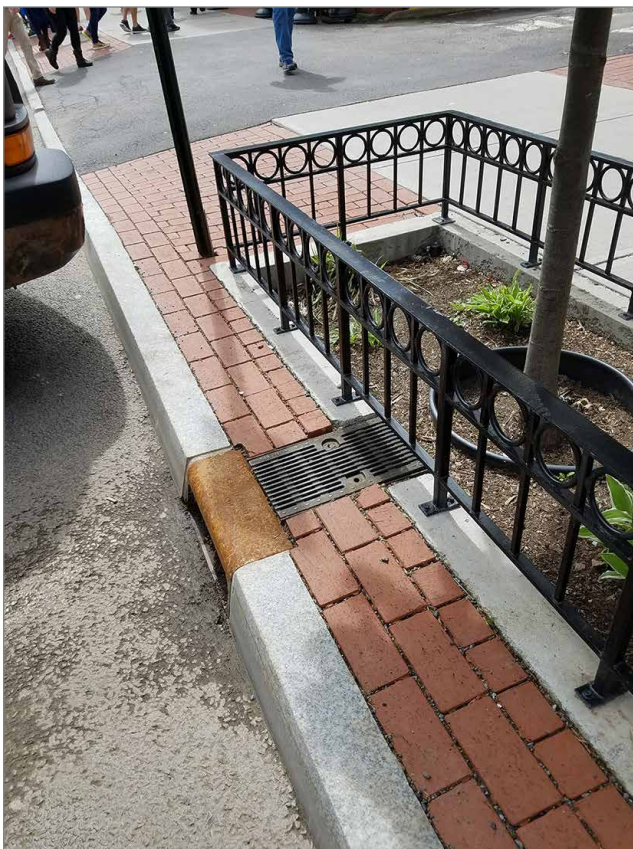


Figure 4.8 A. Stormwater Capture. Curb inlet sends water to irrigate planter and percolate through soil.

in stormwater management including naturalized treatment of polluted runoff and mitigation of flooding by storing stormwater.

The city's Comprehensive Plan encourages increased use of green infrastructure and specific techniques highlighted herein are among those approved as set forth in the NYSDEC Stormwater Design Manual. This information supplements but does not supplant the performance and design criteria for stormwater management and erosion and sediment control as set forth in Article 5.

4.8.1 Green Infrastructure Techniques

In lieu of/to supplement constructing underground storm sewers and other piped ("grey") infrastructure to handle a site's stormwater requirements, new development design shall consider incorporation of some of the following green infrastructure strategies into the site or subdivision plan to provide on-site stormwater mitigation.

- A. **Riparian Buffers / Filter Strips.** Undisturbed natural vegetated areas can be used to treat and control stormwater runoff from some areas of a development project.
- B. **Bioswales / Rain Gardens.** An excellent technique with potential for widespread application in the city. Designed to integrate planting design in an open channel to detain and promote the filtration of stormwater runoff into the soil media. A wet bioswale is designed to retain water or intercept groundwater for water quality treatment and can be designed to fit into the downtown setting, in the outer commercial areas or campus settings or along rural roads.
- C. **Pervious / Porous Pavement.** An alternative type of pavement which is designed to allow rainfall to filter through the surface to the ground below, thereby reducing stormwater runoff and discharge rate from a site and providing some local water recharge.
- D. **Capture / Mitigate Rooftop Runoff.** Direct the stormwater runoff from roof to designated pervious areas to reduce hardscape runoff and discharge rate. Alternately, can capture and store rooftop runoff in cisterns to be used later for irrigation.
- E. **Green Roofs.** Capture runoff with a layer of vegetation

and soil installed on top of a conventional flat roof. The vegetation allows evaporation to reduce volume and discharge rate of runoff entering conveyance system

4.8.2 Multi-Site and Sub-Watershed Stormwater Management Systems

- A. In lieu of on-site stormwater management system or to supplement an on site system, the planning, design, permitting, construction and operation of larger, more ecologically diverse shared or off-site facilities that can serve multiple sites are a permitted method for the management and treatment of stormwater. A shared facility as described herein shall be reviewed in conformance with Article 5 and shall meet all of the requirements therein including provisions for maintenance and repair of stormwater facilities.
- B. Practices below in Table 4.8 A. are particularly applicable to the environmental setting of Saratoga Springs and are focused on the practices designed to remove pollutants from stormwater.
- C. Any of these techniques are authorized for use individually or in combination as set forth in a design approved by the Stormwater Management Officer (SMO) and are presumed to meet water quality requirements as set forth in the NYSDEC Stormwater

Design Manual if designed in accordance with the sizing criteria and constructed in accordance with the performance criteria in the manual. The practices must also be maintained properly in accordance with the prescribed maintenance criteria as set forth in the manual and as required per Article 5 of this ordinance.

- D. As part of the design process required for any multi-site stormwater management facility, a feasibility study must be prepared by a qualified design professional. The scope of such study shall be as approved by the SMO and the final study must be accepted by the SMO. Once accepted, the SMO will authorize the preparation of an engineering report that will detail all of the required aspects of system design including maintenance and operational aspects of the facility. Finally, before construction and operation of such facility, the legal mechanism for its ownership, operation, maintenance, insurance and any other requirements must be approved by the city attorney, and if required by city code or state law, by the city council and any other entity having jurisdiction.



Figure 4.8 B. Bioswale with Dropped Curb Inlet.

Table 4.8 A. Green Infrastructure Strategies

Pools	Wetlands
Micropools Extended Detention Ponds Wet Ponds Wet Extended Detention Ponds Multiple Pond Systems Pocket Ponds	Shallow Wetlands Extended Detention Wetlands Pond/ Wetland Systems Pocket Wetlands
Infiltration	Filtering Practices
Infiltration Trench Infiltration Basin Dry Well	Surface Sand Filter Underground Sand Filter Perimeter Sand Filter Organic Filter Bioretention
Open Channels	
Dry Swale	
Wet Swale	

4.9 LANDSCAPING

The intent of this section is to provide design guidance and standards for all required landscaping in order to provide for a healthy and natural environment. This section shall apply to all new development requiring site plan or subdivision review.

4.9.1 General Requirements

- A. All required front yard landscaping shall, at a minimum, be provided and arranged as illustrated in the allowable Frontage Type design(s) for the property. All required buffers or landscape screening shall, at a minimum, comply with the applicable Landscape Buffer types, or as directed by the Planning Board.
- B. All greenspace areas shall be covered by a combination of the following:
1. Preexisting native vegetation; or
 2. Trees, shrubbery, nursery plants in appropriate mulch beds; or
 3. Sod, lawn, or other variety of ground cover.
- C. Landscape and buffer requirements in this section may be met by utilizing existing vegetation where possible, with prior approval from the Planning Board.
- D. Species diversity is encouraged in order to prevent extensive vegetation loss should certain species become vulnerable to diseases. In cases where there are more than eight required new trees to be planted, no more than 40 percent of them should be of one species. Where more than 24 new trees are required to be planted, no more than 24 percent of them should be of one species.

4.9.2 Landscape Buffers

Where landscape buffers or screening may be required to separate uses and activities, they shall serve as minimum requirements unless otherwise directed by the Planning Board. Refer to landscape buffer types described below. **Table 4.9 A**

- A. **Buffer Type A.** Buffer Type A shall be a mix of deciduous and, coniferous trees and shrubs, planted in a staggered fashion so as to create a complete visual screen. **Figure 4.9 A**

- B. **Buffer Type B.** Buffer Type B shall be composed of a mix of deciduous trees and shrubs, planted in a row with a continuous fence. The fence may be solid (preventing 100% of all visual sight) or partially solid (allowing no more than 50% of visual sight) such as picket or staggered "shadowbox" style. **Figure 4.9 B**
- C. **Buffer Type C.** Buffer Type C shall be composed of a row of coniferous trees, planted in a line along a continuous solid fence which prevents all visual sight to the other side. **Figure 4.9 C**

4.9.3 Landscape Screening

- A. **Dumpster & Loading Docks.** Screening shall be achieved with building enclosures on 3 sides which match or complement the exterior building materials of the primary structure.

4.9.4 Street Trees

- A. Street trees shall be planted in general accordance with the recommended Frontage Type(s), utilizing recommended Street Tree types where appropriate, with a minimum caliper of 4 inches. Larger species trees shall always be prioritized over medium or smaller trees, and should be planted according to the largest available size. **Table 4.9 B**
- B. **Large Species Trees.** Wherever possible, large species trees should be utilized where there is adequate room for planting and the height or canopy will not be encumbered by overhead utility lines or other obstacles.
1. Clear planting bed area: 40 sq. ft.
 2. Clear canopy area: 50 ft. x 50 ft.
 3. Clear height: 45 ft or higher
- C. **Medium Species Trees.** As a second priority, medium species trees should be utilized where adequate room exists:
1. Clear planting bed area: 40 sq. ft.
 2. Clear canopy area: 25 ft. x 25 ft.
 3. Clear height: 30 ft. – 40 ft.
- D. **Small Species Trees.** In areas where large or medium species trees cannot be accommodated, small species

Table 4.9 A. Landscape Buffer Types

	Type A	Type B	Type C
Buffer Depth (min. feet)	25 feet	15 feet	5 feet
Wall / Fence Type	n/a	50% Solid min.	Solid
Wall / Fence Height (min.)	n/a	4 feet	6 feet
Deciduous Trees (min. per 100 feet)	6	3	n/a
Coniferous Trees (min. per 100 feet)	8	n/a	10
Shrubs (min. per 100 feet)	20	16	n/a

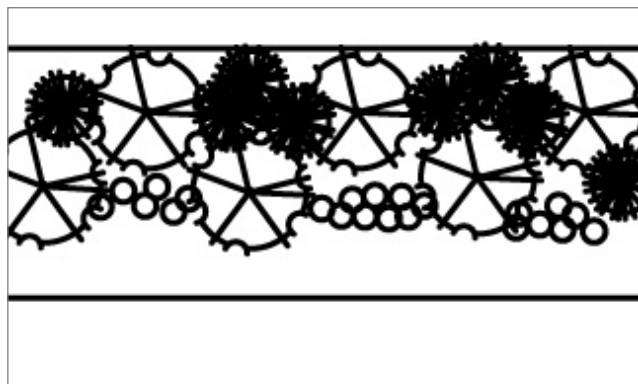


Figure 4.9 A. Landscape Buffer Type A.

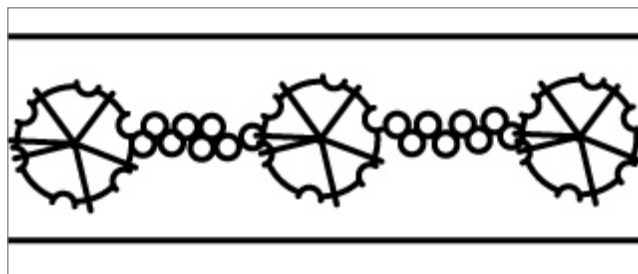


Figure 4.9 B. Landscape Buffer Type B.

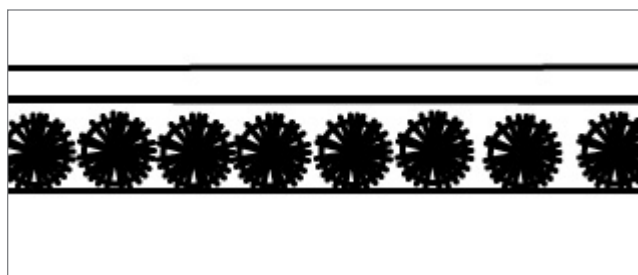


Figure 4.9 C. Landscape Buffer Type C.

Table 4.9 B. Recommended Street Trees

Common Species Name	Scientific Name
Large Species Trees (50+ Feet)	
Ginkgo (Male)	Ginkgo biloba
Thornless Honeylocust	Gleditsia triacanthos v. inermis
Tulip Poplar	Liriodendron tulipifera
River Birch	Betula nigra
American Sycamore	Platanus occidentalis
White Oak	Quercus alba
Black Tupelo	Nyssa sylvatica
Scarlet Oak	Quercus coccinea
Kentucky Coffeetree (Male)	Gymnocladus dioicus
Dawn Redwood	Metasequoia glyptostroboides
Fastigiata Oak	Quercus spp. 'Fastigiata'
Sweetgum	Liquidambar styraciflua
Honeylocust	Gleditsia triacanthos var. inermis
Northern Red Oak	Quercus rubra
American Linden	Tilia americana
Littleleaf Linden	Tilia cordata
Hackberry	Celtis occidentalis
Swamp White Oak	Quercus bicolor
Pin Oak	Quercus palustris
Red Maple	Acer rubrum
Northern Red Oak	Quercus rubra
American Basswood	Tilia americana
Medium Trees (25 – 50 feet)	
Yellow wood	Cladrastis kentukea
English Oak	Quercus robur
Turkish Filbert	Corylus colurna
Katsura Tree	Cercidiphyllum japonicum
European Hornbeam	Carpinus betulus
Black Gum	Nyssa sylvatica
American Hophornbeam	Ostrya virginiana
Sawtooth Oak	Quercus acutissima
Scholar Tree	Styphnolobium japonicum
Small Trees (20 – 25 feet)	
Eastern Redbud	Cercis canadensis
Green Hawthorn (thornless)	Crataegus viridis
American Hornbeam	Carpinus caroliniana
Serviceberry	Amelanchier canadensis
Shadblow	Amelanchier laevis
Pogoda Dogwood	Cornus alternifolia
Flowering Dogwood	Cornus florida
Thornless Coskspur Hawthorn	Crataegus crus-galli v. Inermis
Thornless 'Ohio Pioneer Hawthorn	Crataegus punctata 'inermis'
Crabapple	Malus species

For more information about each tree and planting recommendations, consult the Urban Community Forest Master Plan, Appendix H "Recommended Tree List".

trees may be utilized:

1. Clear planting bed area: 40 sq. ft.
2. Clear canopy area: 15 ft. x 15 ft. (10 ft. x 10 ft. acceptable in restricted areas)
3. Clear height: 20 ft. – 30 ft.

4.9.5 Performance

- A. All landscaping shall be installed in accordance with the landscaping plan as approved by the Planning Board prior to issuance of a certificate of occupancy and shall be installed in accordance with accepted landscape practices within the region. In instances where conditions do not permit immediate planting, the applicant may be required to post a performance bond, or in lieu thereof, sufficient monies to ensure later compliance.
- B. All landscaping shown on an approved subdivision, site plan or other landscaping plan shall be maintained in a vigorous growing condition throughout the duration of the use, and plants not so maintained shall be replaced with new plants by the property owner at the beginning of the next growing season. If the property owner is notified that the plantings on their property require replacement, and new plantings are not installed within 60 days, the city may replace the plantings and charge the property owner for the replacement costs.
- C. The use of invasive plant species, as defined by the most recent DEC Advisory Invasive Plant List, is not permitted.
- D. All tree and other landscape materials shall meet the American Standard for Nursery Stock standards as published by the American Association of Nurserymen.
- E. Tree and other landscape material selected for planting shall be free from injury, pests, disease, nutritional disorders or root defects, and shall be healthy.
- F. Street trees within required tree lawns or planters shall be shade trees (not ornamental) with a minimum caliper of three inches and a minimum height of eight feet on installation. **Refer to Recommended Tree Schedule in Table 4.9 B**
- G. All trees planted in hardscape or pedestrian sidewalk areas shall be installed with Structural Soil in and around all tree wells to provide protection and adequate underground volume for root growth.
- H. Unless designed as raised-curb planter beds, required tree planters in pedestrian areas shall be covered with cast iron tree grates installed flush with adjacent surfaces meeting ADA requirements for minimum opening sizes. ## Note: Would we need this anywhere?
- I. When the Planning Board allows, in its discretion, to allow the substitution of existing mature trees, or specifies the preservation of same, the release of a certificate of occupancy for the proposed structures / units shall be contingent upon the preservation of these specific trees. The Building Inspector shall report any violations and shall not issue the Certificate of Occupancy until remedy measures decided by the Planning Board are taken.

4.10 CIVIC SPACE AND STREETScape PUBLIC AMENITIES

4.10.1 Standard Details

The City of Saratoga Springs has standard details for commonly installed pedestrian amenities such as Tree Plantings, Decorative Street Lamps, Pedestrian Curb Ramps and similar items. These details can be referenced from the city website at www.saratoga-springs.org/469/Standard-Details.

4.10.2 Civic Space / Pocket Parks

Applicants may be required to provide attractive civic space along the street frontage such as pocket parks, resting areas, incorporation of the Greenbelt Trail or other similar trail improvement, public art, decorative water features, for the use and enjoyment of the public. When required, such spaces shall meet the following standards:

- A. **Applicability.** New construction or redevelopment within the Transect-4, Transect-5 or Transect-6 districts exceeding 10,000 gross square feet. Civic spaces shall be sized and scaled to the size of the development, at no less than 400 square feet or 2% of the lot size, whichever is larger.
- B. Civic spaces should be located at corners or near areas of pedestrian gathering such as near building entranceways or near street crossings.
- C. Civic spaces shall be located immediately adjacent to the public way, easily accessible and readily visible from the street.
- D. Development projects may be coordinated to provide a single, larger civic space in on consolidated location or at an appropriate nearby location if such would be a better location or provide an equivalent amenity to location on or adjacent to the development site.
- E. Civic spaces shall provide seating areas, trash and recycling receptacles and shall be made comfortable with shade with trees, shrubs and decorative plantings. They may include sculptural elements, fountains/water features or areas for artistic displays including but

not limited to sculpture, interactive art, and historic/educational interpretive elements.

- F. Bicycle parking shall be provided as specified in Section 4.7.9.



Figure 4.10 B.

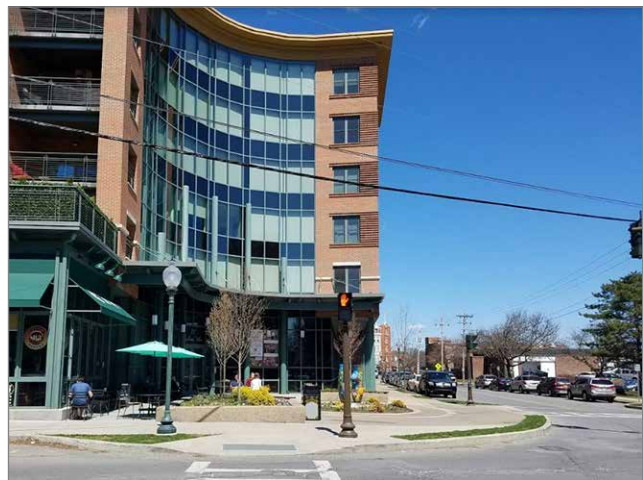


Figure 4.10 A. Pocket park at the corner of Division Street and Railroad Place.

4.11 SIGNS

Note: Due to the significant re-write and reorganization of this section, the redline/greenline markings could not be completed for the entire text, and therefore the edits should be considered a complete delete and replace of the existing code.

The intent of this ~~article~~ section is to promote and protect the public health, ~~welfare and~~ safety and community character by regulating outdoor advertising and signs of all types within the City of Saratoga Springs. It is intended to help protect the physical appearance of the community and property values, and reduce distractions and obstructions which may contribute to traffic accidents. All signs shall be erected and constructed so as not to obstruct traffic, cause visual blight, nor detract from the value of adjacent properties.

4.11.1 Applicability

- A. All new signs, and signs which are modified, changed in copy or business name, enlarged, reconstructed, moved or structurally altered shall comply with this section.
- B. **Required Permit.** The construction, erection or alteration of all signs except those listed as Exempt Signs in Section 4.11.6 shall require a sign permit issued by the Building Department. Any person who constructs, erects or alters a Permitted Sign without the required permit shall be in violation of this code and shall be subject to enforcement measures and penalties defined in this section.
- C. **Pre-Existing Non-Conforming Signs.** Pre-existing signs which were in conformance with the previous city sign regulations before the date of adoption of this code may remain as-is, and are not required to meet the standards of this code until such time as they are replaced, altered, changed in copy or design. Pre-existing signs which require repair due to involuntary damage may be restored to their prior design without changes.

4.11.2 General Requirements

- A. ~~Each sign~~ All signs shall be compatible within the context of its visual and physical environment. Consideration shall be given, but ~~need not be~~ limited to,

the following ~~elements:~~ location; size, bulk and mass; texture, materials and colors; lighting and ~~illumination~~ brightness; orientation and elevation; ~~general and specific location~~; proximity to streets ~~highways~~ and ~~mass transit routes~~ public ways; ~~design including size and character of lettering, logos and related content~~; background ~~or field including the skyline~~ and readability and the overall character of the sign structure.
~~Character and design of sign structure.~~

- B. All signs shall be erected and constructed so as not to obstruct traffic, cause visual blight, nor detract from the value of adjacent properties.
- C. All commercial properties are required to display the street address number near the primary entry or in a reasonably obvious location.
- D. Signs and sign structures shall be maintained and kept free from all hazards such as faulty wiring, loose supports, braces and the like.
- E. Noncommercial signs or messages are permitted to be substituted for any sign expressly allowed under the time, place and manner of these regulations.

4.11.3 Sign Size

- A. The maximum allowable size of a sign shall be as described on the following pages for each type of sign and its location.
- B. The total allowable sign area may be broken down and divided among multiple smaller areas, if desired.
- C. When determining the amount of sign area permitted based on facade frontage width on buildings with multiple tenant storefronts, the facade rented by each tenant shall be considered as wall area for a sign.

4.11.4 Sign Lighting

- A. **Methods of Sign Lighting.** The different methods of sign illumination are described below. To determine which types of illumination are permitted for your sign and location, refer to the specific sign pages that follow.
 1. **Externally Illuminated Sign.** An external light source

mounted above or below the sign, with shielded lamps which direct the light onto the immediate sign surface and limit spillover into adjacent areas. All external lighting sources must be generally white or of a muted color.

2. Internally Illuminated Face Sign. An internal light source within the sign which illuminates the entire face of the sign, including the area around the letters, which has a translucent illuminated face. (This method of sign illumination is no longer permitted.)

3. Internally Illuminated Letter Sign. An internal light source within each letter which illuminates each individual channel letter which has a translucent illuminated face, but opaque sides. The color of any illuminated face shall be soft and muted.

4. Internally Illuminated Cutout Sign. An internal light source within the sign which illuminates the individual lettering of the sign, but not the surrounding face or sides, which are opaque. The color of any illuminated text or graphics shall be soft and muted, while the remainder of the sign face shall have a dark background

5. Silhouette Sign. A light source within (or concealed behind) individually-applied opaque channel lettering on the facade that illuminates the wall behind each letter, creating a muted silhouette or halo effect. The source of the light and associated wiring, transformers, mounting brackets must be concealed. The color of the light source shall be soft and muted.

6. Projected Image Sign. A sign graphic projected as an image by light onto a sidewalk or facade. A single projected image sign may be permitted in lieu of a normal facade sign with approval and limitations of the Building Department, or if located in a Historic District, the Design Review Board.

- B. No lighting device or illuminated sign shall be placed so as to cause glare or reflection that may constitute a traffic hazard or public nuisance.
- C. All light sources shall be shielded from view from the public way.
- D. Electric wall signs and lettering should conceal any transformer box inside the building where possible.



Figure 4.11 A. External Illumination method using gooseneck lamps.



Figure 4.11 B. Example of an Internally Illuminated Letter Sign.



Figure 4.11 C. Example of an Internally Illuminated Face Sign. This "box-lit" sign type is no longer permitted.

If necessary, the sign may extend a total of 14 inches from the face of the building to accommodate the transformer box, however that box shall not extend more than 8 inches from the building.

4.11.5 Permitted Signs

The construction, erection or alteration of the following sign types is permitted only in the districts indicated upon issuance of a sign permit by the Building Department. All permitted signs are classified as one of two types: Primary or Accessory.

- A. **Primary Sign.** A primary sign is the main sign which is typically used to identify the business, generally intended to be viewed or read from a distance. A business may only have one primary sign per street frontage.
- B. **Accessory Sign.** An accessory sign is a secondary identification of a business, generally intended to be viewed or read from up close at the pedestrian level.
- C. **Heritage Signs.** Pre-existing signs, having been erected on or before January 1, 2000 which do not meet the requirements of this chapter may qualify to be approved as a Heritage Sign due to its historic status, unique character or iconic design. The owner may submit a letter requesting the city consider Heritage Sign status for their sign, including any photos or documentation in support of their request. If approved, the sign shall be allowed to remain as a pre-existing non-conforming sign. An approved Heritage Sign can be repaired, restored or replaced in-kind, provided that the original design is not altered.



Figure 4-11 D. Example of an Internally Illuminated Cutout Sign.



Figure 4.11 E. Example of Silhouette sign lighting. (Image courtesy www.dsigns.com used with permission.)

Table 4.11 A. PERMITTED COMMERCIAL SIGNS TYPES – Reference Guide

	Type	Maximum Size	Illumination	Notes
Facade Signs				
Wall Sign / Wall Lettering	Primary	Based on width of facade frontage	Yes	See XX
Blade Sign	Primary		Yes	See XX
Awning Lettering	Accessory	Based on size of awning	Yes	See XX
Window Sign	Accessory	30% of window area	Sign boards only	See XX
Menu Sign	Accessory	4 sq. ft. (one sided only)	Yes	See XX
Plaque Sign	Accessory	4 sq. ft. (one sided only) / 2 sq. ft. for Home Occupations	No	See XX
Freestanding Signs				
Freestanding Sign				
Directory Sign				
Yard Sign				

Wall Sign or Lettering



Description

A sign surface which is attached to, or painted on, the outside wall of a building, or individual channel letters secured to the exterior wall, with the sign face parallel to and extending no more than 6 inches from the surface. Counts as a primary sign.

Standards

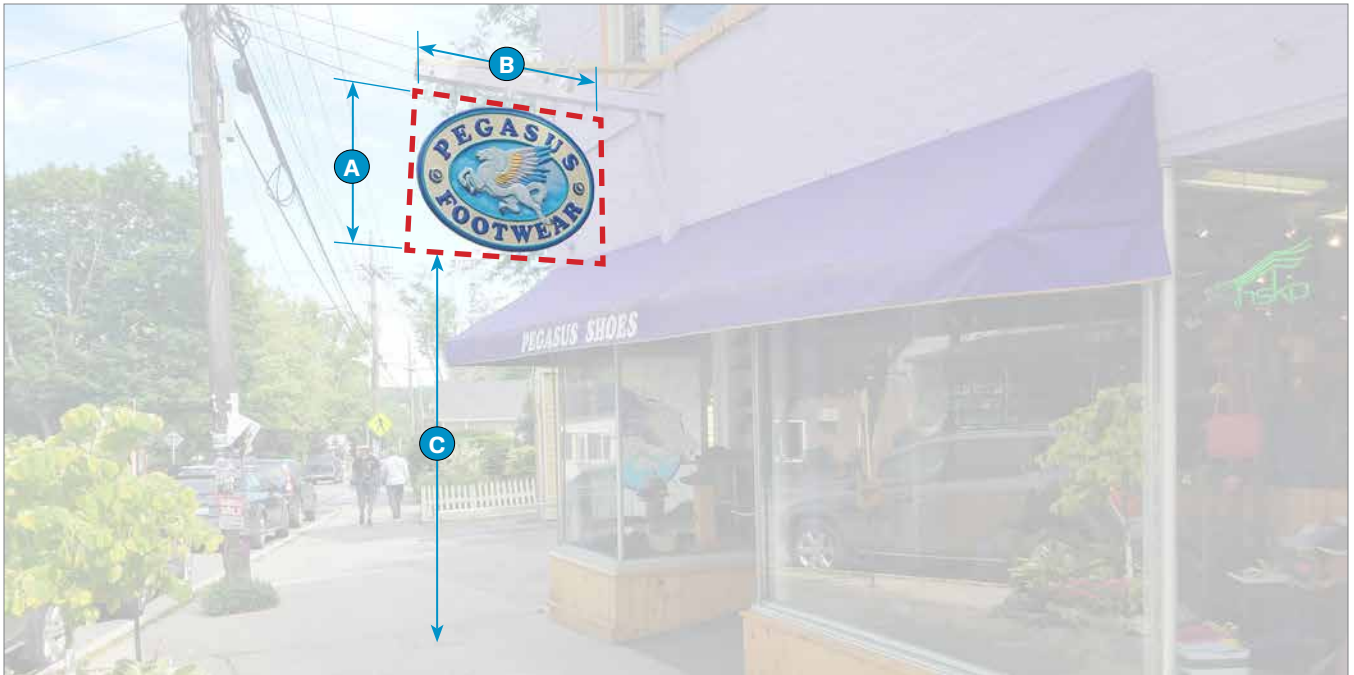
- Each business is permitted one primary sign per street frontage, including public alleys. Businesses with no street frontage are permitted one primary sign on any one facade.
- Wall signs / lettering shall be sized and located to naturally fit within the architectural features of the facade. No portion of the sign area shall overlap with transitions between facade materials, changes in facade depth, conceal decorative elements of the facade or extend beyond the walls or roof of the facade.
- Wall signs / lettering shall not extend above the first floor level of the building, or extend out more than 6 inches from the wall.
- Wall signs / lettering shall be sized by the following chart, based on the amount of linear feet of building frontage, or a total of 100 sf., whichever is less. Tenants renting space in a larger building shall calculate only the width of their rented facade.

Allowable Size & Illumination

District	Max. Sign Area Size per linear foot of facade frontage (up to maximum)	Externally Illuminated	Internally Illuminated Letters	Internally Illuminated Cutout	Silhouette
T-6	2 sq. ft. (50 sf. max)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
T-5	2 sq. ft. (50 sf. max)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
T-4	2 sq. ft. (80 sf. max)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
HGB	2.2 sq. ft. (100 sf. max)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
TRB	2.2 sq. ft. (100 sf. max)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
WRB	2 sq. ft. (100 sf. max)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
OMB	1 sq. ft. (80 sf. max)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NCUD	1 sq. ft. (80 sf. max)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
INST-ED	2 sq. ft. (100 sf. max)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
INST-HTR	2 sq. ft. (100 sf. max)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
INST-MP	2 sq. ft. (100 sf. max)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
INST-PR	1.5 sq. ft. (80 sf. max)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
WD	2.2 sq. ft. (150 sf. max)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
IND-L	2.2 sq. ft. (150 sf. max)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
IND-G	2.2 sq. ft. (150 sf. max)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
IND-X	2.2 sq. ft. (150 sf. max)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Residential	1 sq. ft. (10 sf. max)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Total sign area size is determined by multiplying height (A) by width (B) of a rectangle which can completely surround the sign board or sign lettering, including any irregular shapes or protrusions.

Blade Sign



Description

A two-sided sign which projects from the face of the facade, mounted perpendicular to the street, so that it is visible from both directions along the sidewalk. Counts as a primary sign.

Standards

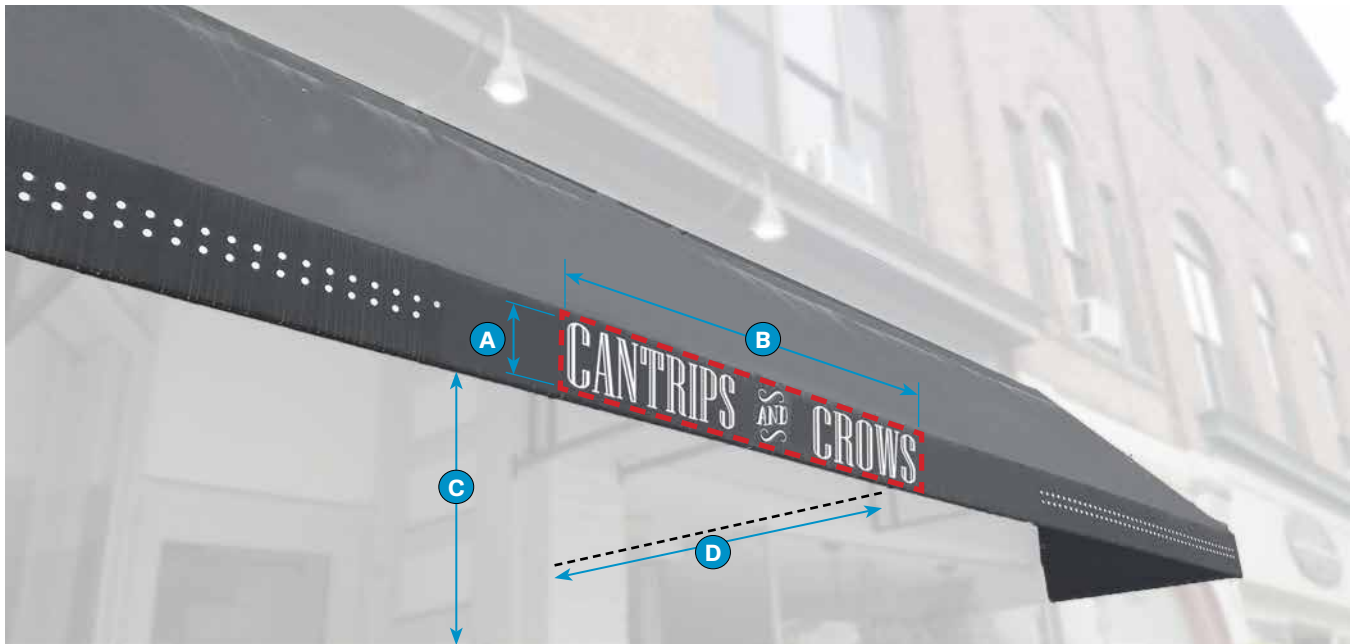
1. Each business is permitted one primary sign per street frontage, including public alleys. Businesses with no street frontage are permitted one primary sign on any one facade.
2. Blade signs shall not extend out from the facade more than four feet, nor be less than 12 feet above the sidewalk.
3. Sign graphics and lettering are permitted only on the two sides perpendicular to the facade.
4. The thickness of the blade sign (distance from one side face to the opposite sign face) shall not exceed 12 inches.

Allowable Size & Illumination

District	Max. Sign Area Size (one side)	External	Internally Illuminated Letters	Internally Illuminated Cutout	Silhouette
T-6					
T-5					
T-4					
HGB					
TRB					
WRB					
OMB					
NCUD					
INST-ED					
INST-HTR					
INST-MP					
INST-PR					
WD					
IND-L					
IND-G					
IND-X					
Residential					

Total sign area size is determined by multiplying height (A) by width (B) of a rectangle which can completely surround the blade sign (one side), including any irregular shapes or protrusions, but not including mounting hardware.

Awning Sign



Description

Graphics or lettering printed on the vertical front surface of an awning above a public storefront. Counts as an accessory sign.

Standards

1. As an accessory sign, Awning Signs are permitted in addition to any allowable primary or freestanding Sign.
2. No more than one Awning Sign is permitted per ground floor window or door of the facade.
3. Lettering or graphics are only permitted on the vertical or sloping front face of the awning.
4. Awnings to which signs may be applied must be constructed over doors or windows, fastened to the building facade and not supported from the ground.

Allowed Sign Illumination (See 4.10.5)

- Externally Illuminated
- Internally Illuminated Letter
- Internally Illuminated Cutout
- Silhouette

5. Sign text should be limited to the business name, slogan, brief description of products or services offered and street address. Phone numbers and other miscellaneous info is discouraged.
6. Awnings are recommended to be darker color, with lighter text. Awnings designs on a facade shall be consistent in design and color, and are limited to no more than two colors (not including text color).
7. Sign text should be of a consistent design and color, unless expressly part of a multi-color business logo or name design.
8. Street address numbers printed on awnings shall not count toward the sign area.

Sign Dimensions

	Transect Zones (T4, T5, T6)	Other Mixed Use Districts	Residential Districts
A Text height (max.)	8"	25% of awning face, up to 100 s.f.	8"
B Text width (max.)	80% width of awning/15 feet max.		80% width of awning/15 feet max.
C Vertical clearance (min.)	7 feet	7 feet	7 feet
D Extension from facade (max.)	7 feet	7 feet	7 feet

Window Sign



Description

Lettering or graphics attached, painted or etched onto the window or storefront glass, or a sign board mounted behind the glass. Counts as an accessory sign.

Standards

1. As an accessory sign, a Window Sign is permitted in addition to any allowable primary or freestanding sign.
2. Commercial signage information is limited to the name and/or slogan of the commercial establishment.
3. Window lettering is permitted on the ground and second floor windows. Sign boards hung behind the glass are permitted on the ground floor only.
4. Street address numbers placed on the window shall not count toward the allowable sign area.
5. Customary informational signs such as "Open/Closed", hours of operation, credit cards accepted and similar information shall not count toward the allowable sign area.
6. Window lettering may not be illuminated. Sign boards hung behind the glass may be externally illuminated only.

Allowed Sign Illumination (See 4.10.5)

- | | |
|------------------------------------------------------------|--------------------------------------------------------|
| <input checked="" type="checkbox"/> Externally Illuminated | <input type="checkbox"/> Internally Illuminated Letter |
| <input type="checkbox"/> Internally Illuminated Cutout | <input type="checkbox"/> Silhouette |

Sizing

No more than 30% of the total window area for ground floor windows, and not more than 20% of the total window area for upper floor windows. Window area shall be calculated separately for each business, each facade and each floor level.

Menu Sign



Description

A sign which is attached outside of a restaurant to display the menu of foods currently being served. Limited to restaurants which provide table service. Counts as an accessory sign.

Standards

1. As an accessory sign, a single Menu Sign is permitted in addition to any allowable primary or freestanding sign. Limit one per restaurant.
2. Menu signs are not intended to be used for eating establishments which provide walk-up, counter or take out food service.
3. The sign information is limited to a reproduction of the establishment's menu only.
4. Protective cabinets designed to enclose the menu shall not include any text or logo, but may include decorative designs and patterns.
5. Menu signs may be illuminated by external method only, however the external light may be mounted and concealed within a protective cabinet.

Allowed Sign Illumination (See 4.10.5)

- | | |
|------------------------------------------------------------|--------------------------------------------------------|
| <input checked="" type="checkbox"/> Externally Illuminated | <input type="checkbox"/> Internally Illuminated Letter |
| <input type="checkbox"/> Internally Illuminated Cutout | <input type="checkbox"/> Silhouette |

Sizing

4 sq. ft. of sign area (one side only).

Plaque Sign



Description

A sign which is mounted on the wall near eye level directly adjacent to the building entry. Typically used to identify multiple commercial establishments inside which share a common entry door, a home occupation, or to announce a dedication, history, building completion date or similar historical information. Counts as an accessory sign.

Standards

1. As an accessory sign, a Plaque Sign is permitted in addition to any allowable primary or freestanding sign.
2. Plaque signs are permitted to list individual business names only in cases where multiple commercial establishments share the same entrance or lobby. Signage information is limited to the names of the businesses inside, name of the building and street address only.
3. Plaque signs are limited to one per building entry.
4. Plaque signs may be constructed of separate plates which can be removed and replaced to accommodate tenant changes.
5. Plaque signs may be constructed of metal, wood, PVC or other durable, weatherproof material with the

Allowed Sign Illumination (See 4.10.5)

Externally Illuminated	Internally Illuminated Letter
Internally Illuminated Cutout	Silhouette

text or graphics which are permanent in each plate.

6. Plaque signs may not be illuminated.

Sizing

No more than 4 sq. feet of sign area (one side only). No more than 2 sq. feet of sign area for Home Occupations.

Freestanding Sign



Description

A non-movable sign which is not attached to a building, including post-mounted or monument style designs. Counts as an accessory sign.

Standards

1. As an accessory sign, one freestanding sign is permitted in addition to any allowable primary sign on a parcel where the front facade of the building is a minimum of 20 feet from the front lot line.
2. No more than one freestanding sign is permitted per property or plaza development.
3. No part of a freestanding sign may extend into a public right-of-way, overhang a drive aisle, parking space, property line or walkway.
4. Freestanding signs are permitted to identify more than one on-premise establishment.
5. Freestanding signs are permitted to list individual business names only. Signage information is limited to the names of the businesses, name of the building or plaza if applicable, and street address only.
6. Freestanding signs may not be placed within 50 feet of another freestanding sign.

Allowable Size & Illumination

District or Posted Speed Limit	Max. Sign Area Size	Externally Illuminated	Internally Illuminated Letters	Internally Illuminated Cutout	Silhouette
T-6	12' 8" tall, 12 sq. ft.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
T-5	12' 8" tall, 12 sq. ft.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
T-4	12' 8" tall, 12 sq. ft.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All other non residential districts, 0-44 mph	12' tall, 24 sq. ft.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All other non residential districts, 45 mph or greater	20' tall, 40 sq. ft.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Residential district development project ¹	5' tall, 10' sq. ft. (monument style only)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Sign area noted is for each side of double-sided signs.

Note¹ Must include provision for permanent maintenance.

Yard Sign



Description

A freestanding sign located in the front yard area of a residential district, identifying a lawfully existing non-residential use on that property, a home occupation or available apartments in a multiple residence. Counts as a primary sign.

Standards

1. As a primary sign, a yard sign may only be used in lieu of an otherwise permitted primary sign.
2. A maximum of one yard sign is permitted per property.
3. No part of a yard sign may encroach upon a public right-of-way, sidewalk or property line.
4. Yard signs within Historic District shall require Design Review Board Approval.

Allowable Size & Illumination

Type of Yard Sign	Max. Sign Area Size	Externally Illuminated	Internally Illuminated Letters	Internally Illuminated Cutout	Silhouette
Home Occupation	4' tall, 2 sq. ft.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other non-residential use	5' tall, 4 sq. ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Available units in a residential apartment complex	5' tall, 4 sq. ft.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Sign area noted is for each side of double-sided signs.

4.11.6 Exempt Signs

The following signs are allowed without a permit provided they comply with the provisions and intent of this chapter.

A. Permanent Exempt Signs

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

12. Public wayfinding signage installed by the city.

B. Temporary Exempt Signs

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

11. One sign for a roadside stand selling agriculture produce grown on the premises in season: maximum 24 square feet.
12. Temporary On-Premise Business Signs. Commercial businesses which have an approved sign permit, but which are waiting for it to be manufactured or installed, are permitted to install a temporary sign banner of roughly equal size until the permanent sign can be installed, however for a period not to exceed 3 months.
13. Noncommercial signs or messages are permitted to be substituted for any sign expressly allowed under the time, place and manner of these regulations.

4.11.7 Prohibited Signs

- A. The following signs are prohibited in all districts:
1. Portable signs, vehicle signs, sign trailers, signs on wheels or vehicles with signage parked for the express purpose of acting as off-premise advertising.
 2. Off-premise signs or billboards, except as permitted for Temporary Signs described in above.
 3. Signs which are illuminated by or contain flashing, intermittent, changing, rotating or moving lights, including changeable copy LED or LCD electronic message displays.
 4. Banners, pennants, ribbons, streamers, balloons, spinners and inflatable devices or other similar moving, fluttering or revolving devices, excluding common flags and banners which are approved Temporary On-Premise Business Signs as described above. Such devices shall be prohibited even if they have no message or logo on them. Such devices, as well as strings of lights, shall not be used for advertising or attracting attention whether or not they are part of a sign.
 5. Signs placed within 150 feet of a signalized intersection, or within 50 feet of an un-signalized intersection, so as to cause a traffic hazard or confuse motorists.
 6. Signs containing words, symbols, shapes, colors or position which may interfere or be confused with any authorized traffic sign or device.
 7. Signs placed on trees, utility poles, vehicles, bridges,

culverts, towers, natural or manmade features or similar structures, excluding buildings as permitted in this section.

8. Signs projecting into the public right-of-way except, as approved by the Commissioner of Public Works after consultation with the Department of Public Safety.
9. No lighting device or illuminated sign shall be placed so as to cause glare or reflection that may constitute a traffic hazard or public nuisance.
10. Signs which employ any mirror or mirror-like surface, day-glow or fluorescent paint or pigment.
11. Signs constructed of unfinished or foldable materials, including but not limited to bare lumber-grade wood, plywood, fabric, paper, nylon banners and similar materials are not permitted as permanent signs.

4.11.8 Additional District Requirements

A. Architectural and Historic Review Districts.

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

B. Historic Districts, Transect 5 and 6 zoning districts: ~~and the area identified in the Comprehensive Plan as "inner Excelsior Avenue":~~

1. Exterior mounted transformer boxes are prohibited.
2. Exposed neon tube and ~~the like similar sign illumination~~ is prohibited, including behind window glass.
3. Signs with internally-illuminated, translucent individual letters ("~~channel lighted~~" "Internally Illuminated Letter Signs") are prohibited. However, back-lighted opaque letters ("Silhouette") are permitted provided the light source is concealed by the letter and light is reflected off of the rear surface of the letter ("halo lighted").
4. Sign lettering or logos shall not exceed 18 inches in height.

4.11.9 Enforcement & Fines

- A. Upon finding that a sign or sign structure is in violation of this section, the Zoning Officer shall give written notice to the property owner or responsible entity. Should the property owner or responsible entity fail to comply with the notice within 10 days, the sign or sign structure shall be removed or altered to comply with the notice at the expense of the property owner or responsible entity.
- B. Any sign that no longer relates to a bona fide business shall be removed within 30 days.
- C. Upon finding that a sign or sign structure presents an immediate threat to public health, welfare and safety, the Zoning Officer may remove this threat without notice. Any expense incurred shall be paid by the property owner or responsible entity.

Note: original Section 6.1 code provided below:

6.1 SIGNAGE

6.1.1 INTENT

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

6.1.2 GENERAL COMPATIBILITY

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

- A. Size, bulk and mass
- B. Texture, materials and colors
- C. Lighting and illumination
- D. Orientation and elevation
- E. General and specific location
- F. Proximity to streets, highways and mass transit routes
- G. Design including size and character of lettering, logos, and related contents

H. Background or field including the skyline

I. Character and design of sign structure

6.1.3 GENERAL REGULATIONS

The following regulations shall apply to all signs:

A. Placement

- 1. Off-premise signs or billboards shall not be permitted in any District except as allowed in Section 6.1.4.
- 2. Portable signs shall not be permitted in any District.
- 3. No sign shall be placed within 150 feet of a signalized, or within 50 feet of an unsignalized, street intersection so as to cause a traffic hazard at the intersection.
- 4. No sign shall be located where its position, shape, or color may interfere or be confused with any authorized traffic sign or device.
- 5. No signs shall be placed upon trees, manmade or natural features (excluding buildings) or on utility poles, bridges, culverts, towers or similar structures.
- 6. No sign shall project into the public right-of-way except as approved by the Commissioner of Public Works after consultation with the Department of Public Safety.
- 7. No lighting device or illuminated sign shall be placed so as to cause glare or reflection that may constitute a traffic hazard or public nuisance.

B. Design

- 1. No sign shall use any words or symbols so as to interfere with, mislead or confuse traffic.
- 2. No sign shall employ any mirror or mirror-like surface nor any day-glowing or other fluorescent paint or pigment.
- 3. No sign shall be illuminated by, or contain, flashing, intermittent, rotating, or moving lights. All bare light sources and immediately adjacent reflecting surfaces shall be shielded from view.
- 4. No sign shall consist of any banner, pennant, ribbon, streamer, balloons, spinner or other similar moving, fluttering, or revolving device. Such devices shall be prohibited even if they have no message or logo on them. Such devices, as well as strings of lights, shall not be used for advertising or attracting attention whether or not they are part of the sign.

6.1.4 SIGNS EXEMPT FROM PERMIT

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

A. Exempt Temporary Signs

1. Political posters, banners and signs shall not be posted for more than 60 days and must be removed within 15 days after event:

Residential Districts: maximum 4 sq. ft.

Non-Residential Districts: maximum 16 sq. ft.

2. One on-premise, non-illuminated "For Sale," "For Rent" real estate or similar sign, to be removed within 30 days after sale or lease of the premises:

Residential Districts: maximum 4 sq. ft.

Commercial or Institutional Districts: maximum 20 sq. ft.

Industrial Districts: maximum 40 sq. ft.

3. Directional signs within City right-of-way for real estate sales permitted on Saturdays and Sundays only: maximum 4 sq. ft.

4. One on-premise, non-illuminated "For Sale" sign for an approved subdivision: maximum 40 sq. ft., to be removed within 30 days of the sale of 75% of the lots or units.

5. One on-premise, non-illuminated sign listing the owner, designer and/or contractor where construction or renovation is in progress: maximum 10 sq. ft.

6. Private owner merchandise sale signs for garage sales and auctions: maximum 4 sq. ft. and for a maximum of 7 days

7. On-premise directional signs for meetings, conventions, and other assemblies: maximum 4 sq. ft.

8. Off-premise directional signs to direct persons to a temporary not-for-profit service or activity: maximum 1.5 sq. ft. Must be located within public right-of-way and with approval from the Commissioner of Public Works.

9. Sandwich board signs shall only be permitted within the public right-of-way on Broadway between Van Dam Street and the Avenue of the Pines and with the approval from the Commissioner of Public Works in accordance with Article 203-10 of the City Code.

10. Signs or posters affixed to window interior: maximum 30% of window surface or 100 sq. ft., whichever is less

11. One sign for a roadside stand selling agriculture produce grown on the premises in season: maximum 24 square feet.

B. Exempt Permanent Signs

1. Historical markers, tablets, memorial signs or plaques—when cut into masonry or constructed of bronze, stainless steel, or similar material: maximum 6 sq. ft.

2. Emblems installed by government agencies, religious or nonprofit organizations: maximum 6 sq. ft.

3. Governmental flags and insignia except when displayed in connection with commercial promotion: maximum 150 sq. ft.

4. Non-illuminated warning, private drive, posted or no trespassing signs: maximum 2 sq. ft.

5. Non-illuminated building identification signs: maximum 2 ft. in height and 5% of the building façade. Must be incorporated within the façade that has street frontage and shall not identify any tenant or occupant of the structure

6. House/building numbers

Residential Districts: street address, number and/or name plate identifying residents; mounted on residence, mailbox or lamp post; maximum 1½ sq. ft.; non-illuminated unless on lamp post.

Non-Residential Districts: street address and/or number; maximum 4 sq. ft. on a building, or maximum 1½ sq. ft. on a sign or mailbox.

7. Directional signs identifying public parking areas, fire zones, entrances and exits and similar signs: maximum 4 sq. ft. and 4 feet tall; business names or logos not permitted

8. Off-premise directional signs to a governmental or not-for-profit facility: maximum 1½ sq. ft.; must be located within public right-of-way and with approval from the Commissioner of Public Works

9. Gasoline pump signage

Fuel price: maximum 2 sq. ft.

Additional pump signage: maximum 1 sq. ft.

10. Analog clocks: maximum 24 sq. ft.; digital time and temperature signs prohibited

11. Murals: maximum 50% of the building façade or 200 sq. ft., whichever is less; advertising messages are not permitted

6.1.5 SIGNS REQUIRING A PERMIT

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

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

6.1.5.1 WALL SIGNAGE

A sign which is painted on, or attached to, the outside wall of a building with the sign

face parallel to and not extending more than 6 inches from such wall. The area measurement of a wall sign include all advertising features but shall exclude non-advertising support structures:

A. NUMBER – COMMERCIAL, INSTITUTIONAL OR INDUSTRIAL DISTRICTS

1. An establishment is permitted one wall sign per street frontage.

2. A structure located on a lot with more than one street frontage is permitted one wall sign for each street frontage. A publicly-owned alley shall be considered street frontage.

3. An establishment located on a lot with no street frontage is permitted one wall sign on any single façade of the establishment.

4. An establishment, located within a portion of a structure without street frontage but on a lot with frontage, is permitted one wall sign.

5. A single wall sign may be used to identify more than one establishment as in the case of a sign directory.

B. INSTALLATION

1. Wall signs shall not extend beyond the ends, or over the top, of the walls to which it is attached

2. Wall signs shall not extend above the first floor level of the

building

3. Wall signs shall not extend more than 6 inches from the face of the building;

4. Electric wall signs may extend a total of 14 inches from the face of the building to accommodate a code-required transformer box but that box shall not extend more than 8 inches from the building;

—Whenever possible, the transformer box shall be concealed inside the building;

—Exterior mounted transformer boxes are prohibited in the Historic District(s), in the T-6 district, and in the T-5 “downtown” and “inner Excelsior Avenue” areas.

—All backlit signs shall have a dark background. Only the letters and/or message area of the sign shall be illuminated.

C. SIZE:

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

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

6.1.5.2 AWNING SIGNAGE

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

A. NUMBER – COMMERCIAL, INSTITUTIONAL OR INDUSTRIAL DISTRICTS

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

B. INSTALLATION

1. Awnings shall not extend more than 7 feet from the façade or be lower than 7 feet from the ground

2. Awnings to which signs may be attached must be constructed over doors or windows, fastened to the building façade, and not supported from the ground

3. Awning signs may be placed on any one face of the awning

C. SIZE

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

6.1.5.3 FREESTANDING SIGNS

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

A. NUMBER — COMMERCIAL, INSTITUTIONAL OR INDUSTRIAL DISTRICTS

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

B. NUMBER — RESIDENTIAL DISTRICTS

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

C. INSTALLATION

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

D. SIZE

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

District or Posted Speed Limit Height Size

T-5 & T-6 Zones in the Downtown area, T-5 Zone in the

northern South Broadway area, T-5 Zone in the inner Excelsior Avenue area:

12' 12 sq. ft.

All other districts: 0-44 mph 12' high, 24 sq. ft.

All other districts: 45 mph or greater 20' high, 40 sq. ft.

6.1.6 — ADDITIONAL — REQUIREMENTS — WITHIN — CERTAIN DISTRICTS

A. Architectural and Historic Review Districts

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

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

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

6.1.7 MAINTENANCE

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

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

6.1.8 ENFORCEMENT

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

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

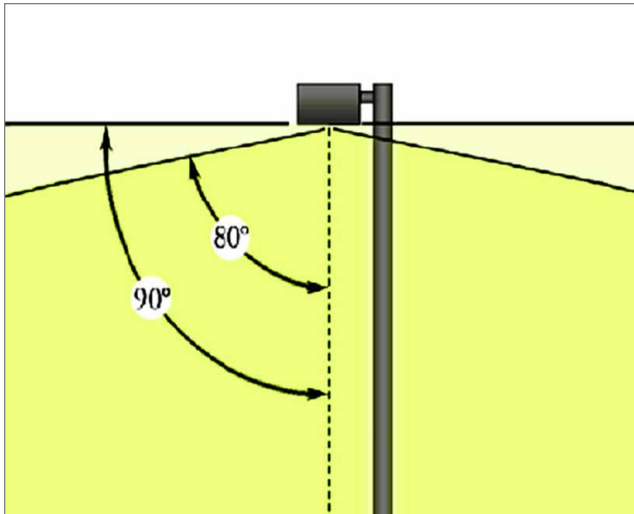


Figure 4.12 A. Fully Shielded, Cut-Off Fixtures. *Caption.*



Figure 4.12 B. Facade Lighting. *Caption.*



Figure 4.12 C. Canopy Lighting. *Caption.*

4.12 EXTERIOR LIGHTING

The intent of this section is to provide guidance on lighting methods for the safety and convenience of the public while improving efficiency and reducing light pollution. The lighting requirements of this section apply to all properties and uses except single family homes and public utility lighting installed within the public right-of-way. ## Note: Much of this new code has been modeled after or adapted from the Pattern Outdoor Lighting Code

4.12.1 Applicability

- A. This section shall apply to all land uses except single-family homes.
- B. **New Uses.** For all proposed new land uses, developments, buildings, and structures that require site plan approval, all outdoor lighting shall meet the requirements of this section.
- C. **Major Additions and Modifications.** All building additions resulting in an increase of 50% or more in gross floor area, additional dwelling units or parking spaces shall meet the requirements of this section for the entire property, including previously installed and any new outdoor lighting. ## Note: This deviates from the Pattern Outdoor Code, which has a 25% increase threshold.
- D. **Minor Additions.** Additions or modifications requiring site plan review resulting in less than a 50% increase as defined above shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting on the site shall meet the requirements of this Code with regard to shielding and lamp type. The total outdoor light output after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this Code, whichever is larger. ## Note: This deviates from the Pattern Outdoor Code, which has a 25% increase threshold.

4.12.2 General Requirements

- A. **Reduce Light Pollution.** All new exterior lighting shall be fully shielded to prevent any light emitted above 90

degrees (horizontal to ground), or partially shielded, as defined by the International Dark Sky Association, except where otherwise provided below. **Figure 4.12-1**

B. Light Quality and Color. All new exterior lights are encouraged to utilize L.E.D. (light emitting diode) fixtures for energy savings and longevity, provided the light is within the correlated color temperature (CCT) range of between 2100K and 3000K (Kelvin).

4.12.3 Maximum Site Lighting

All new exterior lighting on a site shall be designed to meet the "Maximum Total Outdoor Light Output" in lumens per net acre as identified in Table 4.12 A. This method calculates the total amount of lumens generated by all exterior lighting fixtures on a site, both existing and proposed, to determine if it is within the allowed threshold.

Table 4.12 A. Max. Total Outdoor Light Output

Fixture Type	Maximum Total Lumens Per Net Acre
Total All Fixtures (Fully Shielded, Partially Shielded and Unshielded)	100,000 lumens / net acre
Shielded Fixtures (Fully Shielded and Partially Shielded Only)	10,000 lumens / net acre

- A. For the purposes of determining the Total Outdoor Light Output, the manufacturer's stated initial lumen output of each fixture on site is to be added together.
 - 1. Light output from fixtures installed on the undersides of overhangs or parking garage decks shall be included at 25% of the stated initial lumen output. **Note: This varies from the Pattern Outdoor Lighting Code.**
 - 2. Light output from internally illuminated signs shall not be included.
 - 3. Site Plans which incorporate solar powered lighting do not need to include those lights in the calculation of Total Outdoor Light Output. **Figure 4.12 D.**
- B. For the purposes of calculation, net acres is the total site area remaining after subtracting all portions for proposed and existing streets within a parcel.

4.12.4 Parking Lot Lighting

- A. Light fixtures located within the interior asphalt area of a parking lot shall not exceed 35 feet in height.
- B. Light fixtures located along the perimeter edge of a parking area within 50 feet of a property line shall not exceed 25 feet in height.
- C. Light fixtures located within 50 feet of a residential district shall not exceed 20 feet in height, nor allow any light spillover to encroach over the property line.

4.12.5 Pedestrian Area Lighting

- A. Light fixtures located along pedestrian walkways or paths which are internal to the site shall not exceed 20 feet in height.
- B. Light fixtures located along internal pedestrian walkways or paths within 50 feet of a property line shall not exceed 15 feet in height.
- C. Light fixtures located within 50 feet of a residential district shall not exceed 15 feet in height, nor allow any light spillover to encroach over the property line.

4.12.6 Canopy Lighting

- A. Light fixtures under vehicular canopies, such as gas pumps or passenger drop-off areas, shall be fully shielded and recessed within the canopy and flush with the underside surface with flat lenses to conceal the illumination source. Alternately, lighting may be provided via uplighting to reflect off of the underside surface of the canopy with a shielded fixture that directs light onto the underside of the canopy only. **Figure 4.12 C.**
- B. The total light output of the canopy lighting shall not exceed 60 lumens per square foot of canopy.

4.12.7 Security Lighting

- A. All exterior building or security lighting must be full cutoff, shielded and/or angled downward to focus the light only on the intended doorway or walkway as necessary.

- B. Security lighting is encouraged to be provided with regular pedestrian light fixtures where visible from the street or public way to match others used on site.

4.12.8 Facade Lighting

- A. Decorative facade lighting shall only direct the lighting downward on the facade. Upward facing facade lighting may only be permitted in instances where it is installed underneath a canopy, porch or other roof overhang which will capture the upward light spill.

4.12.9 Landscape Lighting

- A. Decorative landscaping lighting shall only direct the lighting downward into the planted areas. Upward facing landscape lights may only be permitted as low voltage systems which are equipped with automatic switching to turn off the lights no later than one hour after the site is closed to the public, or 11pm, whichever is earlier.

4.12.10 Prohibited Light Types

- A. Cobra-head style fixtures with dropped lenses.
- B. Mercury vapor, low pressure sodium lamps.
- C. Laser lights, searchlights or similar high-intensity beam fixtures, except as provided below.

4.12.11 Exceptions

The following types of outdoor lighting are exempt from these provisions

- A. Repairs to existing lights.
- B. Underwater lighting, or lighting for public monuments and flagpoles.
- C. Temporary lighting for special events, performances or emergency conditions.
- D. Any lighting conditions for signs which are separately regulated in the sign section of this article.
- E. Seasonal or holiday lights using low-wattage lamps



Figure 4.12 D. Example of an LED Solar Light.

- between November 1st and January 30th.
- F. Other lighting installations deemed suitable for exception by the Planning Board, provided reasonable steps have been taken to ensure the intent of this section to reduce unnecessary light pollution has been met.

4.13 SOLAR ENERGY SYSTEMS

The following are recommended design guidelines for solar energy systems.

4.13.1 Design Guidelines for Large Scale Solar Energy Systems

- A. **Fencing.** All sites having a solar facility footprint greater than five acres shall be encircled in wildlife-friendly fencing that allows the passage of small mammals and reptiles and is designed to minimize wildlife injury and death due to entanglement or strangulation. Exceptions can be made by the Planning Board for sites that are not in rural locations and have limited surrounding wildlife habitat.
- B. **Vegetation clearing.** Removal of trees and other existing vegetation shall be limited to what is necessary for the construction, operation and maintenance of the photovoltaic solar energy system.
- C. **Glare.** Photovoltaic solar energy systems shall be designed and located in order to minimize reflective glare toward roads and any inhabited building on adjacent properties.
- D. **Roads.** Roadways within the site shall be designed to minimize the width and extent of roadway construction and soil compaction.
- E. **Screening/Buffering.** Based on site-specific conditions, including topography, adjacent structures, and roadways, reasonable efforts shall be made to minimize visual impacts by preserving natural vegetation, and providing landscape screening to abutting residential properties and roads, but should not result in shading photovoltaic solar energy systems.
- F. **Lighting.** All lighting on the site related to the photovoltaic solar energy system shall be limited to that required for safety and operational purposes.
- G. **Signage.** All signage shall comply with the requirements of this ordinance. A sign shall be displayed on or near the main access point identifying the owner and providing a twenty-four-hour emergency contact phone number.

- H. **Utility connections.** All utility lines from the photovoltaic solar energy system shall be placed underground.



Figure 4.13 A. Example of a large scale solar energy system.

Note: The following language taken in-part from existing Design Guidelines for Historic Districts.

4.13.2 Design Guidelines for Solar Energy Systems in Historic Districts

A. General / All System Types

1. **Energy Efficiency.** Before installation of a new alternative energy system, owners should first consider maximizing the energy efficiency of their existing historic building and its systems. It may be far less expensive to reduce heating, cooling and lighting costs than to introduce a new energy system. ## Note: Not sure if this first point is necessary.
2. **Consider Ground Mounting.** Before installing a system on a primary building, consider other viable installation options such as mounting on an accessory structure, a contemporary addition or, possibly, ground-mounting to limit the negative visual impact to the building and from the public right-of-way.
3. **Visual Impact.** Alternative energy systems should be installed in a manner that limits negative visual impacts to the building and from the public right-of-way.
4. **Protect Historic Features.** Installation of any energy system should not damage or remove historic



Figure 4.13 B. Example of rooftop solar installation.

materials or cause irreversible changes to historic features. The energy system should be able to be removed in the future without damage to the historic structure.

5. **Maintain Historic Features.** Installation of any energy system should not change the historic roof configuration, dormers, chimneys, or other features.
6. **Roofing Materials.** Historic roofing materials should not be removed during the installation of solar energy systems.
7. **Removal.** Non-functioning alternative energy systems should be immediately repaired or removed.

B. Roof-Mounted Systems

1. **Not on Primary Façade.** Locating solar panels on the roof of the primary façade may have the greatest adverse effect on the property's character defining features. Other installation and location options should be thoroughly explored.
2. **Overall Design.** Solar panels should be considered as part of the overall building design. Shape, proportions of the solar array should match the shape and proportions of the roof.
3. **Low Profile.** Utilization of low-profile solar panels is recommended. Solar shingle laminates, glazing, or similar materials should not replace original or historic materials.
4. **Location.** Solar panels should be positioned behind existing architectural features such as parapets, dormers, and chimneys to limit their visibility.
5. **Mounting.** The system must be mounted flush, with the plane of the system parallel with the roof surface, with the system no more than 12 inches

from the surface of the roof at any point, and set back 3 feet from side and front roof edges and the ridgeline.

6. **Pitched Roof Location.** Solar energy systems may be installed on a pitched roof which faces a rear lot line, or on a pitched roof surface facing within 45 degrees of the rear lot line.
7. **Flat Roof Location.** On flat roof structures, solar panels should be set back from the roof edge to minimize visibility. Pitch and elevation should be adjusted to reduce visibility from public right-of-way.
8. **Screening & Setback.** On a flat roof, solar energy systems must also be screened from the street by an existing parapet along the street-facing façade that is as tall as the tallest part of the solar energy system, or setting the solar energy system back from the roof edges facing the street four feet for each foot of solar energy system height.
9. **Blend Colors.** All exterior fittings and mechanical equipment including the panel frame should be unobtrusive as possible and should be finished to blend with surrounding roofing materials and colors.

C. Ground-Mounted Systems

1. **Minimize Visibility.** Freestanding or detached on-site solar panels should be installed in locations that minimize visibility from the public right of way. These systems should be screened from the public right-of-way with earth berms, fencing, vegetation or other suitable methods found and in scale with the setting and district.
2. **Placement.** Placement and design of ground-mounted systems should not adversely impact the historic character of the site nor destroy historic landscape materials as determined by the Design Review Board.

4.14 WATER CONSERVATION

Conservation of water resources, in particular public water supply resources is critical to the health, safety and welfare of the public and to the long term economic and environmental viability of the city. It is the policy of the City of Saratoga Springs to conserve and protect water resources, to limit overuse and waste of public water supply resources and to establish standards for conserving the city's public water supply resources.

4.14.1 Water Use and Conservation Plan Required

A. For new construction, subdivision or redevelopment or renovation project where 25% or more of the site or building will be substantially renovated for of any multi-family, commercial, industrial, institutional, or mixed used site development a water use and conservation plan shall be provided as part of the approval process. The plan shall describe all expected water demand for the project for all uses including but not limited to domestic use, commercial/industrial process, cooling water, and irrigation. The plan shall describe all water-saving and water reuse features to be installed in accordance with city code and NYS Building Code.

4.14.2 Water Conservation Standards

A. The Planning Board shall adopt and update water conservation standards after consultation with the Commissioner of Public Works and the City Engineer. These standards, once adopted, shall be attached to this ordinance as an appendix and may be updated as necessary and appropriate.

4.15 SUBDIVISION DESIGN

The intent of this section is to regulate proper design and related considerations in the layout of lots and streets in conventional subdivisions where new streets are proposed and for the conventional subdivision of lots on existing approved streets and to guide design for new conservation subdivisions.

In the sensitive environmental areas outside of the city's core, conservation standards are established to direct the design of subdivisions to protect important resources and ensure development is harmoniously incorporated into the natural environment.

4.15.1 General Design Standards

The following design standards apply to both Conventional Subdivisions as well as Conservation Subdivisions.

A. **Overview of the Design Process.** The design of a residential subdivision integrates traditional neighborhood design principals with subdivision development in a comprehensive manner. The process includes an analysis of the characteristics of the site and its inherent suitability for subdivision development including consideration of any particular challenges unique to the property as well as recognition that the subdivision will become part of the surrounding neighborhood. For subdivisions where a concept plan (sketch plat) is required or where a sketch plat is submitted by an applicant, the sketch plan process allows the applicant and the board to consider and address any major issues that need to be addressed early on in review as well as to consider potential alternatives to any of the major aspects of the design.

B. **Layout of Lots and Streets.** Lots shall front on a street designed to accommodate the intended development. Dwellings shall not front onto alleys. Lots shall be arranged in an orderly pattern with uniform geometry and so that the front yard faces a street and that rear yards face the rear yard of another lot or an alley. Lots shall not be arranged with front yards facing rear yards. Streets shall be laid out to create an interconnected system to provide safe and convenient access to the lots and to other streets and neighborhoods of the city.

C. Streets. All designs for streets in a subdivision shall refer to the allowed Street Types defined in Section 4.2. Any street accessing or proposed for access to a lot shall be constructed or improved in accordance with city standards as required by this ordinance and any other applicable requirements of jurisdictional agencies. The design and level of improvement of such street shall be as required by the Planning Board who shall consult with the City Engineer in all such determinations. For streets in conservation subdivisions the following Street Types shall be used:

1. For conservation subdivisions within the Rural Residential District (RR) where new internal streets are being constructed the Small Rural Road shall be the street type required. For subdivisions in the RR District on existing accepted city streets, the applicant shall make any improvements as required. Where new streets are being constructed the Small Rural Road shall be the street type required.
2. For conservation subdivisions within the Suburban Residential District (SR) where new streets internal to the subdivision are being constructed the Neighborhood Street shall be the street type required. For conservation subdivisions in the SR District on existing accepted city streets, the applicant shall make any improvements as required by the Planning Board who shall consult with the City Engineer in all such determinations.
3. For subdivisions within the RR District where new streets are being constructed the Small Rural Road shall be the street type required. For subdivisions in the RR District on existing accepted city streets, the applicant shall make any improvements as required. Where new streets are being constructed the Small Rural Road shall be the street type required. For subdivisions in the RR District on existing accepted city streets, the applicant shall make any improvements as required.

D. Other Improvements shall be as set forth in this ordinance

E. Drainage Systems and Stormwater Management. Saratoga Springs receives an average of 45 inches of rain (or its equivalent of snow/sleet/ice) every year and stormwater management is an increasing challenge as the city grows and impervious areas increase. Drainage

design and stormwater management must be integral to any subdivision and shall include consideration of green infrastructure practices as required by the New York State Stormwater Design Manual as well as provision of any traditional stormwater management facilities as needed to address stormwater management needs of the subdivision.

F. Water, Sanitary Sewer, other Utilities. [To be completed]

G. Refer to Appendix [Insert] for additional information regarding Subdivision Approval.

4.15.2 Conservation Subdivision Design

A. Overview of the design process. The design of a conservation subdivision integrates resource conservation with subdivision development in a comprehensive manner. The process includes a conservation analysis of the characteristics and special features of the proposed development site and considers the context of the site with its surroundings; an analysis of development constraints and a calculation of the number of allowable residential units based on the acreage of unconstrained land, the determination of areas of the site to be permanently protected by conservation easement and the areas of the site to be developed including the layout of lots and streets. For conservation subdivision, the sketch plan process integrates these steps in a conceptual manner allowing for cost-effectively consideration of alternative design concepts and to streamline the development and review of the preliminary and final subdivision plat.

B. Standards for Conservation Subdivisions

1. Density Calculation: The maximum density allowed for residential units is calculated by a formula based upon the acreage of "unconstrained land" on the property. An initial density calculation is made with the development of the sketch plat and shall be based on readily-available site and environmental data to facilitate early development of the sketch plat and potential alternative design concepts. A final density calculation is made with the approval of the preliminary plat where more precise survey data would be available to measure the areas of the

property and unconstrained land.

2. Overview and Example: Net total unconstrained acreage is calculated by subtracting the total acreage of constrained land from the total acreage of the site. The unconstrained land is evaluated by the planning board to determine lands of conservation value to be conserved.
 - a. The conserved acreage shall comprise the constrained acreage plus at least one-half of unconstrained lands.
 - b. The conserved acreage shall be consistent with the planning board's determination of conservation value of the land.
 - c. For example, a 100-acre property in the Rural Residential District is constrained by 20 acres of area that is both wetland and floodplain, 10 acres that is floodplain only, 4 acres of wetland only and 10 acres of steep slopes for a total of 44 acres of constrained land with 56 acres remaining of unconstrained land. Dividing the 56 unconstrained acres by the base density of 2 acres per unit which equals 28 units. This would be the maximum number of lots (or dwelling units—whichever is less) possible to be permitted in the subdivision. (For fractional units remaining in the calculation, round up for units of 0.5 or more otherwise round down.) **Figure 4.15 A.**
 - d. For this 100-acre example, 72 acres would be preserved under conservation easement (44 acres constrained land plus 28 acres unconstrained land). Note that it shall not be necessary to include small fragments of constrained land (for example, a few strips of steep slopes) in conservation easement areas where such would present an awkward or unmanageable strip of conservation land in an area generally not constrained, as the long-term goal is to protect larger, intact natural areas that can be easily demarcated and managed. **Figure 4.15 B.**
 - e. ~~To determine unconstrained acreage, subtract from the total or gross acreage of the proposed development parcel, the acreage of constrained land.~~
 - f. ~~To determine the number of allowable residential units or "base density" on the site, divide the~~

~~unconstrained acreage by the allowable number of acres per unit required within the zoning district. Round down fractional units of 0.5 or less and round up fractional units greater than 0.5. Figure IV.1a through Figure IV.1c illustrates a density calculation on a site in a hypothetical conservation subdivision in an RR District.~~

- g. Public Access Bonus. The base density in Paragraph B.1.b. The density calculation may be increased by up to twenty percent (20%) at the sole discretion of the Board if permanent public access will be granted to the protected open space land and any associated improvements as described in Article IV, Section 1, Paragraph C in the subdivision. Construction of a pedestrian or multi-use trail and providing an easement for such trail through the property (in addition to any sidewalk/path required for road construction) may qualify for this bonus.
 - h. ~~The density permitted by this section shall not be reduced as a result of the conservation analysis required in Article IV, Section 1, Paragraph B.2. below herein, or as a result of the reservation of parkland during the subdivision process.~~
3. Conservation Analysis and Development Areas
 - a. As part of a ~~preliminary sketch~~ subdivision plat application procedure (see Article II, Section 1, Paragraph C), an applicant shall prepare a conservation analysis, consisting of inventory maps, description of the land, and an analysis of the conservation value of various site features and identify the most appropriate areas of the site for development. ~~See Conservation Analysis Checklist in Appendix F.~~ The conservation analysis shall show lands with conservation value and potential development areas, including but not limited to the following:
 - Constrained land (i.e., Wetlands, waterbodies watercourses and buffers protected under federal or state regulations; FEMA high risk flood hazard areas (1% or greater annual chance of flooding including floodways); areas of steep slopes larger than 2,000 square feet exceeding 25% slope.)
 - Open space and recreational resources described in the City's Open Space Plan;

- Buffers to provide an area for installation of screening to obscure and enhance the view of new development from adjoining parcels;
 - Land exhibiting present or potential recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value.
 - Context of the site showing abutting parcels, existing park or conservation lands and natural features on an aerial photograph for in consideration of creating contiguous areas for resource protection, connectivity for existing and potential streets and trails and drainage and stormwater management corridors and areas to create interconnected, ecologically-based stormwater management systems.
 - Building setbacks, easements and similar non-buildable areas.
 - General topographic information, with contours at best available detail.
 - The locations of any cultural resources such as historic or locally important houses, especially if they are visible from the local streetscape or viewshed, barns, stone walls, wells, foundations etc.
 - The locations of any unique land features such as large old-growth trees, hedgerows, rock outcroppings, meadows, woodlots, waterbodies or similar elements.
 - The locations of any known plant or animal habitats which are unique, rare or endangered.
 - The location of any trails or adjacent trails which could be linked and preserved as part of a passive recreation system.
 - The location of any active or formerly active agricultural lands including any prime agricultural soils.
 - The location of any existing roads or known easements.
 - Any road frontage which provides significant public views of the parcel as part of the local streetscape or viewshed.
 - Views of the site which can be seen from other areas of city due to its location on a prominent hillside of bluff.
- b. The conservation analysis and development areas analysis shall describe the importance and the current and potential conservation value of all land on the site and shall consider potential areas where development would have less of an impact on lands of higher conservation value, including minimizing the development's edge effects and habitat fragmentation. In the course of its initial preliminary sketch subdivision plat review, the Board shall indicate to the applicant which of the lands identified as being of higher conservation value are most important to preserve and which areas appear most suited for development including areas for new road access.
- c. **Site Visit and Alternative Designs.** As part of the process for determination of the conservation analysis and development areas, the applicant and the board shall collaborate on the design process. The applicant shall present the conservation and design plans and the board shall make the decisions. A site visit may be attended by the planning board and staff to see first-hand opportunities and constraints to conservation and development and also for possible development of alternative sketch plats if desired by the applicant or if required by the Board. The alternative sketch plat(s) are intended to encourage creative collaboration to consider alternative street access points, alignments and connections, variations on conservation areas and development areas, and ultimately, to come up with the best plan for the project in the early stage which also will reduce time and expense in the preparation and review of the preliminary and final subdivision plat.
- d. The outcome of the conservation analysis and development areas review and the Board's determination shall be incorporated into the approved preliminary sketch subdivision plat (see Article II, Section 2, Paragraph A.3.) showing approximate area of land to be permanently preserved by a conservation easement. The preliminary sketch subdivision plat shall also show preferred locations for intensive development as well as acceptable locations for less dense development.

- e. The sketch plat shall identify any large areas where green infrastructure approach for stormwater management can be accommodated and integrated to the extent practicable into the conservation lands so these features are not so much of an afterthought rather integral to the overall design intent.
- f. The Board shall make the final determination as to which land has the most conservation value and should be protected from development by conservation easement. Whenever the Board approves a plan with protected open space, it shall make written findings identifying the specific conservation values protected and the reasons for protecting such land (the "conservation findings"). The Board shall deny an application that does not include a complete conservation analysis sufficient for the Board to make its conservation findings.
- g. The preliminary sketch subdivision plat shall show the approximate boundary of the following as land area(s) to be preserved by conservation easement:
- An amount of land no smaller than the total amount of constrained land identified in the analysis. ~~in Article IV, Section 1, Paragraph B.2. - and~~
 - In the RR District, at least fifty percent (50%) of the unconstrained land in addition to the constrained land which shall be preserved. ~~land not preserved in Article IV, Section 1, Paragraph B.2.~~ In the SR-1 District at least thirty-five percent (35%) of the unconstrained land in addition to the constrained land which shall be preserved. ~~land not preserved in Article IV, Section 1, Paragraph B.2.~~
 - The preliminary subdivision plan shall reflect the general intent of the sketch plan in terms of conservation areas and development areas and upon which any final calculations are made as to percentage and acreage of the site to be conserved and the number of residential lots/units.
 - The preliminary subdivision plat shall provide more detailed information on green infrastructure methods for stormwater management including consideration of bioswales and other techniques appropriate for the environmental setting of the site.
- h. If, based upon the conservation analysis, the Board determines in its conservation findings that there is no reasonable basis for requiring a conservation subdivision; the Board may approve a conventional development of the site. In order for the Board to make such a determination, the applicant must demonstrate at least one of the following:
- The land contains no substantial resources with conservation value; or
 - The acreage is too small to preserve a substantial amount of land with conservation value (this criterion shall not be evaded by piecemeal subdivision of larger tracts); or
 - The lot configuration is unique and precludes preservation of a substantial amount of land with conservation value; or
 - That there are extraordinary circumstances unique to the parcel that demonstrates that conventional subdivision is in the best interest of the adjacent neighborhoods.
- i. In order to make the required showing under b. or c. above, the applicant must also demonstrate that the parcel does not adjoin other land that, when combined with open space on the parcel, would result in the preservation of a substantial amount of land with conservation value (including any portion of a designated trail corridor), regardless of whether or not the adjoining parcels have been protected as open space. # Note: reconfirm references to 'b' and 'c'.
- j. An approval of a conventional subdivision shall refer to the conservation findings and may be conditioned upon the protection by conservation easement of portions of the site identified in the conservation analysis and findings as having conservation value.
- 4. Types of Development in a Conservation Subdivision.** The allowable residential units may be developed as single-family or two-family residences. Within a conservation subdivision, a maximum of twenty-five percent (25%) of the units may be

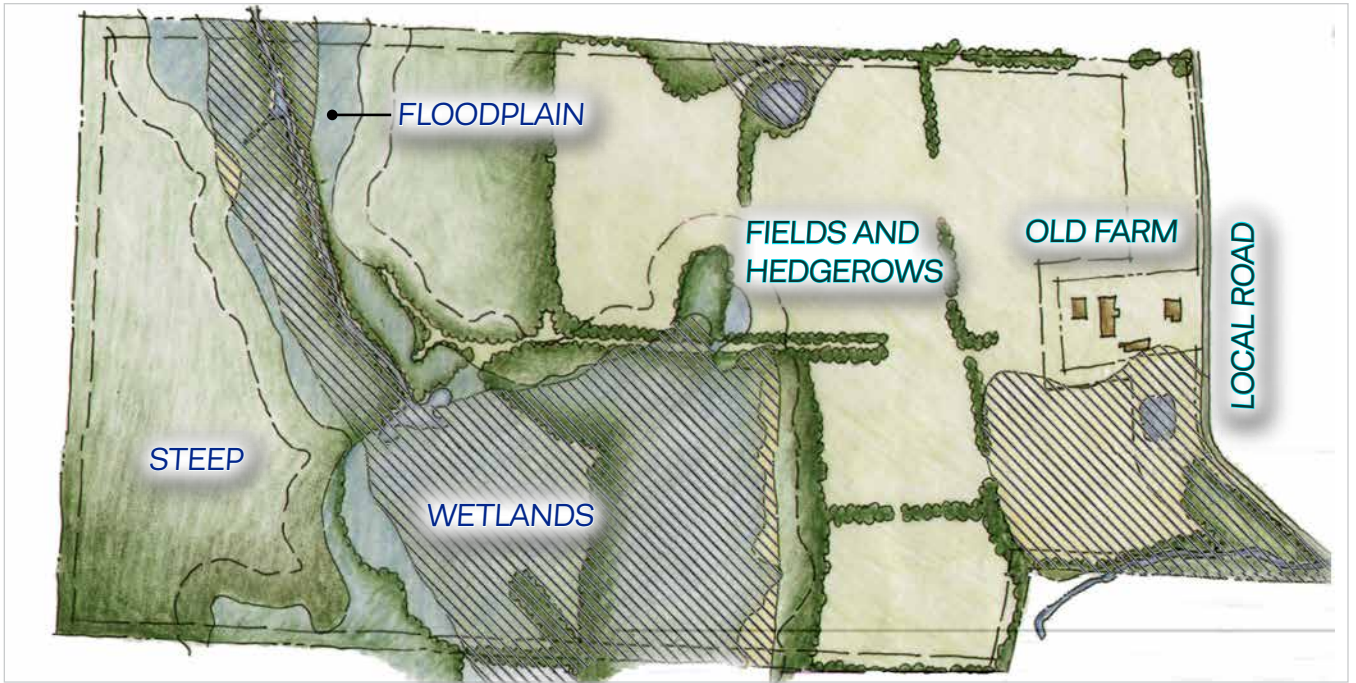


Figure 4.15 A. Sample Conservation Subdivision Design. In this example former farmland property, a conservation analysis is conducted to identify the features of the site to determine what areas are more suitable for development and what areas are more suitable for conservation.



Figure 4.15 B. Sample Conservation Subdivision Design. In this example, the old farmstead along the road is highly valued for conservation because of the picturesque rural views it maintains. Likewise, the steep slopes and wetland areas in the rear of the property are also identified for conservation. The most suitable area for development, in this case, is the former farm fields in the center.

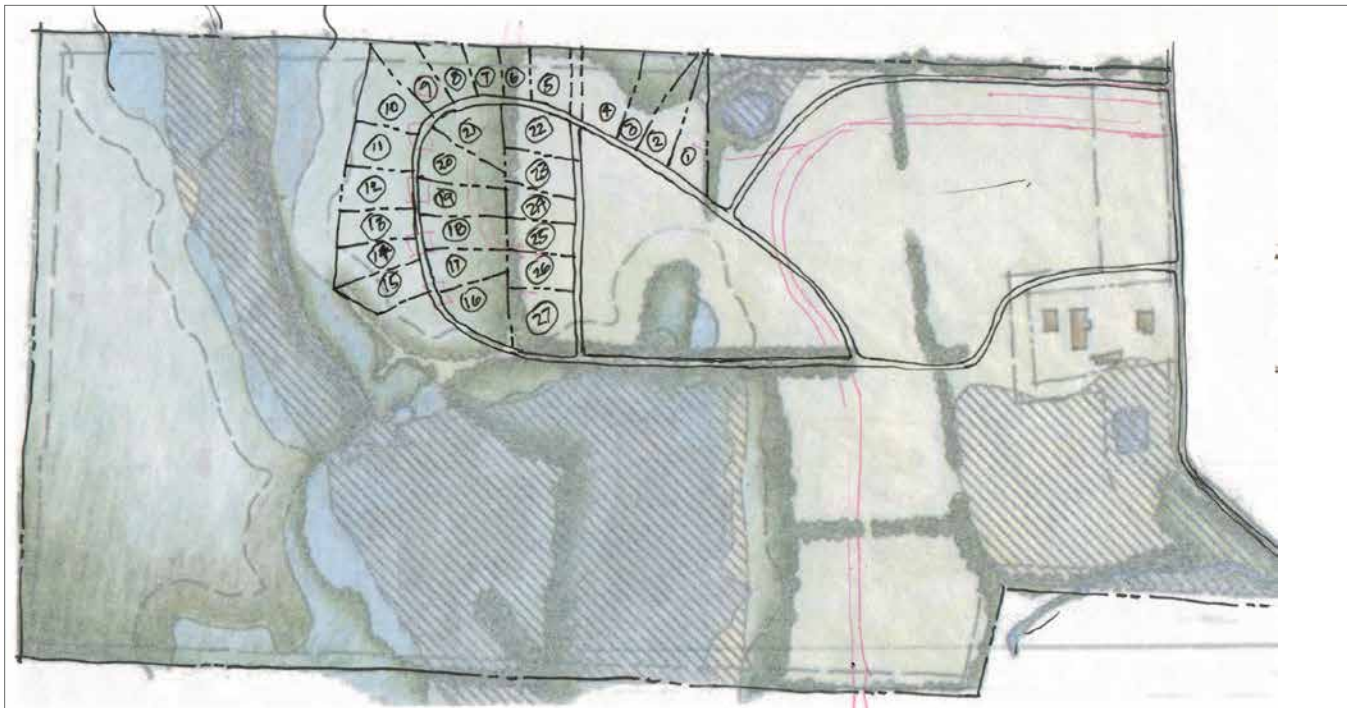


Figure 4.15 C. Sample Conservation Subdivision Design. TEMP GRAPHIC. In order to maintain a contiguous connection of protected open space, the conservation subdivision is designed within the development area along the north end of the site, allowing the protected land to connect with the farm in the south.

placed in structures containing two units.

- 5. Lot Sizes in Conservation Subdivisions.** There shall be no minimum lot size in a conservation subdivision. The Board shall determine appropriate lot sizes in the course of its review of a conservation subdivision based upon the purposes and design criteria established in this article. In order to permit a clustered lot configuration, wells and septic systems may be located in areas of protected open space, provided that necessary easements are provided for maintenance of these facilities.

6. Other Area and Dimensional Requirements

a. There shall be no required area, bulk, or dimensional standards in a conservation subdivision, except that where such subdivision abuts an existing residence in a residentially zoned area, a suitable buffer area with suitable screening shall may be required by the Board. ~~This buffer shall be at least the same distance as the minimum rear or side yard setback in the district in which the abutting land is located.~~

b. The applicant shall specify dimensional requirements for a proposed conservation subdivision by identifying setbacks and other

lot dimensions to be incorporated into the final preliminary subdivision plat.

- 7. Conservation subdivision of a portion of larger tract.** The Board may entertain an application to develop a portion of a parcel if a conservation analysis is provided for the entire parcel and the approval to develop a portion of the parcel is not a basis for the applicant or successor in interest to subsequently request an exception under Article IV, Section 1, Paragraph B.2. for the remainder of the parcel.

8. Conservation subdivision design guidelines.

Lots shall be arranged in a manner that protects land and site features of conservation value and facilitates pedestrian and bicycle circulation. The lot layout shall to the extent feasible comply with the design guidelines in Article IV, Section 1, Paragraph D this article. Permitted building locations or areas (“building envelopes”) shall be shown on the final subdivision plat.

- C. Permanent Open Space.** Open space set aside in a conservation subdivision shall be permanently preserved as required by this Section. Any development permitted on land located in a conservation subdivision that is

not protected as open space shall not compromise the conservation value of such open space land.

1. Conservation Value of Open Space. The open space protected pursuant to this section must have "conservation value," which shall be determined in the course of the conservation analysis. ~~in Article IV, Section 1, Paragraph B.2:~~

2. Permanent Preservation by Conservation Easement

a. A perpetual conservation easement restricting development of the open space land and allowing use only for agriculture, forestry, passive recreation, protection of natural resources, or similar conservation purposes, pursuant to Section 247 of the General Municipal Law and/or Sections 49-0301 through 49-0311 of the Environmental Conservation Law, shall be granted to the City, with the approval of the City Council, and/or to a qualified not-for-profit conservation organization acceptable to the Board. Such conservation easement shall be approved by the Board and shall be required as a condition of final subdivision plat approval. The Board shall require that the conservation easement be enforceable by the City if the City is not the holder of the conservation easement. The conservation easement shall be recorded in the County Clerk's Office prior to or simultaneously with the filing of the final subdivision plat in the County Clerk's Office.

b. The conservation easement shall prohibit residential, industrial, or commercial use of open space land (except in connection with agriculture, forestry, and passive recreation), and shall not be amendable to permit such use. Access roads, driveways, wells, underground sewage disposal facilities, local utility distribution lines, stormwater management facilities, trails, temporary structures for passive outdoor recreation, and agricultural structures shall be permitted on preserved open space land with Board approval, provided that they do not impair the conservation value of the land. Forestry shall be conducted in conformity with applicable best management practices.

c. A land management plan, approved by the Board,

shall be included in the conservation easement. The land management plan shall describe the following: The conservation easement shall provide that if the City Council finds that the management plan has been violated in a manner that renders the condition of the land a public nuisance, the City may, upon thirty (30) days written notice to the owner, enter the premises for necessary maintenance, and that the cost of such maintenance by the City shall be assessed against the landowner or, in the case of an homeowner's association (HOA), the owners of properties within the development, and shall, if unpaid, become a tax lien on such property or properties.

d. Required Elements of a Land Management Plan. The land set aside by the conservation easement an evolving slice of the natural and cultural world. The conservation values used to establish the conservation areas shall be the foundation for the management plan along with the planned appropriate uses for land. The land management plan will guide and inform the management entity and the easement holder on management and conservation activities and allowable uses that promote the long-term viability of the resources to be conserved by the easement. The conservation easement shall require the preparation and use of a land management (or "stewardship") plan and shall include the first management plan by reference. The land management plan shall include the following elements:

- Property information, contacts, and management entity information
- Resource management objectives (as applicable), for example: Agricultural, Forest, Recreation, Fish and wildlife habitat, Scenic resources or Historic and cultural resource management objectives;
- An aerial photograph of the land and ground-level photos;
- A description of the resources and conservation values;
- Threats to conservation values;
- Actions needed to meet goals and objectives.

- (includes a timeline);
- Capital and operating expenses and sources of revenue (e.g. HOA, etc.)
- Maintenance and monitoring activities and a schedule and process to adapt the plan if needed.
- Most conservation easements are structured to meet multiple objectives and provide the legal foundation for protection of the land encumbered by the easement. The land management plan is required to provide guidance for the ongoing stewardship of the easement property.

e. Preserved open space may be included as a small or minor percentage of the overall conservation area as a portion of one or more large lots, ~~or~~ may while the majority of the preserved open space shall be contained in a separate open space lot. The conservation easement may allow dwellings to be constructed on portions of lots that include preserved open space land, provided there is a clearly visible permanent delineation of the boundary such as a stone wall, fence or hedgerow of the protected area that is maintained as visible as part of the management plan and that the total number of dwellings permitted by the conservation easement in the entire subdivision is consistent with applicable density limitations of this article.

3. Notations on final subdivision plat. Preserved open space land shall be clearly delineated and labeled on the subdivision final plat as to its use, ownership, management, method of preservation, and the rights, if any, of the owners of lots in the subdivision and the public to the open space land. The final plat shall clearly show that the open space land is permanently preserved for conservation purposes by a conservation easement required by this section, and shall include deed recording information in the County Clerk’s office for the conservation easement.

4. Ownership of Open Space Land

a. Open space land shall under all circumstances be protected by a perpetual conservation easement, but may be owned in common by a HOA, offered for dedication to City, County, or State governments, transferred to a non-profit

organization acceptable to the Board, held in private ownership, or held in such other form of ownership as the Board finds appropriate to properly manage the open space land and to protect its conservation value.

b. If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:

- The HOA must be established before the approved subdivision final plat is signed, and must comply with all applicable provisions of the General Business Law.
- Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.
- The HOA must be responsible for liability insurance, property taxes, and the maintenance of recreational and other facilities and private roads.
- Property owners must pay their pro rate share of the costs in **Article IV, Section 1, Paragraph C. 4.**, and the assessment levied by the HOA must be able to become a lien on the property.
- The HOA must be able to adjust the assessment to meet changed needs.
- The applicant shall make a conditional offer of dedication to the City, binding upon the HOA, for all open space to be conveyed to the HOA. Such offer may be accepted by the City, at the discretion of the City Council, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.
- Ownership shall be structured in such a manner that real property taxing authorities can satisfy property tax claims against the open space lands by proceeding against individual owners in the HOA and the dwelling

units they each own.

- The City Attorney's Office shall find that the HOA documents presented satisfy the conditions in Subsections (a) through (g) above, and such other conditions as the Board shall deem necessary.

4.15.3 Cluster Development Design

Standards Governing Clustering (*Amended 8/3/99*). Any average density development considered shall conform to the following standards which are to be regarded as minimum requirements:

- A.** The Board shall determine that a cluster development or conservation subdivision will not be detrimental to the health, safety or general welfare of persons residing in the vicinity, or injurious to property or improvements in close proximity, and that the proposed development is in conformity with the objectives of the City's Comprehensive Plan, and that the gross density will be no greater than if the tract were developed in accordance with the existing zoning requirements.
- B.** When such development is proposed adjacent to any existing residence or residential area, a suitable buffer area, as the Board determines, but at least the same distance as the minimum rear or side yard setback in the district in which the project is located, shall be left between the closest lot line of any lot in an existing residential development area or a conventionally platted residential map that has been filed with the Saratoga County Clerk, and the closest structure in the residential cluster development contained on a clustered lot.
- C.** There shall be no other setback requirements except as specified in 240-4.12B. Zero lot lines are allowed.
- D.** The development shall have dedicated, as a minimum, for open space purposes the same percentage of the entire tract as that by which the lots have on the average been reduced. The area dedicated for open space purposes, including playgrounds and parks, shall be in a location and shape approved by the Board during subdivision review and in addition, the Board, as a condition of approval, may establish such conditions on the ownership, use and maintenance of such open space lands as it deems necessary to assure the

preservation of such lands for their intended purpose.

- E.** Lots in a conservation subdivision may be of any size.
- F.** Common open space shall, unless otherwise waived by the Board, be directly accessible to each residential unit.

4.15.4 Supporting Information

[See Appendix for additional supporting information regarding subdivision design and review.](#)

- A.** Fee Schedule
- B.** Form for Public Notification
- C.** Form for Application for Subdivision
- D.** Completeness Checklist for Sketch Plan
- E.** Completeness Checklist for Preliminary Plat Subdivision
- F.** Completeness Checklist for Final Plat Subdivision
- G.** Completeness Checklist for Conservation Subdivision
- H.** General Requirements and Subdivision Design Standards
- I.** Performance Improvements and Performance Guarantees
- J.** Street Acceptance Checklist

Note: Edits to some Appendix pages and numbering / lettering will be required to coordinate pending review of draft UDO.

4.16 RURAL DESIGN AND SITING STANDARDS

The following guidelines should be considered in the process of designing and siting uses in the ~~Rural Residential and Suburban Residential-1 Districts Conservation Development District Overlay~~, as well as for Conservation Subdivisions in any district. When locating new uses on the land there are many options in the siting, configuration, size and arrangement of elements in the landscape. These choices define the character of the developed landscape environment. These guidelines are examples of the preferred way to design and site uses but they should not be considered the only acceptable solution.

4.16.1 Character of Development

Four basic elements establish the character of a development. These basic elements are:

A. Landform. Landform encompasses gradient, slope form and orientation of development in relationship to the shape of the land. Landform is the signature element that is essential for achieving an environment that has its own identity or "sense of place".

1. In the RR and SR-1 Districts, locally distinct natural landform features should generally be left in a natural state.
2. Natural rural landforms are typically soft and roll due to the rounding effect of wind and water over time. Geometric landforms may also be present in areas of shallow bedrock or seasonal flooding. The character and diversity of the natural landform should be reflected in grading to accommodate development.
3. Minimize cuts and fills. When grading is necessary, slopes should be graded to mimic existing slopes and blend smoothly into the surrounding landform. Graded slopes should be a maximum of 1:5 and gradually blend into surrounding slopes.
4. New development should not erase landforms that are indigenous to the area. Instead solutions should reflect and reinforce the area's own topographic features.

B. Vegetation. Vegetation encompasses review of varying plant forms and their relationship to development and its mass on the landscape. In addition to the benefits

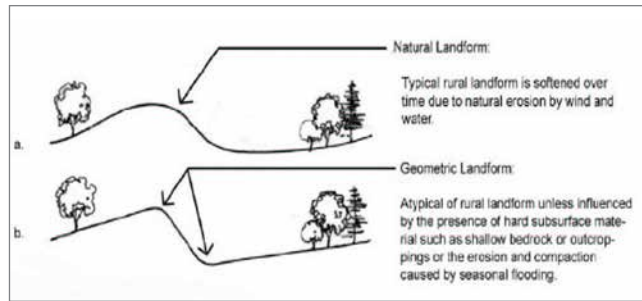


Figure 4.16 A. Landform Character.

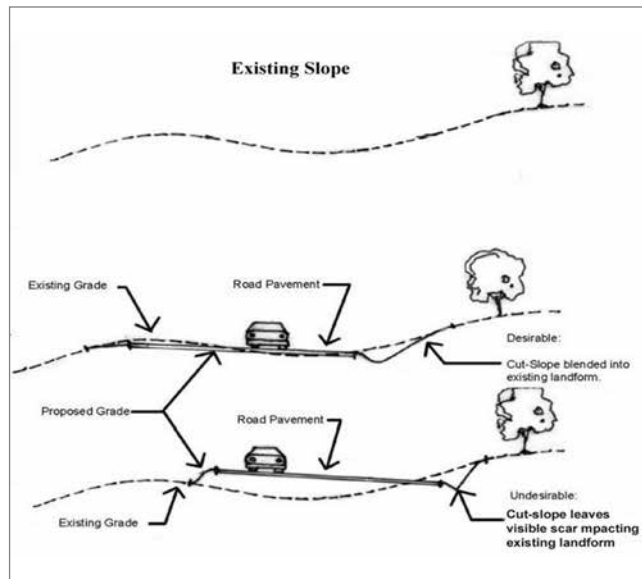


Figure 4.16 B. Blending Grading.

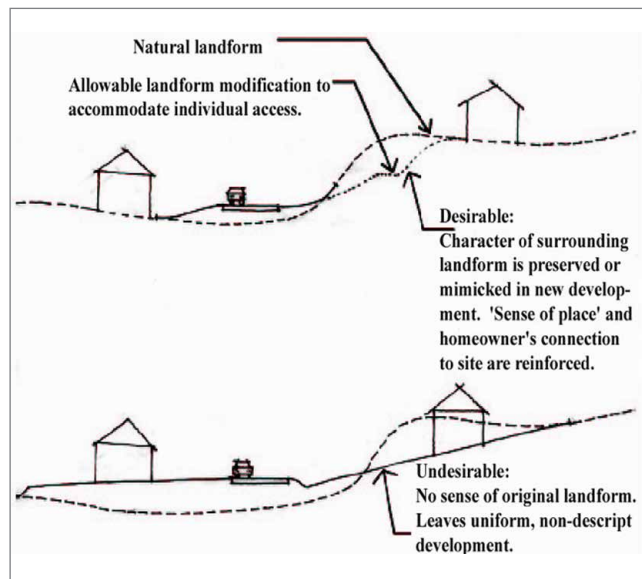


Figure 4.16 C. Landform Preservation.

plants offer the ecological system (soil stabilization, clean air, wildlife habitat) their presence or absence, how they are configured or arranged, and their species has a significant influence on development character. Every effort should be made to:

1. Preserve existing vegetation patterns and species mix and density.
2. Select and place new vegetation in ways that enhance the rural indigenous vegetation characteristics.
3. Vegetation in undeveloped rural areas is typically clustered. Rural vegetation should not be in geometric patterns that are associated with the urban environment.
4. In the rural environment vegetation, not structures, is the primary determinant of how far we can see and where we look.
5. Use existing vegetation and topography to screen new buildings if possible.

C. Structures. The height, placement, forms and patterns of building envelopes can establish an urban or rural character to any development. The intent of this section is to identify building envelopes, forms and patterns that are complementary to and reflective of rural characteristics.

1. Building envelopes in rural areas should be designed

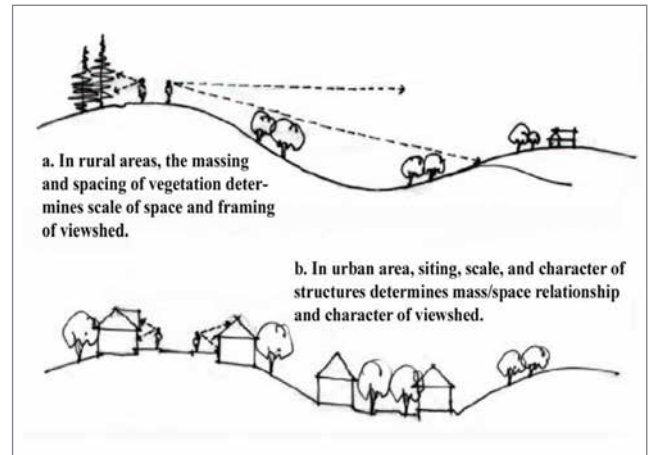


Figure 4.16 E. Framing Views.

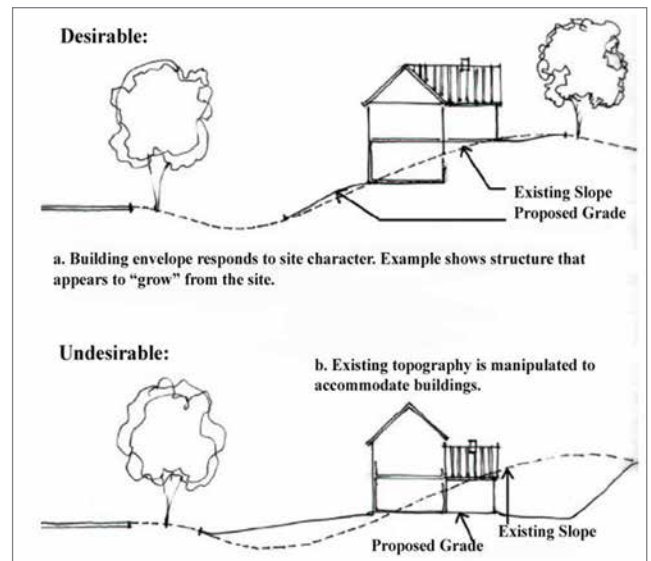


Figure 4.16 F. Siting Structures.

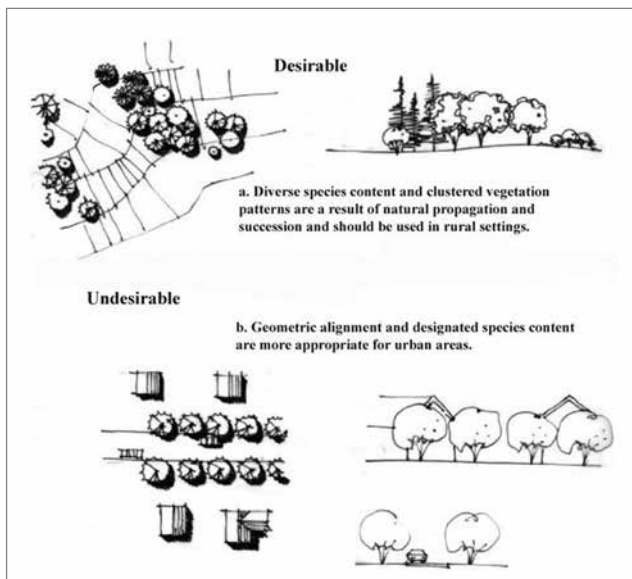


Figure 4.16 D. Vegetation Types.

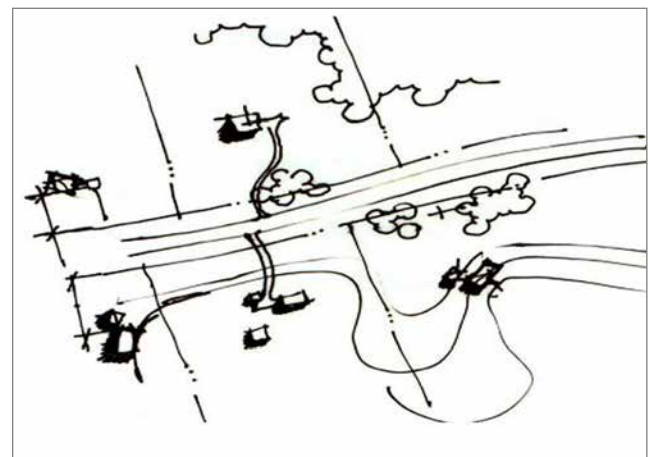


Figure 4.16 G. Rural Road Setbacks.

to maximize the preservation of the site's natural features (e.g. landform, vegetation). Whereas, in more urban environments, sites are more often modified to accommodate the building.

2. The placement of building envelopes in relationship to streets and highways critically affects the character of a community. Varied setbacks provide a different experience than a street where buildings are placed uniformly along a street. Rural placement is historically deeper and more varied than in urban environments and therefore recommended.
3. When building envelopes must be placed in open fields they should be oriented to and reflect the alignment and orientation of the site's natural features.
4. Site building envelopes so that treetops and crest lines of hills as seen from public places and roads will screen future buildings. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees.
5. Group building envelopes in clusters or tuck them behind tree lines or knolls rather than spreading them out across the landscape in a "sprawl" pattern.
6. The dominant visual context from the rural roads should be of natural and agricultural features, with structures visually subservient. Typically development should be interior lot development with seventy percent (70%) of the immediate highway view shed preserved.
7. The following structural guidelines apply only to structures in conservation subdivisions, which are

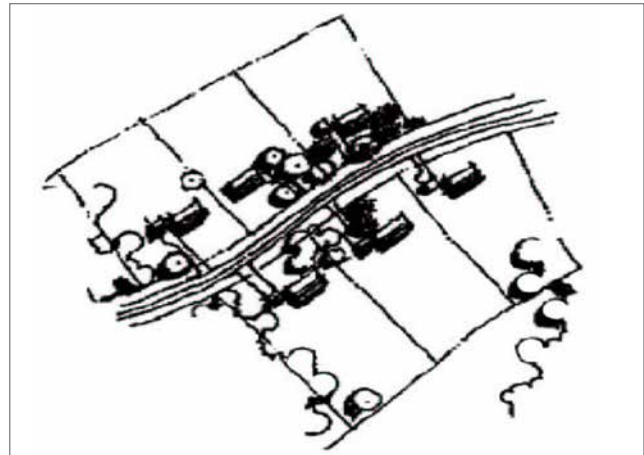


Figure 4.16 I. Neighborhood Cluster. *Caption.*

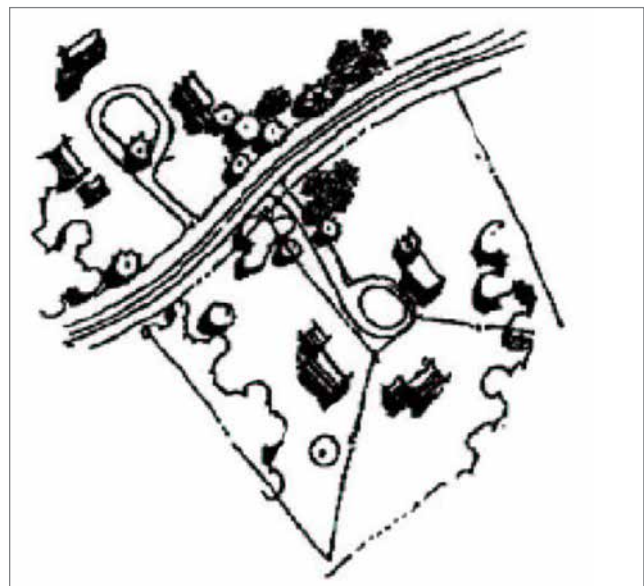


Figure 4.16 J. Hamlet Cluster.

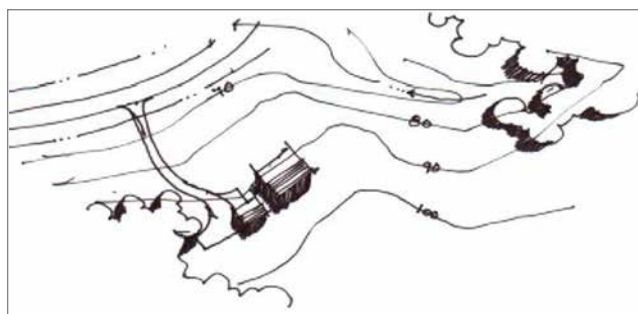


Figure 4.16 H. Align with Contours.

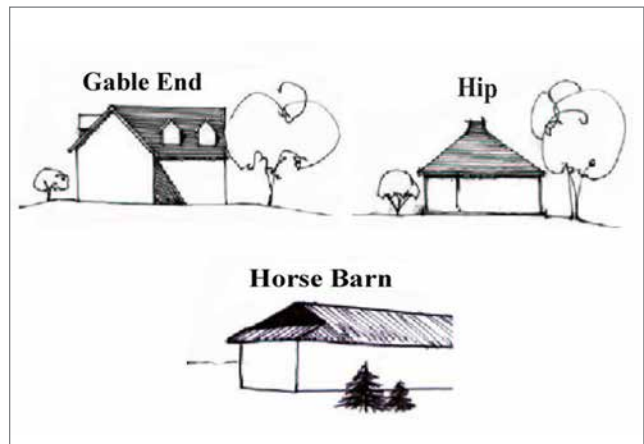


Figure 4.16 K. Roof Forms.

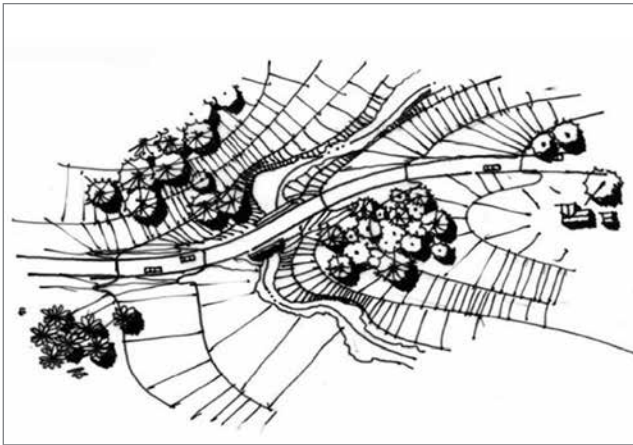


Figure 4.16 L. Curvilinear Road Alignments.

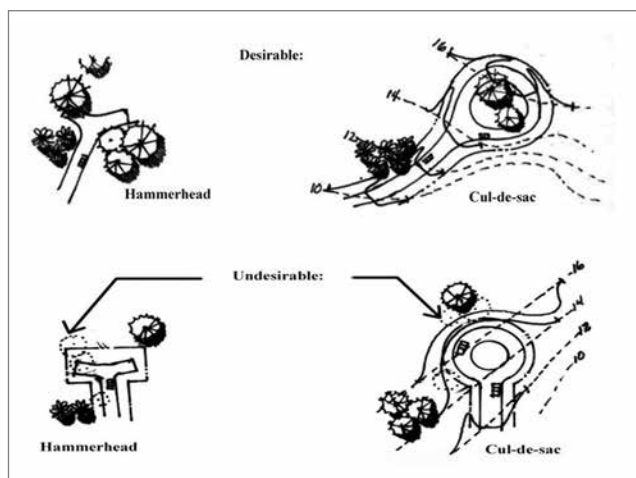


Figure 4.16 M. Subdivision Roads.

also located in architectural review districts. The intent in these areas is to have the mass and roof forms of structures contribute to the rural character of the development. These guidelines are examples of the preferred way to design and site uses but they should not be considered the only acceptable solution.

8. Massing of structures or structural elements influences rural character. Historically, rural buildings were often an assemblage of additions. These additions over time created a complexity of roof forms that have become icons associated with our rural agrarian environments.
9. Rural roof form options include, but are not limited to, symmetrically pitched or hip roofs with or without gables and horse barn type roof ends.

D. Circulation Systems. Circulation systems are

comprised of both vehicular and pedestrian systems. In general rural vehicular and pedestrian systems are curvilinear in alignment, a pattern that evolved out of historic systems following the lines of least resistance (e.g. stream corridors) following natural landforms. It is only in more urbanized conditions that roads and streets should take on geometric forms reflecting the built environments they move through.

1. Whenever possible roads (and the resultant lot layout) should be planned and designed so the site's cultural and environmental features are preserved and enhanced.
2. Vehicular and pedestrian circulation systems should retain and reuse historic farm roads and lanes. This guideline allows a development to build upon the site's historic context while minimizing clearing and disruption of the landscape. Care should be taken to apply this guideline only where its implementation would not destroy the historic lanes, hedgerows and stonewalls it was meant to preserve.
3. Otherwise, vehicular and pedestrian circulation systems should be arranged to reflect the patterns of the site landform, vegetation, water bodies and vegetation massing.
4. Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings.
5. Rural road edges are historically unprotected (e.g. no curbs or gutters, with only a shoulder for user safety.)
6. Trail systems connecting destination areas should be comprised of flexible materials (e.g. asphalt, stone dust, bark) and connect areas of concentrated development.
7. Trails should be informal in nature and occur in rear yards.
8. Sidewalks should only be used to connect facilities within areas of concentrated development.

4.17 FLOOD DAMAGE PREVENTION

Note: The following has been moved from existing Chapter 120 Flood Damage Prevention – Article V Construction Standards. That Chapter will need to be updated accordingly.

4.17.1 General Standards

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 120–6. [Refer to City Code Chapter § 120 Flood Damage Prevention and Section 5.16 of this Chapter for more information.](#)

A. Subdivision Proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

1. Proposals shall be consistent with the need to minimize flood damage.
2. Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage.
3. Adequate drainage shall be provided to reduce exposure to flood damage.

B. Encroachments

1. Within Zones A1–A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - a. The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or
 - b. The City of Saratoga Springs agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City of Saratoga Springs for all

fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Saratoga Springs for all costs related to the final map revision.

2. On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 120–6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - a. A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or
 - b. The City of Saratoga Springs agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City of Saratoga Springs for all fees and costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Saratoga Springs for all costs related to the final map revisions.

4.17.2 Standards for All Structures

A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction Materials & Methods

1. New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
2. New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
3. Enclosed subgrade areas.
 - a. For enclosed areas below the lowest floor of

a structure within Zone A1–A30, AE or AH, and Zone A if base flood elevation data is available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

- A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.
- b. Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

C. Utilities

1. Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating and air-conditioning equipment, hot-water heaters, appliances, elevator lift machinery and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required.
2. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with

automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.

4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4.17.3 Residential Structures

- A. Elevation.** The following standards, in addition to the standards in ~~§§ 120-15A~~ [4.15.1.A](#) Subdivision Proposals, and ~~120-15B~~ [4.15.1.B](#) Encroachments, and ~~120-16~~ [4.15.2](#) Standards for all Structures, apply to structures located in areas of special flood hazard as indicated:
1. Within Zones A1–A30, AE and AH, and also Zone A if base flood elevation data is available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above the base flood level.
 2. Within Zone A, when no base flood elevation data is available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
 3. Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 120-6 (at least two feet if no depth number is specified).
 4. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

4.17.4 Nonresidential Structures

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures, in addition to the requirements in ~~§§ 120-15A~~ [4.15.1.A](#) Subdivision Proposals, and ~~120-15B~~ [4.15.1.B](#) Encroachments, and ~~120-16~~ [4.15.2](#) Standards for all Structures.

- A.** Within Zones A1–A30, AE and AH, and also Zone A if base flood elevation data is available, new construction and substantial improvements of any nonresidential

structure, together with attendant utility and sanitary facilities, shall either:

1. Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or
 2. Be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- B.** Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
1. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 2. Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in subsection [4.15.4 A.2 A\(2\) above](#).
- C.** If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of subsection [4.15.4 A.2 A\(2\)](#), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- D.** Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
- E.** Within Zone A, when no base flood elevation data is available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

4.17.5 **Manufactured/Mobile Homes and Recreational Vehicles**

The following standards in addition to the standards in §§

~~120-15~~ [4.15.1](#) General Standards, and ~~120-16~~ [4.15.2](#) Standards for all Structures, apply, as indicated, in areas of special flood hazard to manufactured/mobile homes and to recreational vehicles which are located in areas of special flood hazard.

A. Recreational Vehicles

1. Recreational vehicles placed on sites within Zones A1-A30, AF and AH shall either:
 - a. Be on site fewer than 180 consecutive days;
 - b. Be fully licensed and ready for highway use; or
 - c. Meet the requirements for manufactured homes in Subsections B, D and E.
2. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.

B. A manufactured/mobile home that is placed or substantially improved in Zones A1-A30, AE and AH that is on a site either outside of an existing manufactured home park or subdivision as herein defined; in a new manufactured home park or subdivision as herein defined; in an expansion to an existing manufactured home park or subdivision as herein defined; or in an existing manufactured home park or subdivision as herein defined on which a manufactured home has incurred substantial damage as the result of a flood shall be elevated on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

C. A manufactured/mobile home to be placed or substantially improved in Zones A1-A30, AE and AH in an existing manufactured home park or subdivision that is not to be placed on a site on which a manufactured home has incurred substantial damage shall be:

1. Elevated in a manner such as required in subsection [B 4.15.5 B above](#); or
2. Elevated such that the **manufactured** home chassis is supported by reinforced piers or other foundation

elements of at least equivalent strength that are no less than 36 inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

- D.** Within Zone A, when no base flood elevation data is available, new and substantially improved manufactured/mobile homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.
- E.** Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in § 120-6 (at least two feet if no depth number is specified). Elevation on piers consisting of dry stacked blocks is prohibited.

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5.1 PURPOSE

The purpose of this article is to detail the legal process and steps for the review and approval of any plans or permits required by this ordinance. The specific design standards which must be met for these approvals are provided in the appropriate section as follows:

Article 2.1 – Residential Districts

Article 2.2 – Mixed Use Districts

Article 2.3 – Specialty Districts

Article 2.4 – Overlay Districts

Article 3 – Requirements for Specific Uses

Article 4 – Design of Sites, Buildings and Signs

5.2 PUBLIC HEARING AND NOTIFICATION PROCEDURES

Note: This subsection combines the duplicate Public Hearing and Notification requirements for Site Plan, Subdivision, Special Permit and Variances. The corresponding text in each of those sections has been removed.

Land Use Board applications may require a Public Hearing or other notifications. This section is intended to describe the requirements for these hearings and notifications.

5.2.1 Public Hearing Notice

A. The ~~Planning Board~~ reviewing board in charge of the Public Hearing shall advertise the hearing in a Saratoga Springs newspaper of general circulation at least five days prior to the date thereof. The applicant shall be responsible for payment for this notice. Prior to the hearing, the applicant shall be responsible for filing with the ~~Planning Board~~ reviewing board an affidavit from the newspaper confirming such publication and payment.

1. For subdivisions which include a joint Public Hearing on the draft environmental impact statement, notice must be advertised no less than fourteen (14) days prior to the hearing.

B. Public hearings shall be noticed on the city website, to

the extent feasible, including links to any application materials for public viewing.

5.2.2 Property Owner Notification

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

- A.** The applicant shall obtain from the City the names and addresses of owners of all properties property owners- within which would intersect with a 250 foot geographic radius from the applicant's subject property boundary.

1. Hearing notices for minor subdivisions (not major) area variances (not use variances) and interpretation appeals shall notify property owners within 100 feet.
2. For subdivisions within five hundred (500) feet of park lands under the jurisdiction of the Regional State Park Commission, notices of the hearing shall also be mailed to that commission at least five (5) days prior to the hearing.

- B.** The applicant shall receive from the **Planning Board review board** a property owner notification notice and shall send only this notice to the identified property owners by first class mail. This notice shall be postmarked no less than 7 days but not more than 20 calendar days prior to the scheduled hearing.

- C.** Prior to the public hearing, the applicant shall submit to the **Planning Board reviewing board** confirmation of the property owner notification by obtaining a "certificate of mailing" from the U.S. Postal Service.

- D.** Failure to provide notice in exact conformance with these provisions shall not invalidate a **Planning Board reviewing board** determination provided the **Planning Board reviewing board** finds that substantial compliance has occurred and the public has been fairly apprised of the fundamental character of the proposed action.

5.2.3 On-Premise Signage

The applicant shall obtain from the City Planning Office a "Notice of Public Hearing" sign which shall be posted and secured conspicuously as described below.

- A. Sign Design.** The sign shall be printed on high-visibility color paper and include the following:

1. The city logo;
2. Text: "PUBLIC NOTICE";
3. The type of review (Special Use Permit, Subdivision, Site Plan, Use Variance, etc.);
4. Text: "This property is the subject of a public hearing scheduled on:"
5. The date and time of the public hearing;
6. Text: "This sign is property of the City of Saratoga Springs. Removal or defacement of this sign by unauthorized persons is prohibited. For information call the City Office of Planning and Economic Development at [phone number]."

- B. Location.** The sign(s) shall be posted in a conspicuous place on the subject property free from obstructed view.

1. On properties abutting a street, the sign(s) shall be posted on private property no more than 10 feet from the property line. On properties that do not abut a street, sign(s) shall be placed at the edge of the property closest to the nearest street
2. On properties where an existing structure is not setback from the property line or in instances where property posting is not practicable, sign(s) may be posted in a first floor window. Such window postings shall be visible from the street and shall provide the public with an unobstructed view of the sign.
3. On corner lots, signs shall be posted on each street frontage.
4. On lots with frontage exceeding 200 feet, signs shall be placed at maximum intervals of 200 feet.

- C. Duration.** The sign(s) shall be erected no less than seven (7) days prior to the first meeting or public hearing for which the review of this property has been scheduled. The sign(s) shall be removed within five (5) days of the determination of that application. A Board may withhold the fully executed determination until proof of sign removal has been satisfied. The property owner or applicant or an authorized agent is responsible for erecting, maintaining, and removing the sign(s) in accordance with this section. Signs may be kept by the applicant and may be reused as long as they are in suitable condition.

- D. Multiple Board Review.** In the event a property is

subject to more than one (1) land use board, the sign(s) shall be posted no less than seven (7) days prior to the first scheduled land use board appearance and maintained until no more than five (5) days following the determination by the last scheduled board.

E. Compliance. Failure to post notification sign(s), or to comply with other applicable standards herein, may result in the delay of application review or in the determination that an application is incomplete.

F. Waiver. Each land use board shall have the authority, within its individual review process only, to waive any or all provisions of these sign notification requirements upon a finding that:

1. The sign notification requirements are deemed impractical due to unique property characteristics, or
2. The sign(s) have been removed due to excessively inclement weather, or removed by no action of the applicant in such time that renders the applicant unable to replace the sign; provided that substantial compliance with the intent of public notification has been satisfied.

5.2.4 Other Referrals

A. Saratoga County Planning Board Referral

1. Any application for a special use permit, site plan review, use or area variance that meets the referral requirements of General Municipal Law Section 239-m shall be referred to the Saratoga County Planning Board for its review. ~~prior to the public hearing.~~ No action shall be taken by the ~~Planning Board reviewing board~~ on such application until an advisory recommendation has been received from the County Planning Board or 30 calendar days have passed from when the County Planning Board received the full statement.
2. If the Saratoga County Planning Board recommends modification or disapproval of a proposed action, the ~~Planning Board reviewing board~~ shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.

B. Intermunicipal Notification

Pursuant to General Municipal Law Section 239-nn, if the land involved in an application for a special use permit, subdivision, site plan review or use variance lies within 500 feet of the boundary of another municipality, the ~~Planning Board reviewing board~~ shall submit a copy of the official notice of the public hearing to the municipal clerk of the other municipality at least 10 days prior to the public hearing.

C. Advisory Opinion

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

D. Joint Review Board Meetings

At their discretion, the Planning Board and the Design Review Board may hold a joint meeting at an early stage of the application process in order to provide timely, efficient and more coordinated guidance to the applicant. ## Note: Verify if this is new language added or existing.

5.3 CONSENT AGENDAS

A. Consent Agenda. Noncontroversial or routine items may be placed on a Consent Agenda of the Planning Board or Design Review Board if it is anticipated that there will be no public comment on the item and that there is no need for board discussion.

1. **Consent Agenda Actions.** The board shall establish a process and rules to determine which actions may be considered as part of a Consent Agenda, and may periodically update these rules, which shall be kept on file in the Planning Department.
2. **Notice.** The Planning Department must provide notice to the public of any item proposed for the Consent Agenda at least five (5) days prior to the board meeting for which it is scheduled. Any conditions of approval for a Consent Agenda item shall be made available to the board in advance.
3. **Procedure.** All of the items on the Consent Agenda shall be approved by a single motion and vote, except for any individual items which are removed for discussion.
4. **Discussion.** If any board member or public citizen

wishes to discuss an item on the Consent Agenda, it may be removed and discussed as a regular agenda item immediately after the Consent Agenda is completed. Individual items can be removed from the Consent Agenda by a motion from any board member.

5. **Administrative Approval.** The Chair shall issue all administrative approvals in writing and report them to the board in a timely manner. The vote to approve the Consent Agenda constitutes the approval of each item as if it had been acted upon individually.
6. **Ineligible Vote.** A board member shall not vote on a resolution in the Consent Agenda if that member did not participate in or review the record of the underlying action.

5.4 SUBDIVISIONS

This is a replacement of existing Chapter 241 Subdivisions. ##
 Note: For the purposes of this draft, all existing code language is being deleted and replaced with the following.

5.4.1 Intent and Delegation to Planning Board

The intent of this article is to set forth the process by which to review the site characteristics to ensure consistency with the goals and objectives of the City's Comprehensive Plan and to regulate the subdivision of land into lots suitable for construction of improvements in conformance with this chapter and the development of all associated supporting infrastructure and environmental design, the Planning Board is hereby authorized to administer and carry out the intent established in this article.

5.4.2 Applicability

- A. **Subdivision Approval Required.** These regulations shall govern the subdivision of land within the City, and no person shall subdivide land in the City without first complying with these regulations and obtaining approval of the final plat for the proposed subdivision as evidenced by the endorsement of such plat in accordance with the procedures specified in this article and recording of the endorsed final plat in the office of the Saratoga County Clerk.
- B. **Lot Line Adjustment.** A change in lot line or an approved subdivision plat to accommodate as-built plans, minor changes to the internal alignment or grade of a street, or a similar type of accommodation and which was not a substantive part of the subdivision approval and does not create a new lot or make any lot concerned nonconforming as determined by the Zoning Enforcement Officer shall not be considered a subdivision and shall not require Planning Board review and may be approved by the Planning Board Chair to end or set the plat entitled "Lot Line Adjustment" with the following notation: *"Authorized endorsement for lot line adjustment per determination of the City of Saratoga Springs by (name, and title-planning board chair) on (Date)."*
- C. **Subdivision Application.** Whenever any subdivision of

land is proposed, before any permit for the erection of a permanent building in such proposed subdivision shall be granted, and before any subdivision plat may be filed in the office of the Saratoga County Clerk, the applicant shall apply for and secure approval of such proposed subdivision in accordance with the provisions of these regulations and other applicable provisions of law.

D. Approval Required for Legally Pre-Existing Lot that Has Not Received Subdivision Approval.

No person shall erect a building on a parcel of land shown on plat already filed in the office of the Saratoga County Clerk that has not been approved as a subdivision as set forth in these regulations unless such parcel has been determined by the Zoning Enforcement Officer to be a legally pre-existing lot.

E. Concept plan, preliminary plat and final plat submission.

In order to allow for timely and efficient review and allow for potential design modifications prior to detailed engineering design, three levels of subdivision plan reviews are provided. Submission of a concept plan is optional for a minor subdivision and is recommended but not required for a major subdivision and is only required for a conservation subdivision. A preliminary plat is optional for a minor subdivision and required for a major subdivision. Submission of a final plat is required for all subdivision types.

F. Minor Subdivisions. A determination that a proposed subdivision shall be classified as a minor subdivision shall be made by the Zoning Enforcement Officer after consultation with the City Planning Office and City Engineer provided each of the criteria established below are satisfied:

1. That the proposed modification, consolidation or division of lot boundaries cannot be classified as a lot line adjustment.
2. That no more than three additional lots are being created each conforming to the dimensional requirements of this chapter.
3. That sufficient suitable frontage exists on existing public streets therefore no new street frontage needs to be created or constructed.
4. That the proposed subdivision will accommodate planned bicycle and pedestrian facilities for the street and project location.

5. That substantial improvements to existing water, sewer, and drainage systems will not likely be required.

6. That the proposed action would not be suitable for a conservation subdivision or cluster subdivision.

G. Major Subdivisions. A determination that a proposed subdivision shall be classified as a major subdivision shall be made by the Zoning Enforcement Officer based upon the following criterion:

1. That the proposed subdivision, modification or consolidation of lot boundaries cannot be classified as a lot line adjustment or a minor subdivision.

5.4.3 Evaluation Criteria for Subdivision Approval.

It is declared to be the policy of the City of Saratoga Springs to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the City. This shall be interpreted to include the following objectives, which will guide the Planning Board's decisions.

A. That each lot shown on the plat is served by an existing or proposed street that has been properly designed of width, grade and construction to provide safe and adequate access for vehicles and pedestrians and to accommodate existing and prospective traffic and that any existing streets and related facilities are adequately upgraded to conform to the applicable Street Types for the district as required by the City.

B. Proposed streets, sidewalks and bicycle facilities shall compose a convenient system conforming to the City's Comprehensive Plan, Complete Streets Plan, Saratoga Greenbelt Trail and/or Official Street Map as they may be adopted.

C. Existing and proposed curb cuts, driveways, roadways and internal traffic circulation placement and design for the subdivision considers and provides reasonable connections to nearby streets and adjacent property to minimize undue traffic concentration and to improve public safety.

D. That adequate capacity exists and that any proposed systems are sufficient to provide for all needed public

services including but not limited to water supply, wastewater treatment, drainage and stormwater management and communications systems.

- E.** That streets and improvements are designed to reflect the appropriate setting of the neighborhood and include sidewalks, pathways, street trees, lighting, bus shelters, bicycle racks and other amenities as determined necessary and appropriate.
- F.** That emergency services including but not limited to fire, police, and ambulance can safely accommodate the lots in the subdivision.
- G.** Land to be subdivided shall be of such character that it can be used safely for road construction and building purposes without danger to health or peril from fire, flood or other menace.
- H.** All development shall be so situated on the lot to assure that there is provision for adequate light and air for occupants.
- I.** Open space, parks, and playgrounds shall be shown on the subdivision plat.
- J.** Adequate consideration has been given to preserve valuable environmental features to the maximum extent practicable, recognizing that the subdivision development process has inherent unavoidable impact to environmental features.
- K.** In case any of these regulations shall conflict or be inconsistent with any provision of the General City Law, the relevant provisions of the General City Law shall apply.

5.4.4 Pre-Application Conference

- A.** A pre-application conference with the Planning Office is required prior to the filing of a preliminary plat in the case of a major subdivision and is optional in the case of a minor subdivision. The property owner or his duly authorized representative may initially schedule an appointment with the Planning Office to informally discuss the proposed subdivision and become familiar with the requirements of this chapter and other laws, ordinances, rules, regulations or policies of the City of

Saratoga Springs that may be pertinent to the proposed subdivision. The Planning Office may invite any other departmental representatives as appropriate to this conference.

- B.** Discussion at the preapplication conference should include review of both procedural and submission requirements and the technical application of the standards provided within the regulations as related to lot layout and required improvements. The Planning Department shall make a recommendation to the Planning Board as to the submissions request for a minor or major subdivision.

5.4.5 Concept (Sketch) Plan Review

- A.** Submission of a concept plan is optional for a minor subdivision and is recommended but not required for a major subdivision and is only required for a conservation subdivision. The property owner or his duly authorized representatives shall submit to the Clerk of the Planning Board, at least 21 days prior to the regular meeting of the Planning Board, a concept plan application and supporting materials as required.
- B.** **Study of Concept Plan.** The Planning Board shall, within 62 days after submission, determine whether the sketch plat meets the objectives of the regulations and shall, where it deems necessary, make, in writing specific recommendations to be incorporated by the applicant in the next submission to the Planning Board. In its review, the Planning Board may schedule a field visit to the site. To facilitate the inspection of the site, the applicant shall have the corners of the property marked by temporary stakes and the City Planning Office, after consultation with the City Engineer may require the approximate center line of any proposed streets marked by temporary stakes.

- 1.** Concept plan review requires the filing of an initial application and payment of a fee to cover the review costs as established by the City Council. Concept plan endorsement does not allow filing of a plat with the County Clerk or authorize the sale or lease of or any offer to sell or lease any lots in such subdivision or any part thereof.
- 2.** The Planning Board shall provide written comments on the concept plan for use by the applicant in

preparation of preliminary or final subdivision plat as required.

key map to subdivisions subsequently laid out in sections or phases on final plats.

5.4.6 **Major Subdivisions Preliminary Plat Review**

Submission of a preliminary plat is optional for a minor subdivision and required for a major subdivision.

1. **Application and Fees.** Prior to the filing of an application for the approval of a major subdivision plat and within six months of the classification by the Planning Board Chair of the concept plan of a proposed subdivision as a major subdivision, the property owner or his duly authorized representative shall file an application for consideration with a preliminary plat of the proposed subdivision. Such preliminary plat shall be clearly marked "preliminary plat" and shall be in the form and include all the data prescribed herein. The preliminary plat shall, in all respects, comply with the requirements of Sections 32 and 33 of General City Law and these regulations, except where a waiver of any specific requirement may be specifically requested from and authorized by the Planning Board.
 - a. Payment of a fee shall accompany all applications for approval of a preliminary plat for a major subdivision. Said application fee shall be in accordance with the fee schedule established by resolution of the City Council.
2. **Purpose.** The preliminary plat and the supporting documents for a proposed subdivision constitute the material to be officially submitted to the Planning Board, and later, one paper and one digital (pdf) copy shall become the official record of the Clerk of the Planning Board. The preliminary plat and supporting documents shall show the layout of the subdivision and its public improvements so that the Planning Board can indicate its approval or disapproval of the subdivision prior to the time that the final plat, including the final engineering design and detailing of the public improvements and utilities, is completed. Approval of the preliminary plat does not constitute an approval of the final plat, nor should it be considered a valid basis for the construction of site improvements or other commitments which depend upon its design characteristics.
 - a. The preliminary layout shall additionally serve as a

3. **Study of Preliminary Plat.** The Planning Board shall study the practicality of the preliminary plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of proposed streets and connections to existing streets to provide an interconnected network, their relationship to the topography of the land and the lots to be subdivided, water supply, sewage disposal, drainage and stormwater management, lot sizes and configuration, the future development to lands not yet subdivided and the requirements of the Comprehensive Plan, the Open Space Plan, Complete Streets Plan, Greenbelt Trail Plan and/or Official Map as they may be adopted.
4. **Approval Procedure.** All time frames specified below must be coordinated time frames and review process set forth in the State Environmental Quality Review Act (SEQRA) regulations at NYCRR Part 617.
 - a. Within 62 days of receipt of the complete preliminary plat application by the Planning Board, the Planning Board shall hold a public hearing on such preliminary plat. Notice of the public hearing, property owner notifications and other referrals shall be conducted as specified in Section 5.2.
 - b. Within 62 days of the date of such public hearing, the Planning Board shall act, by resolution, on the preliminary plat. The Planning Board shall either approve with or without modifications or disapprove the preliminary plat. The Board shall specify, in writing, its reasons for any such disapproval. The time in which the Planning Board must take action may only be extended by mutual consent of the owner and the Planning Board. Failure of the Planning Board to take action on a preliminary plat within the time prescribed therefor shall be deemed approval of the plat.
 - c. When approving a preliminary plat, the Planning Board shall state, in writing, the modifications, if any, it deems necessary for submission of the plat in final form with respect to the specific changes which it will require in the preliminary

plat; the extent of waivers which may have been specifically requested and which, in the Planning Board's opinion, may be authorized without jeopardy to the public health, safety and general welfare; and the categories of improvement and the estimated amount of all bonds or similar performance guaranties which the Planning Board shall require as a requisite for approval of the final plat. The action of the Planning Board, plus any conditions attached thereto, shall separate document attached to the preliminary plat. One copy shall be returned to the subdivider, one copy shall be retained by the Planning Board. Prior to the approval of the final plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

5. The hearing on a preliminary subdivision plat shall be closed upon motion of the Board within one hundred twenty (120) days after it has been opened, unless additional time is granted by the applicant.

5.4.7 Final Plat Review

Submission of a final plat is required for all submissions.

A. Application and Fee. The property owner or his duly authorized representative shall prepare a final plat, together with all other supplementary documents, in accordance with this chapter. The application for final plat approval shall be accompanied by a processing fee in accordance with the City's fee schedule.

1. When a preliminary plat has been submitted and approved, the final plat and other supplementary documents shall be filed with the City Planning Office, together with a written application for final approval, within 180 days after approval with or without modifications of the preliminary plat, unless such time limit is extended by mutual consent of the applicant and the Planning Board.

B. Purpose. The final plat and the supporting documents for a proposed subdivision constitute the complete development of the subdivision proposal. After public hearing, as required, and approval by the Planning Board, this complete submission, along with the applicable

performance guaranty and the general liability insurance policy, as approved by the City Attorney, becomes the basis for the development of the subdivision, the installation of required improvements and the applicable inspection services by the Planning Board, the City Engineer or other delegated City representatives.

C. Approval Procedure. All time frames specified below must be coordinated time frames and review process set forth in the State Environmental Quality Review Act (SEQRA) regulations at NYCRR Part 617.

1. Within 62 days of the receipt of the final plat by the Planning Board, the Planning Board shall hold a public hearing, if required, on such final plat. Such hearing shall be advertised at least once in a newspaper of general circulation in the City; provided, however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under provisions of this article and modified in strict accordance with requirements of such approval, if such preliminary plat has been approved with modifications, the Planning Board may waive by resolution the requirement for such public hearing.
2. Within 62 days of the date of such public hearing or from the date of receipt of the application by the Clerk of the Planning Board if no such hearing is held, the Planning Board shall act by resolution on the final plat. The Planning Board shall either approve, conditionally approve with or without modification or disapprove the final plat. The Board shall specify, in writing, its reasons for any such disapproval. The time in which the Planning Board must take action may only be extended by mutual consent of the owner and the Planning Board. Failure of the Planning Board to take action on a final plat within the time prescribed therefor shall be deemed approval of the plat.
3. If conditional approval is granted, the Planning Board shall empower the Chairman of the Planning Board to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five days of the resolution granting conditional approval, the plat shall be so certified by the Clerk of the Planning Board as conditionally approved, and a copy shall be filed in the Planning Board office, and a certified

copy shall be mailed to the applicant which shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Conditional approval of a plat shall expire and the application shall be considered to have been withdrawn 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. Upon specific request by the applicant, the Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if, in its opinion, such extension is warranted, for a time not to exceed two additional periods of 90 days each.

D. Final Approval and Filing. Upon completion of the requirements in this chapter and notation to that effect upon the subdivision plat, the subdivision plat shall be deemed to warrant final approval. Two Mylar and two copies as provided by the applicant shall be properly signed by the Chairman of the Planning Board upon receipt of notification that the required performance guaranty and insurance, as may be requested, have had the approval of the City Attorney. A digital copy of the final plat shall be provided to the Planning Board in PDF format. The final plat may then be filed by the applicant in the office of the Saratoga County Clerk. Planning Board approval of a final plat shall not be deemed an acceptance by the City of any street or other land shown as offered for cession to public use. Each plat shall have each of the following statements as shown in Figure 5.4-1.

1. **Expiration of Approval.** The approval of a final plat shall expire within 62 days after the date of the Planning Board's resolution authorizing the Chairman of the Planning Board to sign the drawings unless filing of the plat or a section thereof, as may be authorized by the Planning Board, is accomplished within that time period in the office of the Saratoga County Clerk in accordance with § 32 General City Law. Expiration of an approval shall mean that any further action shall require submission of a new application, payment of a new filing fee and Planning Board review of all previous findings. On and after such expiration of plat approval, any formal offers of cession submitted by the subdivider shall be deemed to be invalid, void and of no effect.

2. **Filing in Sections.** At the time of final plat approval, the Planning Board may permit the plat to be divided into two or more sections, subject to any conditions the Board deems necessary to ensure the orderly development of the plat. The applicant may file a section of the approved plat with the Saratoga County Clerk, which section shall consist of not fewer than 10 lots nor less than 10% of the total number of lots shown on the approved plat. In this circumstance, plat approval on the remaining sections of the plat shall continue in effect for a period of three years from the filing date of the first section with the County Clerk. When a plat is filed by section with the County Clerk, the applicant shall, within 30 days, file with the Planning Board the entire approved preliminary plat. The applicant shall not be permitted to begin construction of buildings in any other section until such section has been filed in the office of the Saratoga County Clerk and the required improvements have been installed and approved in such section or a satisfactory performance guaranty covering the cost of such improvements has been posted.

E. Stormwater Pollution Prevention Plan

1. For all preliminary subdivision plats a stormwater pollution prevention plan (SWPPP) consistent with the requirements of this chapter shall be required and shall meet the performance and design criteria for approval of a SWPPP for preliminary subdivision plat approval.
2. For all Final Subdivision Plat approvals a stormwater pollution prevention plan (SWPPP) consistent with the requirements of this chapter, and with the terms of preliminary plan approval shall be required for final subdivision plat approval.
3. In cases where property is being subdivided only and not developed, and where there is not an immediate plan to develop such, a stormwater pollution prevention plan shall not be required, unless the Planning Board after consultation with the City Engineer deems it necessary. The right is further reserved to require a plan when the lots are actually developed.

F. Coordination with State Environmental Quality Review Act

1. Preliminary plats, and final plats where no preliminary plat was required, shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.
2. When the Planning Board is the lead agency under the State Environmental Quality Review Act (SEQRA), any public hearing held by the Planning Board on a preliminary plat, on a final plat where no preliminary plat was required or on a final plat which does not substantially conform to an approved preliminary plat shall be coordinated with the environmental

review process as follows:

- a. If the Planning Board determines that the preparation of an environmental impact statement is not required, the public hearing on the plat shall be held within 62 days after the receipt of a complete preliminary plat; or if the Planning Board determines that the preparation of an environmental impact statement is required and a public hearing on the draft environmental impact statement is held, the public hearing on the plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement. If no public hearing is held on the draft environmental impact statement, the public hearing on the plat shall be held within 62 days of filing the notice of completion.
 - b. The public hearing on the plat shall be advertised, with notifications and referrals, as specified in Section 5.2.
 - c. If the Planning Board determines that an environmental impact statement is required and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 62 days following the close of the public hearing on the plat. Within 30 days of the filing of such final environmental impact statement, the Planning Board shall issue findings on the final environmental impact statement and make its decision on the plat.
3. If the Planning Board is not the lead agency under the State Environmental Quality Review Act, any public hearing held by the Planning Board on a preliminary plat, on a final plat where no preliminary plat was required or on a final plat which does not substantially conform to an approved preliminary plat shall be coordinated with the environmental review process as follows:
 - a. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the plat jointly with the lead agency's hearing on the

FIGURE 5.4-1
Design Certification Stamps

DESIGN CERTIFICATION

I, _____, Registered Professional _____ in the State of New York License No. _____, do hereby certify that the street system, water system facilities, sanitary sewer system facilities, and storm drainage facilities for this project have been designed in accordance with all applicable state, county, local and city standards.

Stamp and sign to the left

Approval

Approved under authority of a decision adopted on _____ by the Planning Board of the City of Saratoga Springs.

Chairperson

Dated: _____

draft environmental impact statement. Failing such agreement, the Planning Board shall hold the public hearing on the plat within 62 days after the receipt of a complete plat by the Clerk of the Planning Board.

- b. The hearing on the plat shall be advertised, with notifications and referrals, as specified in Section 5.2. The Planning Board may provide that the hearing be further advertised in such a manner as it deems most appropriate for full public consideration of such plat. The hearing on the final plat shall be completed within 120 days after it has begun.
- c. The Planning Board shall act on the plat within 62 days after the close of the public hearing on such plat.

G. Building Permits and Certificates of Occupancy

1. Upon the posting of a satisfactory performance guaranty or upon certification of the completion or installation of all required improvements to the satisfaction of the this article, and upon Planning Board approval of the final plat, and approval of any other permits required by this Chapter, the applicant or his successor in title may be issued building permits for the construction of buildings in accordance with the approved subdivision plat other applicable laws, rules and regulations.
2. In instances where building permits have been authorized upon the posting of a satisfactory performance guaranty, the applicant or his successor in title may not be subsequently issued certificates of occupancy for any buildings constructed in the subdivision until completion of all required improvements to City standards and upon certification of such as required in this article.

5.4.8 Conservation Subdivisions

A. Purpose and Applicability. The purpose of this article is to achieve ~~a balance between~~ well-designed residential development, meaningful open space conservation, and natural resource protection in the ~~countryside city's~~ more rural areas by requiring conservation subdivisions instead of conventional subdivisions.

1. These regulations apply to all properties within the RR and SR-1 Districts, which encompass most of the area described in the Saratoga Springs Comprehensive Plan as the "Country Overlay Area." The use of conservation subdivisions is intended to preserve tracts of environmentally and scenically significant undeveloped land in the "Country" part of Saratoga Springs, including road corridors and buffers, in order to maintain the historic settlement pattern and implement the Comprehensive Plan's vision of a "City in the Country." Conservation subdivisions result in the preservation of contiguous open space and important scenic and environmental resources, while allowing compact development, more walk-able neighborhoods, and more design flexibility than conventional subdivisions. ~~Conservation subdivisions must satisfy the standards in Sections 1, Paragraphs B, C, and D. The procedure for approving conservation subdivisions is described in Article II, Section 2. Graphics in these regulations are included for illustrative purposes.~~

B. Procedures. The procedures for the review and approval of Conservation subdivisions shall be the same as those for Major subdivisions, in addition to the following requirements:

1. As part of the concept (sketch) plan application, the applicant shall conduct a Conservation Analysis as described in Article 4.
2. The conservation subdivision shall be designed according to the standards and guidelines for conservation subdivisions in Article 4.
3. The conservation analysis shall describe the importance and the current and potential conservation value of all land on the site. In the course of its initial preliminary subdivision plat review, the Planning Board (Board) shall ~~indicate to the applicant~~ determine which of the lands identified as being of conservation value are most important to

preserve.

4. The ~~outcome of the~~ conservation analysis and the Board's determination after review of the concept plans and any alternatives developed as part of the concept plan including development of a preferred alternative concept plan shall be incorporated into the ~~approved~~ preliminary subdivision plat (~~see Article II, Section 2, Paragraph A.3~~) showing land to be permanently preserved by a conservation easement. The preliminary subdivision plat shall also show preferred locations for ~~intensive~~ development. ~~as well as acceptable locations for less dense development.~~
5. The Board shall make the final determination as to which land has the most conservation value and should be protected from development by conservation easement. Whenever the Board approves a plan with protected open space, it shall make written findings identifying the specific conservation values protected and the reasons for protecting such land (the "conservation findings"). The Board shall ~~deny deem incomplete~~ an application that does not include a complete conservation analysis sufficient for the Board to make its conservation findings.
6. If, based upon the conservation analysis, the Board determines in its conservation findings that there is no reasonable basis for requiring a conservation subdivision; the Board may approve a conventional development of the site. In order for the Board to make such a determination, the applicant must demonstrate at least one of the following:
 - a. The land contains no substantial resources with conservation value; or
 - b. The acreage is too small to preserve a substantial amount of land with conservation value (this criterion shall not be evaded by piecemeal subdivision of larger tracts); or
 - c. The lot configuration is unique and precludes preservation of a substantial amount of land with conservation value; or
 - d. That there are extraordinary circumstances unique to the parcel that demonstrates that conventional subdivision is in the best interest of the adjacent neighborhoods.

7. In order to make the required showing under b. or c. above, the applicant must also demonstrate that the parcel does not adjoin other land that, when combined with open space on the parcel, would result in the preservation of a substantial amount of land with conservation value (including any portion of a designated trail corridor), regardless of whether or not the adjoining parcels have been protected as open space.
8. An approval of a conventional subdivision shall refer to the conservation findings and may be conditioned upon the protection by conservation easement of portions of the site identified in the conservation analysis and findings as having conservation value.

5.4.9 Cluster Subdivisions

- A. **Applicability.** Clustering provisions are limited to single family detached residential developments within the UR-1 and SR-2 residential Zoning district where single family detached units are permitted. In no case will other housing types be permitted. Clustering may be applied to subdivisions of any size.
- B. **Intent.** The intent of this article is to permit variation in conjunction with a proposed subdivision plat in lot size and housing type in suitable areas in order to encourage flexibility of design, to enable land to be developed in such a manner as to promote its most appropriate use, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open space, in accordance with Section 37 of the General City Law. This purpose is achieved by permitting a reduction in lot sizes required for the zoning district within which such development occurs while maintaining the imposed density limitations through the provision of open space. ~~These regulations apply to all properties within~~
 It is the intent of this article to promote energy conservation, harmonious architectural design, better use of existing topography and natural features, conservation of open spaces, recreational development, solar access and design, and to provide for economies inherent with cluster-type development and conservation subdivisions.
- C. ~~Delegation to the Board. The power to approve, approve-~~

~~with modifications or disapprove cluster zoning in accordance with the intent established in Article II above, is granted to the Board in accordance with Article 3, Section 37 of the General City Law. ## Note: The above paragraph shall be deleted and moved into Article 1.~~

D. Procedures. The procedures for the review and approval of Cluster subdivisions shall be the same as those for Major subdivisions, in addition to the following requirements:

1. The cluster subdivision shall be designed according to the standards and guidelines for cluster subdivisions in Article 4.
2. In determining the allowed density of a conservation subdivision, the Board shall require the submission of a conventional subdivision plan showing the maximum number of lots that could reasonably be approved in conformance with the zoning and subdivision regulations for the district the project is proposed, and taking into account natural resource constraints such as slopes and wetlands. The number of lots that can be developed in accordance with such a plan shall be known as and constitute the base density for the subdivision. Density of residential units shall not exceed the base density as calculated in [Article IV, Section 1, Paragraph B.1.], ## Note: Point to density calculation for Conservation subdivisions in Article 4. except that the Board may allow up to 20% greater density where it finds that:
 - a. The project provides exceptional open space or public recreation benefits. Examples of such benefits include the provision of a new recreational opportunity available to the public in an area where there has not been such an opportunity; the provision of public access to an important natural or park area; and the permanent protection of an important environmental resource.
 - b. The project provides a desirable mix of affordable housing. Examples of such a mix include the provision of at least 20% of the housing mix below the median housing price. Such houses or lots shall be set aside for purchase by low and moderate income households, as those terms are currently defined by the City's Community Development Office. The Board may establish

such other conditions with respect to the purchase and occupancy of affordable housing, as it deems appropriate.

- c. The decision to allow such bonus shall be at the sole discretion of the Board.
3. ~~A sub-divider~~ An applicant may request the use of this section at any time during the subdivision review process. ~~The process and procedures shall be identical to those found in the current edition of the Subdivision Regulations of the City of Saratoga Springs.~~ The Board shall review modifications in dimensional requirements of the City zoning requirements according to the provisions of Section 37 of the General City Law.
- E. All the land not contained in the lots or the road right-of-way, if provided, shall:
 1. Be dedicated to the City, provided the City is willing to accept such dedication; or
 2. Be transferred to a not-for-profit corporation approved by the Attorney General's Office, pursuant to Section 352(e) of the General Business Law, comprised of owners of lots within the development; or
 3. Be transferred to a bona fide charitable not-for-profit corporation whose purposes include the acceptance of land for open space, conservation, protection of environmentally sensitive areas, or the like.
- F. The applicant shall notify the Board of its intention to dedicate or transfer the open space portion of the conservation subdivision prior to the grant of final subdivision approval, and shall supply the Board with such reasonable documentation that it may request evidencing its intentions and indicating the ability and/or willingness on the part of the proposed recipient to receive such lands for such purpose.
- G. The applicant may be required by the Board to incorporate into the deeds of all property within the development a clause giving to the owners an easement or other interest in such open land which shall be used for recreation or other like purposes and, further, provide the City of Saratoga Springs with an easement providing for the same, which may be enforced by the City to

insure the continued use of the property as common open space area. No structure save those incidental to the recreational functions shall be permitted thereon.

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

5.4.10 **Variances, Modifications and Waivers**

- A. Where the Board finds that because of unusual circumstances of shape, topography or other physical features of the proposed subdivision or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with these regulations, it may waive certain requirements of these regulations so that substantial justice may be done and the public interest secured: provided that no such waiver shall be granted which will have the effect of nullifying the intent and purpose of the Official map, Zoning ordinance, these regulations, or ordinances of the City.
- B. In granting changes and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so changed or modified.
- C. The Board may waive, subject to appropriate conditions or guarantees, for such period as it may determine, the provision of any or all such improvements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interests of the public health, safety and general welfare. The Board may not waive improvements, which the public interest requires. The Planning Board shall not approve exceptions or waivers of conditions unless it shall make the findings based upon the evidence presented to the Board that in each specific case:
1. The granting of the exception or the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property.
 2. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable, generally, to the other property.

3. Because of the particular physical surroundings, shape, or topographical condition of the property involved, a particular difficulty for the owner would result, as distinguished from a mere inconvenience, if a strict interpretation of these regulations were carried out.

4. The relief sought will not, in any manner, vary the provisions of this ordinance, except that those documents may be amended in the manner prescribed by law.

5.4.11 **Review**

Any officer, Department or Board of the City, with specific approval of the City Council, or any person or persons, jointly or severally aggrieved by any decision of the Board concerning a plat decision, may bring a proceeding to review such decision in the manner provided by Article 78 of the Civil Practice Law and Rules in a Court of Record on the ground that such decision is illegal or improper in whole or in part. Such proceeding must be commenced within thirty (30) days after the signing of the subdivision plat plan.

5.5 SPECIAL USE PERMITS

Note: Includes existing Article 7.1.

5.5.1 Intent and Delegation to Planning Board

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

5.5.2 Applicability and Exemptions

The Planning Board shall conduct Special Use Permit Review for any use so required by [Article 2.2 with the following exemption except that](#) Special Use Permit review shall not be required if the following two conditions are met:

- A. The action does not result in an increase in the required number of parking spaces as set forth in [Article 6.2; and](#),
- B. The action does not alter, either individually or in combination, the impermeable or building coverage by more than 2% or 1200 s.f., whichever is less, from the most recent, approved site plan. ## Note: The usefulness and impact of this provision has been questioned, for discussion.

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

5.5.3 Evaluation Criteria for Special Use Permits

- A. To ensure that the proposed use will not adversely affect surrounding properties and community character, the Planning Board's evaluation of Special Use applications shall include the following:
 1. The extent to which the use is in harmony with and promotes the general purposes and intent of the Comprehensive Plan and this Chapter.

2. The density, intensity and compatibility of the use with the neighborhood and community character.
3. [The proposed use would not require the removal of any significant trees or vegetative buffers which contribute to the character of adjoining properties or mitigate impacts to them.](#)
4. Safe and efficient pedestrian and vehicular access, circulation and [both on-street and off-street](#) parking.
5. Existing and future demand on infrastructure, public facilities and services.
6. The environmental and natural resources of the site and neighboring lands including any potential erosion, flooding or excessive light, **noise**, vibration and the like.
7. [The potential impact on neighboring properties with regard to noise from regular daytime operations as well as special events which may be held on the property during the daytime or nighttime hours.](#)
8. The long-term economic viability of the site, neighboring properties and districts.

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

5.5.4 Application Procedures

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

forms prescribed by the Planning Board and shall be accompanied by a fee as established by the City Council.

5.5.5 Applications Also Subject to Site Plan Review

- A. An application subject to special use permit may also be subject to site plan review as indicated in [Article 2.2](#).
- B. The Planning Board may waive site plan review as a condition of a special use permit if the Planning Board determines that considerations customarily evaluated under site plan review have been appropriately considered as part of the special use permit process. [A Special Use Permit, however, cannot be waived as a condition of Site Plan.](#)

5.5.6 Public Hearing Notice and Referrals

- A. Within 62 days of the submission of a complete application, the Planning Board shall conduct a public hearing on that application.
- B. [A Public Hearing shall be scheduled, with notifications and referrals as specified in Section 5.2.](#)

Note: Remainder of the Public Hearing Notice and Referral requirements from this section have been moved and combined into a common section 5.2

5.5.7 Decisions

- A. In rendering its decision on any application, the Planning Board shall comply will all applicable provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
- B. The Planning Board shall issue a written decision on an application within 62 days of the close of the public hearing. This time frame may be extended by mutual consent of the applicant and Planning Board.
- C. Four affirmative votes are required to pass a motion regarding an application before the Planning Board.

- D. The Planning Board may grant one of three types of permits:
 1. **A Permanent Special Use Permit** allows a specific use to continue indefinitely until the specific use ceases for any reason for a period of 12 consecutive months.
 2. **A Temporary Special Use Permit** allows a specific use to continue until a specific date at which time the special use permit shall automatically terminate and the use shall be permanently discontinued. A temporary permit shall not be renewed nor extended.
 3. **A Renewable Special Use Permit** allows a specific use to continue until a specific date unless renewed by the Planning Board for an additional period of time. A request for renewal shall be submitted prior to the expiration of the renewable special use permit. If not renewed, the use shall be permanently discontinued.

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

As a condition of approval of a special use permit, the **Planning Board** may require a letter of credit or equivalent security approved by the City to guarantee satisfactory performance of all required improvements or conditions. **## Note: Should this be Planning Board or City?**

- F. [Consent Agenda. Administrative, noncontroversial or routine items may be placed on the Planning Board Consent Agenda as described in Section 5.3.](#) ~~Administrative Approval: The Chairperson shall have the authority to approve minor modifications to existing special use approvals if the Chairperson deems the changes are not material, substantial or substantive in nature and are not contrary to the intent of the original decision. The Chairperson shall issue all administrative approvals in writing and report them to the Planning Board in a timely manner.~~
- G. Every special use permit decision shall be signed and dated by the Chairperson and shall document the

circumstances of the application and the findings on which the decision is based.

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

5.5.8 Expiration and Extensions

- A. Unless otherwise specified or extended by the Planning Board, a decision on any request for a special use permit shall expire 18 months following the filing date of such decision if the applicant has not complied with any required conditions and started actual construction, or otherwise implemented this approval. Actual construction is defined as the fastening or placing of construction materials in a permanent manner, the excavation of a basement, or the demolition or removal of any existing structure if no new construction is approved.
- B. The Planning Board may grant up to two 18-month extensions for an approved special use permit provided that the application was properly submitted prior to the expiration date of either the original special use permit or the first extension. When requesting an extension, it shall be the applicant's responsibility to prove that there have been no significant changes to the site or neighborhood and that the circumstances and findings of fact by which the original approval was granted have not significantly changed.

5.6 SITE PLAN REVIEW

Note: Includes existing Article 7.2

5.6.1 Intent and Delegation to Planning Board

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

5.6.2 Applicability and Exemptions

- A. **Applicability.** Site Plan Review shall be conducted for the following actions:
1. Any use so required by Article 2.2.
 2. To construct, modify or demolish any structure other than a single-family or two-family residence and associated residential accessory structures in any district.
 3. To implement a use variance except for 1- or 2-family structures.
 4. To amend a prior site plan approval.
- B. **Exemptions.** An action otherwise requiring site plan review may be exempt if the following two conditions are met:
1. The action does not result in an increase in the required number of parking spaces as set forth in Article 6.2; and
 2. The action does not alter, either individually or in combination, the impermeable or building coverage by more than 2% or 1200 s.f., whichever is less, from the most recent, approved site plan.

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

5.6.3 Application Procedures

A. General Requirements

1. For all uses that require site plan review, as indicated in [Article 2.2](#), application may be made directly to the Planning Board or as a referral by the Zoning Officer.
2. All applicants for site plan review are encouraged to request consultation with planning and engineering staff as part of an optional, informal sketch plan review to seek preliminary advice and direction on their application prior to commencing formal review.
3. Applications for site plan review shall be reviewed by the Building Department and City Engineer as appropriate to determine Early Determination of Compliance, as per Section 5.6.3 D.
4. The Planning Board shall not accept any application for site plan review that includes a parcel for which there is an outstanding, unresolved written violation from the Zoning Officer or City Engineer that is not the subject of the application.
5. An eligible applicant for site plan review must be the owner, lessee or purchaser under contract for the involved-subject parcel. A lessee and purchaser under contract must have written permission of the current property owner(s) to submit an application for site plan review.
6. Applications for site plan and sketch plan review shall be on forms prescribed by the Planning Board and shall be accompanied by a fee as established by the City Council. **## Note: Planning Board or City?**
7. Applications must include plans from either a New York State licensed professional engineer or landscape architect.
8. The Planning Board may request an advisory opinion of the Complete Streets Committee, Open Space Committee, or any administrative department or agency or advisory board in its evaluation of a site plan application.
9. The Planning Board may request a conservation analysis be completed by the applicant on properties in any district where the board feels that conservation of the existing natural resources is warranted.
10. Applicants are encouraged to coordinate with adjacent parcel owners when developing large-scale

mixed-use projects. **## Note: This provision was questioned, the PB can do this anyway under SEQRA, why specify?**

- B. Consent Agenda.** Administrative, noncontroversial or routine items may be placed on the Planning Board Consent Agenda as described in Section 5.3.

C. Sketch Plan Review

1. The submission of a sketch plan to the Planning Board is a non-binding option available to the applicant procedure prior to formal site plan review with the intent to seek provide advice and direction early in the application process. The submission of a sketch plan may be required by the Planning Office in consultation with the Chair. Sketch plan submission shall be in conformance with the requirements contained in [Appendix B](#). **## Note: How does the Planning Board/Office know to require sketch before an Applicant already comes forward?**
2. The applicant, or authorized representative, shall attend the Planning Board meeting to discuss the proposed project and satisfaction-of satisfy the requirements of this article.
3. Unless authorized by the Planning Board, the applicant will be limited to 2 sketch plan discussions. The Planning Board may require a joint meeting with the Design Review Board at the Sketch Plan stage in order to provide timely guidance early in the process.

- D. Early Determination of Compliance.** Prior to the scheduling of formal Site Plan review, the Planning and Engineering Departments shall review the application to determine if it is in general conformance with the requirements of this Chapter, fulfills the requirements of the Site Plan Review Checklist and is sufficient for the purposes of review. If deemed insufficient or incomplete, the Planning Department shall return the application to the applicant with a memo outlining the deficiencies and requesting resubmittal.

- E. Technical Advisory Committee (TAC) Review.** At the discretion of the Planning Board Chair, larger or more complex projects may be required to conduct a coordinated review with a Technical Advisory Committee prior to commencing formal Site Plan application. **## Note: The need for this provision has been questioned,**

for discussion.

1. This committee may be established as necessary per project and may include the following representatives as determined necessary by the Planning Board Chair:
 - a. At least one (1) representative each of the Planning Board and Design Review Board;
 - b. Office of Planning and Economic Development;
 - c. Building Department;
 - d. Department of Public Safety;
 - e. Department of Public Works, including City Engineer's Office;
 - f. Additional consultants with regards to engineering, planning or related specialized fields of expertise.
2. This committee shall meet as deemed necessary by the Planning Board Chair to resolve preliminary design and safety issues.
3. The decisions and findings of this committee shall be voluntary and are not required prior to filing an application for Site Plan Review.

F. Formal Site Plan Review

1. Formal site plan submission shall be in conformance with the requirements contained in **Appendix B**.
2. The official submission date of the site plan shall be the first meeting at which the site plan is discussed by the Board.
3. The applicant, or authorized representative, shall attend the meeting of the Planning Board to discuss the site plan.
4. The Planning Board may recoup from an applicant costs incurred by the Planning Board for consultation fees, special studies or other expenses in connection with the review of a proposed site plan by city registered engineers. An escrow account must be established for this purpose when utilized.

G. Final Site Plan Submission

Note: This subsection has been moved up from later in the document to be with the other Site Plan Review material – please advise if there is a reason this cannot be done this way.

1. No site disturbance may occur prior to signature of

the final plans by the Planning Board Chair **person**. and a pre-construction meeting is held with the City Engineer.

2. The following requirements shall be satisfied prior to the review and approval of final site plans by the Planning Board Chair **person**:
 - a. Review and approval of construction details and final site plans by the City Engineer. Final Plan submission shall be in accordance with the requirements identified in **Appendix B**.
 - b. Submission of a performance guarantee properly issued to the City as set forth in **Section 7.2.15**.
 - c. Documentation of conformance with all required approval conditions.
 - d. Proof of payment for any and all required fees.

5.6.4 Evaluation Criteria for Site Plan Review

- A. To ensure that the development of a proposed site will be in keeping with the provisions of this chapter and will not adversely impact surrounding properties, community character or the general health, safety and welfare of the community, the Planning Board's evaluation of Site Plan Review applications shall include the following:
 1. That the proposed site plan conforms to the Design Considerations for the district.
 2. That any proposed streets conform to the applicable Street Types for the district.
 3. That the proposed front yard areas conform to the applicable Frontage Types for the district.
 4. That the location, arrangement, size, design and general site compatibility of buildings and sign structures is compatible with the neighborhood and meet the requirements for the district.
 5. Location, arrangement, appearance and sufficiency of off-street parking and loading as required by Section 4.7.
 6. That the proposed site plan sufficiently preserves healthy trees (greater than 6 inch diameter at breast height) and natural existing vegetative buffers by retaining them as part of the proposed design. Note this was previously drafted as 12" inches in diameter to meet the UCFMP definition of a small specimen

- tree. Has since been reduced.
7. **## Note:** The following LEED language was suggested for incorporation here, for discussion: A site survey has identified the following:
 - a. Trees in good or excellent condition, as determined by an arborist certified by the International Society of Arboriculture (ISA);
 - b. Any heritage or champion trees of special importance to the community because of their age, size, type, historical association, or horticultural value, as defined by a government forester;
 - c. All trees larger than 6 inches in diameter at breast height (dbh, 4 feet six inches) above ground; and
 - d. Any invasive plant species that affect trees present on the site, and whether those plants threaten the health of other trees to be preserved on the site, as determined by an ISA-certified arborist.
 8. **## Note:** The following LEED language was suggested for incorporation here, for discussion: Preserve the following trees that are also identified as in good or excellent condition:
 - a. All heritage or champion trees and trees whose dbh exceeds 50% of the state champion dbh for the species;
 - b. A minimum of 75% of all non-invasive trees (including the above) larger than 18 inches dbh; and
 - c. A minimum of 25% of all noninvasive trees (including the above) larger than 12 inches dbh if deciduous and 6 inches dbh if coniferous.
 9. Adequacy, type, size, and arrangement of trees, shrubs and other landscaping which meet the applicable landscaping requirements, including landscaping and screening for parking, service and loading areas. ~~Parking, service areas, and loading and maneuvering areas shall be reasonably landscaped and screened from neighboring areas.~~
 10. Adequacy and arrangement of on-site and off-site illumination which meet the exterior lighting requirements of Section 4.11.
 11. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, multi-use paths, ADA compliance, control of intersections with vehicular traffic and any required pedestrian amenities. ~~overall pedestrian convenience.~~
 12. Adequacy of storm water and drainage facilities with attention to required and/or recommended green infrastructure stormwater design methods specified in Article 4. ~~impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.~~
 13. Adequacy and arrangement of vehicular traffic access and circulation including intersections, road widths, pavement surfaces, dividers and traffic controls with regard to the required Street Types and complete streets design considerations.
 14. Adequacy of water supply including water pressure and quantity.
 15. Adequacy of sanitary sewer including size and inverts, or adequacy of sewerage disposal facilities including soil borings, percolation tests, soil characteristics and professional certification of system adequacy.
 16. Adequacy of fire lanes and other emergency zones; location and arrangement of fire hydrants, stand pipes, and other fire safety facilities.
 17. Adequacy of outdoor public spaces such as courtyards, plazas, gardens and pocket parks as recommended in Article 4.
 18. That the proposed site plan adequately incorporates any required outdoor civic space as outlined in Article 4.
 19. That the proposed site plan avoids unnecessary disruption of established ecosystems and endangered plant and animal habitat.
 20. That the proposed site plan considers site planning methods to reduce the impact of heat islands as recommended in Article 4.
- B. Design and Construction Standards.** The Planning Board shall adopt and maintain a set of design and construction standards which shall apply to all actions that require site plan review. They ~~will be~~ are available in the Office of Planning and Economic Development and on the City's website.

5.6.5 Site Plan Approval Which Also Requires a Special Use Permit

- A. Review.** The Planning Board shall conduct site plan review independently or in conjunction with special use permit as required by [Article 2.2](#). Such review may occur concurrent with or subsequent to special use permit review. Separate applications and application fees are required for each review.
- B. Waiver.** The Planning Board may waive site plan review as a condition of a special use permit if the Planning Board determines that considerations customarily evaluated under site plan review have been appropriately considered as part of the special use permit process.

5.6.6 Public Hearing Notice and Referrals

- A.** The Planning Board may hold a public hearing on any site plan at the direction of the Chair or upon a majority vote of the Planning Board.
- B.** A Public Hearing shall be scheduled, with notifications and referrals as specified in Section 5.2.

Note: Remainder of the Public Hearing Notice and Referral requirements from this section have been moved and combined into a common Section 5.2

5.6.7 Decisions

- A.** In rendering its decision on any application for site plan review, the Planning Board shall comply ~~with~~ with all applicable provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
- B.** The Planning Board shall issue a written decision on an application within **62 days** of the close of the public hearing, if scheduled, or of the official submission date. This time frame may be extended by mutual consent of the applicant and Planning Board. ## Note: 60 days or 62?
- C.** Four affirmative votes are required to pass a motion regarding an application before the Planning Board.

- D.** The Planning Board shall have the authority to approve, approve with modifications or disapprove site plans and may impose such reasonable conditions, easements, covenants and restrictions as are directly related, and incidental, to the proposed site plan.
- E.** Every site plan notice of decision shall be signed and dated by the Chair~~person~~ and shall document the circumstances of the application and the findings on which the decision is based.
- F.** Every site plan review decision shall be filed in the Office of the City Clerk within five business days thereof and a copy provided to the applicant and to the Building Department.
- G.** Consent Agenda. Administrative, noncontroversial or routine items may be placed on the Planning Board Consent Agenda as described in Section 5.3. ~~Administrative Approval. The Chairperson shall have the authority to approve minor modifications to existing site plan approvals if the Chairperson deems the changes are not material, substantial or substantive in nature and are not contrary to the intent of the original decision. The Chairperson shall issue all administrative approvals in writing and report them to the Planning Board.~~

5.6.8 Expiration and Extensions of Planning Board Approval

- A.** In order to maintain Planning Board approval, the official signature of the Planning Board Chair~~person~~ must be placed on the final site plan no later than 18 months from the date of the Board's decision. The signed site plan shall be filed in the office of Planning and Economic Development.
- B.** The Planning Board may grant up to **two 18-month extensions** [## Note: This was questioned by TRAC for further discussion] in addition to the initial 18 month period in which the applicant must obtain signature approval of the final plans, provided such request is properly submitted prior to expiration of the initial 18 month period or the first extension. When requesting an extension, it shall be the applicant's responsibility to prove that there have been no significant changes to the site or neighborhood and that the circumstances and findings of fact by which the original approval was

granted have not significantly changed.

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

5.6.9 Other Requirements

A. Performance Guarantees

The Planning Board shall require performance guarantees as specified in Section 5.20.

Note: This subsection has been removed and relocated to its own stand-alone section so that it can be referenced as needed.

Note: Must identify other sections of the code where this may want to be referenced from.

B. Construction and Inspections

1. **Pre-construction Conference.** Following final site plan approval, a pre-construction conference shall be held with the City Engineer and relevant Departmental staff to discuss construction schedules, process and inspections.
2. **Construction Notifications.** The owner or designated representative shall notify the City Engineer 48 hours prior to commencing any work and prior to resuming work if the contractor is absent from the site for more than 7 days. In addition, the City Engineer shall be notified prior to any of the following construction activities. Failure to notify the City Engineer of these activities prior to completion shall make the work subject to rejection, excavation and inspection at the applicant's expense:
 - a. Site clearing
 - b. Sanitary sewer installation
 - c. Storm sewer installation
 - d. Waterline installation
 - e. Sub-grade preparation

- f. Gravel installation
 - g. Asphalt binder and wearing courses and curbing
 - h. Blasting
 - i. Any special construction
3. The City Engineer, or designee, shall inspect the required construction activity. The applicant shall be responsible for all inspection fees as established by the City Council. ~~The inspection fees for the site plan shall not exceed 2% of the cost of the installation of the required improvements.~~ If the City Engineer finds that the required improvements have not been constructed in accordance with approved plans and specifications, The City Engineer shall so report to the City Attorney, the Building Inspector and the Planning Board. The City Attorney shall then notify the applicant and, if necessary, the financial guarantor, and take all necessary steps to preserve the City's rights under the performance guarantee.
 4. The City Engineer shall have the authority to suspend work on any site if it is found to be in violation of the approved site plan or conducted in an unsafe or dangerous manner. All unauthorized activity shall be suspended until the stop work order has been rescinded.
 - a. The stop work order shall be in writing and shall state the conditions under which the activity may resume.
 - b. The stop work order shall be presented to the person performing the work and, if different, the property owner in person or by certified or registered mail, and may be placed upon a conspicuous portion of the building or premises in use.
 5. The City Engineer shall have the authority to direct or take immediate action to abate or remedy any hazard or imminent danger to the health, safety or general welfare of the public. Any documented costs incurred by such action shall be paid for by the owner of such property or person responsible. The City shall be authorized to institute a suit, if necessary, against the person liable for such expenses or to place a lien against the property in order to recover the said costs. The City Engineer may also request the City Attorney to take possession of financial guarantee funds if necessary.

C. Post Construction Completion

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

Such "as-built" drawings shall meet the requirements established by the City Engineer and as indicated in ~~Appendix B. ## Note: Tim W. to provide latest as-built standards to be inserted into Appendix.~~

D. Recreation Land Requirements for Site Plans Containing Residential Units

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

1. **Class A Type Usable Land.** Class A Type usable land refers to developable land generally devoid of wetlands, drainage courses, steep slopes, and the like. The owner shall offer to the City Class A Type Usable Land equal in size to at least 10% of the subject parcel(s) for use as publicly accessible parkland. The Planning Board may specify which lands within the site plan shall be dedicated for parkland and may seek recommendations from the City Recreation Commission on such offers. The Board may require that the owner suitably grade the offered land.
2. **Class B Type Usable Land.** Class B Type usable land refers to land not suitable generally for development except for passive open space. Unique and scenic areas and those areas bordering streams, lakes or other watercourses may be given special consideration by the Planning Board and, should they be deemed essential or desirable for public open spaces, the Board may instead request that the owner offer Class B Type Usable Land to the City to be defined and preserved as passive open space.
3. **Payment of Fee in Lieu of Usable Land.** In the event the ~~authorized board~~ ~~## Note: Need legal input, unsure if PB has jurisdiction~~ makes a finding that the proposed site plan presents a proper case

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

4. **Combination of Land and In-Lieu of Fee.** If the Planning Board determines that only a portion of the 10% area offered by the owner is acceptable for public use, then the owner shall dedicate the acceptable land and pay a fee equal to the difference in the percentage of land offered and the 10% required.
5. **Prior Land Set Aside for Subdivision.** If the land included in a site plan is a portion of a previously approved subdivision, the Planning Board shall credit the applicant for any land set aside or money donated in lieu thereof under such subdivision plat approval. In the event of re-subdivision of such plat, nothing shall preclude the additional reservation of parkland or money donated in lieu thereof.
6. **Transportation Mitigation Fee.** ~~## Note: Recommended by TRAC – for discussion, as an option for large scale projects~~

5.7 ARCHITECTURAL REVIEW

Note: From existing Section 7.5.

The intent of this section is to provide for the proper administration and review of projects within the designated Architectural Review Districts, as defined in Section 2.4.3.

5.7.1 Delegation to Design Review Commission Board

The Design Review **Commission Board** is hereby charged with the responsibilities of administering and carrying out the intent, process and actions established in this **Article section** and **Article 7.4 Article 5.4** "Historic Review".

5.7.2 Design Considerations

For actions subject to review, the Board shall evaluate and determine if the design considerations of Section 2.4.3 Architectural Review Overlay as well as the Guiding Principles of the underlying district are being met.

5.7.3 Architectural Review Application

- A. It shall be the duty of the Zoning Officer to refer to the **Commission Board** all actions identified in this article that require architectural review approval.
- B. The **Commission Board** shall not accept any application for review that includes a parcel for which there is an outstanding, unresolved written violation from the Zoning Officer that is not the subject of the application.
- C. An eligible applicant for architectural review approval must be the owner, lessee or purchaser under contract for the involved parcel. A lessee and purchaser under contract must have the permission of the current property owners to submit an application for architectural review approval.
- D. The City shall collect a fee for all applications to the **Commission Board** as established by the City Council.

5.7.4 Advisory Opinion

The **Commission Board** may request an advisory opinion of the Planning Board or any administrative department or agency in

its evaluation of an application for architectural review.

5.7.5 Architectural Review Decisions

- A. In rendering its decision on any application, the **Commission Board** shall comply with all applicable provisions of the State Environmental Quality Review Act (SEQRA) under Article 8 of the Environmental Conservation Law and its implementing regulations.
- B. Within 62 days of the determination by the **Commission Board** that the application is complete, or the close of the public hearing, a written decision will be issued. This time frame may be extended by mutual consent of the applicant and the **Commission Board**.
- C. Four affirmative votes are required to pass a motion regarding an application before the **Commission Board**. If four affirmative votes cannot be attained on a motion within this 62-day period, unless extended by mutual consent of the applicant and the **Commission Board**, the application shall be denied by default.
- D. The **Commission Board** may issue any of the following decisions:
 1. **Approve as submitted.**
 2. **Approve with conditions.** The **Commission Board** may impose appropriate conditions in connection with its approval including those related to:
 - a. Nature and quality of building materials
 - b. Manner of construction
 - c. Design and other building elements
 3. **Preliminary approval.** Prior to the granting of final approval by the **Commission Board**, an applicant may seek "preliminary approval" for the general "mass and scale" of a proposed structure. This preliminary approval is subject to a SEQRA determination and constitutes approval of the footprint and proportions of the proposed structure, including any proposed rooftop structures, and its compatibility with the surrounding neighborhood. Such preliminary approval does not constitute approval of elevations and other façade and roofline details. Unless so noted within the preliminary approval, an applicant must obtain final approval by the **Commission Board** prior to issuance of a building permit.

4. **Disapprove.** The **Commission Board** may disapprove an application provided the **Commission Board** finds that such construction, alteration or demolition would be in opposition to the intent and objectives of this article, and that this finding is not based on personal preference as to taste or choice of architectural style.
- E. Every **Commission Board** decision shall be signed and dated by the Chairperson and shall document the circumstances of the case and the findings on which the decision is based.
- F. Every **Commission Board** decision shall be filed in the Office of the City Clerk within five business days thereof and a copy provided to the applicant and to the Building Department.
- G. **Consent Agenda.** Administrative, noncontroversial or routine items may be placed on the Design Review Board Consent Agenda as described in Section 5.3. ~~Administrative Approval. The Chairperson shall have the authority to approve minor modifications to existing Commission approvals if the Chairperson deems the changes are not material, substantial or substantive in nature and are not contrary to the intent of the original decision. The Chairperson shall issue all administrative approvals in writing and report them to the Commission.~~
- H. Building Permits, Inspections and Certificates of Occupancy
1. Upon receipt of Architectural Review approval and confirmation of compliance with any required conditions, the Building Department may issue building, sign or demolition permits associated with the Architectural Review application. No building, sign or demolition permit shall be issued in the event of Architectural Review disapproval.
 2. For actions subject to Architectural Review but not requiring a building, sign or demolition permit, the Building Department shall perform inspections as may be necessary to confirm compliance with **Commission Board** approval and any required conditions.
 3. Upon confirmation of the completion of an approved action requiring Architectural Review, and any required conditions, the Building Department may

issue a certificate of occupancy.

5.7.6 Demolition

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

- A. Structures with no architectural or historic significance.** The **Commission Board** may approve an application for demolition if it finds that the demolition is consistent with the intent and objectives of this article and that the structure proposed to be demolished has no historic or architectural significance.
- B. Structures with architectural or historic significance.** For the proposed demolition of a structure with architectural or historical significance, the applicant must demonstrate "good cause" as to why such structure cannot be preserved.
1. The applicant shall document "good faith" efforts in seeking an alternative that will result in the preservation of the structure including consultation with the **Commission Board** and the Saratoga Springs Preservation Foundation. The relocation of structures may be permitted as an alternative to demolition;
 2. The applicant shall document efforts to find a purchaser interested in acquiring and preserving the structure;
 3. The applicant shall demonstrate that prominent portions of the structure, such as the facade, cannot reasonably be retained as part of an adaptive re-use design.
 4. The applicant shall demonstrate that the structure cannot be adapted for any other permitted use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
 5. The applicant shall submit evidence that the property is not capable of earning a reasonable return regardless of whether that return represents the most profitable return possible. "Dollars and

cents proof" shall be required to demonstrate such hardship.

6. Application for demolition of a structure with historic or architectural significance shall include acceptable post-demolition plans of the site. Such plans shall include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project. The **Commission Board** may condition the issuance of a demolition approval on the applicant's receipt of all other necessary approvals and permits for the post-demolition plan.

C. After receipt of application for demolition of a structure with historic or architectural significance, the **Commission Board** shall enact a 30-day stay on the application to collect comments or testimony regarding the proposed demolition from interested parties and shall schedule a public hearing on an application for demolition of a structure with historic or architectural significance and shall provide notice as follows: as described in Section 5.2.

1. ~~Public Hearing Notice. The Commission shall advertise the hearing in a Saratoga Springs newspaper of general circulation at least five days prior to the date thereof. The applicant shall be responsible for payment for this notice. Prior to the hearing, the applicant shall be responsible for filing with the Commission an affidavit from the newspaper confirming such publication and payment.~~
2. ~~Property owner notification:~~
 - a. ~~The applicant shall obtain from the City the names and addresses of property owners within a 250-foot geographic radius from the applicant's subject property.~~
 - b. ~~The applicant shall receive from the Commission a property owner notification notice and shall send only this notice to the identified property owners by first class mail. This notice shall be postmarked no less than 7 but no more than 20 calendar days prior to the scheduled hearing.~~
 - c. ~~Prior to the public hearing, the applicant shall submit to the Commission confirmation of the property owner notification by obtaining a "certificate of mailing" provided by the U.S. Postal~~

~~Service:~~

- d. ~~Failure to provide notice in exact conformance with these provisions shall not invalidate a Commission determination provided the Commission finds that substantial compliance has occurred.~~

3. In addition to the notification requirements noted above, a copy of the application shall be sent to the Saratoga Springs Preservation Foundation for comment.

- D. **Determination of Jeopardy to Health, Safety and Welfare of Community.** In cases where an applicant has sought demolition approval on the basis that a structure represents an imminent danger to the health, safety and welfare of the community, the **Commission Board** shall refer the application to the Building Inspector for review and report pursuant to City Code Section 118 Unsafe Structures. The Building Inspector's report shall be advisory to the **Commission Board**. The **Commission Board** shall review the Building Inspector's report and make a determination that the structure can or cannot reasonably be repaired in such a way as to remove the imminent danger. As part of this report, consideration should be given to the alternative of preserving prominent portions of the structure, such as the facade, for future adaptive re-use.
- E. **Court Action.** The **Commission Board** shall have no authority to act otherwise in cases where an appropriate legal action or procedure has resulted in a judgment or order by a Court of competent jurisdiction that a structure endangers the health, safety and welfare of the public and shall be demolished.

5.7.7 Expirations and Extensions

- A. Unless otherwise specified or extended by the ~~Commission Board~~, **Commission Board** approvals shall expire 18 months following the filing date of such decision if the applicant has not complied with any required conditions and started actual construction, or otherwise implemented this approval. Actual construction is defined as the fastening or placing of construction materials in a permanent manner, the excavation of a basement, or the demolition or removal

of any existing structure if no new construction is approved.

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

5.8 HISTORIC REVIEW

Note: Includes existing Section 7.4.

The intent of this section is to provide for the proper administration and review of projects within the designated Historic Review Districts, as defined in Section 2.4.3.

~~Delegation to Design Review Commission~~

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

5.8.1 ~~Composition of Design Review Commission~~

Note this subsection below will be removed in its entirety and located instead in city code Chapter 19.

- ~~A. Appointments. The Commission shall consist of seven members, to be appointed by the Mayor, to represent to the extent possible a broad cross-section of the community with demonstrated experience in historic preservation, architectural development and local history in addition to the following:~~
 - ~~1. At least one shall have demonstrated commitment to the field of historic preservation evidenced either by involvement in a local historic preservation group, employment or volunteer activity in the field of historic preservation, or other serious interest in the field.~~
 - ~~2. At least one shall be an architect or related design professional.~~
 - ~~3. At least one shall be a local realtor or other real estate professional.~~
 - ~~4. At least one shall have construction experience working with historic buildings.~~

~~All members shall be residents of the City of Saratoga Springs including at least one resident of a Historic District and one resident of an Architectural Review District.~~
- ~~B. Term of Office. The term of each Commission member shall be five years beginning on July 1 and members shall~~

serve on a rotating schedule. Initial terms may be for lesser years so as to effectuate a staggered sequencing of member terms. On an alternating basis, two member terms will expire one year with one member term expiring the next year. A member whose term has expired may serve until replaced.

- C. Vacancy. If a vacancy occurs other than by expiration of a term, it shall be filled by appointment by the Mayor for the unexpired term.
- D. Removal. Any member, or alternate member, may be removed by the Mayor for cause and after public hearing.
- E. Alternate Members. The Mayor may appoint up to two alternate members to serve in the place of Commission members who are unavailable to attend a meeting due to recusal or other absence.
 1. In the selection of alternate members, preference may be given to former Commission members or other residents that demonstrate the experience and knowledge considered for original appointments and as identified in 7.4.3 above.
 2. Full Commission attendance is encouraged at all meetings. When fewer than six members are able to attend a meeting, alternate members shall be called upon to serve in the place of an absent member.
 3. When serving in the place of a member, the alternate member shall have the full rights and obligations of a member. Alternate members not serving in place of a member may not participate as a Commission member in the discussion of agenda items at Commission meetings or workshops or any subcommittee thereof. In the event a Commission member is available to once again serve with regard to a matter because he/she is no longer absent or recused, the alternate member will no longer serve with regard to said matter.
 4. All provisions of law relating to Commission member eligibility, terms, vacancy in office, removal, compatibility of office and service on other boards, training, continuing education, compensation, and attendance shall apply to alternate members, except that there shall be no requirement that an alternate member be a property owner in an historic or architectural review district.

5.8.2 Commission Powers and Duties

Note: This subsection below has been deleted and moved into Article 1.

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

- A. Review and issue decisions on applications for historic review as required by this Article.
- B. Review and issue decisions on applications for architectural review as required by this Chapter.
- C. Promulgate rules and regulations for the transaction of Commission business.
- D. Submit an annual report of Commission activities to the Mayor and City Council.
- E. Submit an annual budget request to the Mayor for approval by the City Council.
- F. Employ experts, staff and legal counsel, or appoint such citizen advisory committees as may be required to carry out Commission duties within the Council-approved budget.
- G. Administer on behalf, and at the request, of the City Council any full or partial interest in real property that the City may have received.
- H. Accept and administer on behalf of the City such grants and funding as may be appropriate for the purposes of this Article.
- I. Recommend to the City Council the adoption of ordinances designating properties or structures having special historic, community, cultural or architectural value as landmarks or Historic Districts.
- J. Keep a register of all properties and structures that have been designated as landmarks or historic districts including all information required for each designation.
- K. Propose or sponsor the nomination of landmarks and historic districts to the National Register of Historic Places and review and comment on any National Register proposed nominations submitted to the City

~~Council or State Historic Preservation Office.~~

- ~~L. Maintain a directory of architectural styles.~~
- ~~M. Develop specific design guidelines for the alteration, construction or removal of landmarks or property and structures within historic districts.~~
- ~~N. Conduct surveys to identify historically and architecturally significant properties, structures, landmarks and areas that exemplify the cultural, social, economic, political or architectural history of the Nation, State or City.~~
- ~~O. Inform and educate the citizens of Saratoga Springs concerning the historic and architectural heritage of the City.~~
- ~~P. Advise and guide property owners on physical and financial aspects of preservation, renovation, rehabilitation and reuse, on procedures for inclusion on the National Register of Historic Places, and on participation in State and Federal historic preservation programs.~~
- ~~Q. Confer recognition upon the owners of landmarks or property or structures within historic districts by means of certificates, plaques or markers.~~
- ~~R. Request advisory opinions from the City Council, the Planning Board and any other body, agency or department of the City on any matter before the Commission.~~
- ~~S. Review and make advisory recommendations on any matter referred to the Commission by the City Council, the Zoning Board of Appeals, the Planning Board and any other body, agency or department of the City.~~
- ~~T. Recommend to the City Council zoning amendments, policy initiatives and programs to protect historic properties and implement the intent and objectives of this Article.~~
- ~~U. Develop a preservation component in the Comprehensive Plan of the City of Saratoga Springs and recommend it to the Planning Board and the City Council.~~

- ~~V. Exercise all other powers conferred upon it by the City Council.~~

5.8.3 Historic Review Objectives

The Design Review ~~Commission~~ Board shall promote the following objectives:

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

5.8.4 Historic Review Standards

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

- ~~A. **Preserve rather than remove.** Distinguishing original features of a structure or site are essential to the historic quality and character of that site. Distinguishing original qualities or character of a structure, site and/or its environment shall be preserved and protected to the maximum extent possible. Destruction or alteration of any historic material or distinctive architectural feature should be avoided.~~
- ~~B. **Repair rather than replace.** Distinctive architectural features that characterize a structure or site shall be repaired rather than replaced whenever possible. If~~

replacement is necessary, the replacement materials should match the original in composition, design, color, texture and other visual qualities.

- C. Promote historical accuracy.** Repair or replacement of architectural features should be based on historical evidence rather than on conjectural designs or the incorporation of elements from other structures.
- D. Recognize the significance of historical time periods.** Structures and sites should be recognized and preserved as products of specific historical period(s). Changes that occurred over time are evidence of the history and development of a structure or site and may have acquired historical significance in their own right.
- E. Compatible contemporary design may be encouraged.** Contemporary design for alterations and additions to existing properties may be encouraged provided it does not destroy significant historical, architectural, or cultural material and is compatible with the size, scale, color, material, and character of the site or surrounding neighborhood. Incompatible alterations shall be discouraged.
- F. Structures and sites are to be treated with sensitivity.** Archaeological resources affected by any project shall be protected and preserved to the maximum extent possible. Activities that will damage historic building materials or site features shall be discouraged. Historic structures are to be cleaned with the gentlest means possible.

5.8.5 Design Considerations

For actions subject to review, the Board shall evaluate and determine if the design considerations of Section 2.4.2 Historic Review Overlay as well as the intent of the underlying district are being met.

5.8.6 Demolition

Consideration of an application for demolition within any Historic District shall be the same as provided in section 5.7.6 for demolition within an Architectural Review District.

~~The Commission shall determine whether the proposed structure has architectural or historic significance. "Significance" includes having particular important~~

~~associations within the context of the architecture, history or culture of Saratoga Springs or region and may include listing as "contributing" on the State and National Registers of Historic Places.~~

- ~~A. Structures with no architectural or historic significance. The Commission may approve an application for demolition if it finds that the demolition is consistent with the intent and objectives of this Article and that the structure proposed to be demolished has no historic or architectural significance.~~
- ~~B. Structures with architectural or historic significance. For the proposed demolition of a structure with architectural or historical significance, the applicant must demonstrate "good cause" as to why such structure cannot be preserved.~~
 - ~~1. The applicant shall document "good faith" efforts in seeking an alternative that will result in the preservation of the structure including consultation with the Commission and the Saratoga Springs Preservation Foundation. The relocation of structures may be permitted as an alternative to demolition;~~
 - ~~2. The applicant shall document efforts to find a purchaser interested in acquiring and preserving the structure;~~
 - ~~3. The applicant shall demonstrate that the structure cannot be adapted for any other permitted use, whether by the current owner or by a purchaser, which would result in a reasonable return; and~~
 - ~~4. The applicant shall submit evidence that the property is not capable of earning a reasonable return regardless of whether that return represents the most profitable return possible. "Dollars and cents proof" shall be required to demonstrate such hardship.~~
 - ~~5. Application for demolition of a structure with historic or architectural significance shall include acceptable post-demolition plans of the site. Such plans shall include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project. The Commission may condition the issuance of a demolition approval on the applicant's receipt of all other necessary approvals and permits for the~~

post-demolition plan.

C. The Commission shall schedule a public hearing on an application for demolition of a structure with historic or architectural significance and shall provide notice as follows:

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

D. **Determination of Jeopardy to Health, Safety and Welfare of Community.** In cases where an applicant has sought demolition approval on the basis that a structure represents an imminent danger to the health, safety and welfare of the community, the Commission shall refer the application to the Building Inspector for review and report pursuant to City Code Section 118 Unsafe Structures. The Building Inspector's report shall be advisory to the Commission. The Commission

shall review the Building Inspector's report and make a determination that the structure can or cannot reasonably be repaired in such a way as to remove the imminent danger.

- E.** **Court action.** The Commission shall have no authority to act otherwise in cases where an appropriate legal action or procedure has resulted in a judgment or order by a Court of competent jurisdiction that a structure endangers the health, safety and welfare of the public and shall be demolished.
- F.** **Demolition of Historic Structures by City.** The City, through its Code Enforcement Officers or other appropriate municipal officials, may seek demolition of a structure listed individually or as a contributing structure in an historic district on the National Register of Historic Places in New York Supreme Court under N.Y. Executive Law 382. Prior to filing such an application, the matter shall be referred to the [Commission Board](#) for an advisory opinion as to whether the structure can or cannot be reasonably repaired in such a way as to remove the cause for demolition. The [Commission Board](#) shall have 30 days to render a written advisory opinion unless extended by mutual consent. The City may also seek advisory recommendations from local preservation organizations.

5.8.7 Historic Review Application

- A.** It shall be the duty of the Zoning Officer to refer to the [Commission Board](#) all actions identified in this [Article Chapter](#) that require historic review approval.
- B.** The [Commission Board](#) shall not accept any application for review that includes a parcel for which there is an outstanding, unresolved written violation from the Zoning Officer that is not the subject of the application.
- C.** An eligible applicant for historic review approval must be the owner, lessee or purchaser under contract for the involved parcel. A lessee and purchaser under contract must have the permission of the current property owners to submit an application for historic review approval.
- D.** The City shall collect a fee for all applications to the [Commission Board](#) as established by the City Council.

5.8.8 Advisory Opinion

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

5.8.9 Historic Review Decisions

- A.** In rendering its decision on any application, the **Commission Board** shall comply with all applicable provisions of the State Environmental Quality Review Act (SEQRA) under Article 8 of the Environmental Conservation Law and its implementing regulations.
- B.** Within 62 days of the determination by the **Commission Board** that the application is complete, or the close of the public hearing, a written decision shall be issued. This time frame may be extended by mutual consent of the applicant and the **Commission Board**.
- C.** Four affirmative votes are required to pass a motion regarding an application before the **Commission Board**. If four affirmative votes cannot be attained on a motion within this 62-day period, unless extended by mutual consent of the applicant and the **Commission Board**, the application shall be denied by default.
- D.** The **Commission Board** may issue any of the following decisions:
- 1. Approve as submitted.**
 - 2. Approve with conditions.** The **Commission Board** may impose appropriate conditions in connection with its approval including those related to:
 - a.** Nature and quality of building materials
 - b.** Manner of construction
 - c.** Design and other building elements
 - 3. Preliminary approval.** Prior to the granting of final approval by the **Commission Board**, an applicant may seek "preliminary approval" for the general "mass and scale" of a proposed structure. This preliminary approval is subject to a SEQRA determination and constitutes approval of the footprint and proportions of the proposed structure, including any proposed rooftop structures, and its compatibility with the surrounding neighborhood. Such preliminary approval does not constitute approval of elevations and other façade and roofline details. Unless so noted within the preliminary approval, an applicant must obtain final approval by the **Commission Board** prior to issuance of a building permit.
- 4. Disapprove.** The **Commission Board** may disapprove an application provided the **Commission Board** finds that such construction, alteration or demolition would be in opposition to the intent and objectives of this article, and that this finding is not based on personal preference as to taste or choice of architectural style.
- E.** Every **Commission Board** decision shall be signed and dated by the **Commission Board Chairperson** and shall document the circumstances of the case and the findings on which the decision is based.
- F.** Every **Commission Board** decision shall be filed in the Office of the City Clerk within five business days thereof and a copy provided to the applicant and to the Building Department.
- G. Consent Agenda. Administrative, noncontroversial or routine items may be placed on the Design Review Board Consent Agenda as described in Section 5.3.** ~~Administrative Approval. The Chairperson shall have the authority to approve minor modifications to existing Commission approvals if the Chairperson deems the changes are not material, substantial or substantive in nature and are not contrary to the intent of the original decision. The Chairperson shall issue all administrative approvals in writing and report them to the Commission.~~
- H.** Building Permits, Inspections and Certificates of Occupancy
- 1.** Upon receipt of Historic Review approval and confirmation of compliance with any required conditions, the Building Department may issue building, sign or demolition permits associated with the Historic Review application. No building, sign or demolition permit shall be issued in the event of Historic Review disapproval.
 - 2.** For actions subject to Historic Review but not requiring a building, sign or demolition permit, the Building Department shall perform inspections as may be necessary to confirm compliance with **Commission Board** approval and any required

conditions.

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

5.8.10 Expirations and Extensions

- A. Unless otherwise specified or extended by the ~~Commission Board~~, Commission Board approvals shall expire 18 months following the filing date of such decision if the applicant has not complied with any required conditions and started actual construction, or otherwise implemented this approval. Actual construction is defined as the fastening or placing of construction materials in a permanent manner, the excavation of a basement, or the demolition or removal of any existing structure if no new construction is approved.
- B. The Commission Board may grant up to two 18 month extensions for historic review approval provided that the application for extension was properly submitted prior to the expiration date of either the original historic review approval or the first extension. When requesting an extension, it shall be the applicant's responsibility to demonstrate that there have been no significant changes to the site or neighborhood, and that the circumstances and findings of fact by which the original historic review approval was granted have not significantly changed.

5.8.11 Designation of Landmarks and Historic Districts

- A. The City Council of the City of Saratoga Springs may designate an individual property as a landmark if it:
 1. Possesses special character or archeological, historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation;
 2. Is identified with historically significant individuals;
 3. Embodies the distinguishing characteristics of an architectural style;
 4. Is the work of a designer whose work has significantly influenced a particular architectural

period or era; or

5. Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.
- B. The City Council may designate a group of properties as a Historic District if it:
 1. Contains properties that meet one or more of the criteria for designation of a landmark; or
 2. By reason of possessing such qualities, constitutes a distinct section of the City.
 - C. Any proposed designation of landmarks or historic districts shall constitute an amendment to this Chapter and shall be subject to all public hearing, property owner notification and other applicable provisions of this Chapter.
 1. Once the City Council has accepted for review a proposed designation, no building or demolition permits shall be issued until the City Council has made its designation determination.
 2. Prior to action on a proposed designation, the City Council shall request an advisory opinion from the ~~Commission Board~~. The Commission Board shall have 30 days to render a written advisory opinion unless extended by mutual consent. The opinion shall contain a favorable recommendation only if the Commission Board finds that the proposed revision is not contrary to the intent and objectives of this article.

5.8.12 City Landmarks and Historic Districts

The Historic Districts and City Landmarks shall be as indicated on the Official Zoning Map, which can be found at the City Office of Planning and Economic Development and at www.saratoga-springs.org. A listing of City Landmarks is also provided in Article 2.4.2.

5.9 STORMWATER MANAGEMENT

Note: This subsection includes Chapter 242 Stormwater Management, and 7.3.2 Storm Water Pollution Prevention.

5.9.1 Statutory Authority

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the City Council of Saratoga Springs has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the City of Saratoga Springs and for the protection and enhancement of its physical environment. The City Council of Saratoga Springs may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law. **## Note:** Previously was moved to Article 1, however need to keep here. Must delete duplicate language in Article 1.

5.9.2 Findings of Fact

It is hereby determined that:

- A. Land disturbance activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- B. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- C. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- D. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
- E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow;

- F. Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- G. Stormwater runoff, soil erosion and non-point source pollution can be controlled and minimized through the regulation of stormwater runoff from land disturbance activities;
- H. The regulation of stormwater runoff discharges from land disturbance activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and non-point source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
- I. Regulation of land disturbance activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.
- J. The boundaries of the City's Municipal Separate Sewer System (MS4) is defined as the entire City of Saratoga Springs, and all lands within its corporate limits.
- K. [NEW item by Blue Neils – cannot find source]
- L. [NEW item by Blue Neils – cannot find source]

5.9.3 Intent Purpose

The purpose of this **Chapter section** is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in **242-1 5.9.2** hereof. This Chapter seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of Minimum Control Measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit no. **GP-0-10-002 GP-0-15-003** or as amended or revised;
- B. Require land disturbance activities to conform to the substantive requirements of the NYS Department of

Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities ~~GP-0-10-001~~ GP-0-15-002 or as amended or revised;

- C.** Minimize increases in stormwater runoff from land disturbance activities in order to reduce flooding, siltation, increases in stream temperature, and stream-bank erosion and maintain the integrity of stream channels;
- D.** Minimize increases in pollution caused by stormwater runoff from land disturbance activities which would otherwise degrade local water quality;
- E.** Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- F.** Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

5.9.4 Stormwater Management Officer

- A.** The City designates the City Engineer as the Stormwater Management Officer. The Stormwater Management Officer shall accept and review all Stormwater Pollution Prevention Plans and forward such plans to the applicable City board. The Stormwater Management Officer may:
 - 1.** Review the plans,
 - 2.** Upon approval by the City Council, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by the City Council, or,
 - 3.** Accept the certification of a licensed professional that the plans conform to the requirements of this Chapter.

5.9.5 Applicability

The requirements of this [Chapter section](#) shall be applicable

to all land disturbance activities as defined in this Chapter.

- A.** All land disturbance activities subject to review and approval by the City Planning Board under subdivision, site plan, special use permit, and/or land disturbance activity regulations shall be reviewed subject to the standards contained in this Chapter.
- B.** All other land disturbance activities not subject to review by the Planning Board but subject to [242-7A](#) shall also be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this Chapter.
- C.** Exemptions. The following activities may be exempt from review under this [Chapter section](#).
 - 1.** Agricultural activity as defined in this Chapter.
 - 2.** Silvicultural activity except that [land landing](#) areas, log haul roads, and the removal of stumps are subject to this [Chapter section](#).
 - 3.** Routine maintenance activities that disturb less than one acre and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
 - 4.** Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
 - 5.** Any part of a subdivision if a plat for the subdivision has received final approval from the Planning Board on or before the effective date of this Chapter.
 - 6.** Land development activities for which a building permit has been approved on or before the effective date of this Chapter.
 - 7.** Cemetery graves.
 - 8.** Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
 - 9.** Emergency activity immediately necessary to protect life, property or natural resources.
 - 10.** Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.
 - 11.** Landscaping and horticultural activities in

connection with an existing structure.

5.9.6 Stormwater Pollution Prevention Plans (SWPPP)

A. Applicability. The following land disturbance activities shall be subject to the storm water management requirements and controls as established in ~~Chapter 242 of the Code of the City of Saratoga Springs~~ this subsection, including the submission of a Stormwater Pollution Prevention Plan (SWPPP) as follows:

1. Residential Development (consisting of Single and Two-Family Development):

- a. Residential development activities that involve land disturbance of 1.0 acre ~~to but less than~~ 5.0 acres shall require the submission of a "Basic" SWPPP.
- b. Residential development activities that involve land disturbance ~~exceeding~~ of 5.0 or more acres shall require the submission of a "Full" SWPPP.

2. Non-residential and Mixed-use Development:

- a. Non-residential and mixed-use development activities that involve land disturbance ~~exceeding~~ of 0.1 acre or more shall require the submission of a "Full" SWPPP.

3. **All Development Types:** Stormwater runoff from land disturbance activities directly discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment shall require the submission of a "Full" SWPPP. Applicable SWPPP review fees must be paid to the city prior to review of any SWPPP.

Note: Provisions from 7.3.2 above were kept because they are less ambiguous than conflicting provisions from Ch. 242 shown deleted below:

~~1. Basic SWPPP (soil and sediment control) required for residential activities disturbing land of 1.0 to 5.0 acres.~~

~~2. Full SWPPP (soil and sediment control and post construction controls) required for residential activities disturbing 5.0 acres or more.~~

~~3. Full SWPPP (soil and sediment control and post construction controls) required for non-residential activities disturbing 0.1 acre or more.~~

Note: The following land development activities have been recommended to be included in the UDO to coordinate with the most recent NYSDEC Stormwater Model Law, which would replace the thresholds listed above. For discussion.

B. Land development activities as defined in this Chapter that disturb one or more acres of land and are listed in sub-sections 1 through 12 below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) designed in accordance with the most current version of the New York State Stormwater Management Design Manual:

1. Single-family residential subdivisions that involve soil disturbances of between one (1) and five (5) acres of land with greater than 25% total impervious cover at total site build-out;
2. Single-family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single-family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land;
3. Multifamily residential developments, including townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks;
4. Athletic fields with artificial turf; Airports; Amusement parks; Campgrounds; Commercial developments; Churches and other places of worship; Golf courses; Institutional facilities, including hospitals, prisons, schools and colleges; Industrial facilities, including industrial parks; Landfills; Office complexes; Sports complexes; Racetracks, includes racetracks with earthen (dirt) surface;
5. Cemeteries that include the construction or reconstruction of impervious area that is greater than 5% of the disturbed area, or alter the hydrology from pre- to - post development conditions;
6. Construction of a barn or other agricultural building (e.g., silo) and structural practices as identified in Table II in the Agricultural Management

Practices Catalog for Nonpoint Source Pollution in New York State that include the construction or reconstruction of impervious area, excluding projects that involve soil disturbances of less than five acres;

7. Municipal facilities; including highway garages, solid waste transfer stations, office buildings, sewage treatment plants and water treatment plants;
8. Road construction or reconstruction;
9. Parking lot construction or reconstruction;
10. Athletic fields (natural grass) that include the construction or reconstruction of impervious area (greater than 5% of disturbed area) or alter the hydrology from pre-development to post-development conditions;
11. Permanent access roads or parking areas surfaced with impervious cover, and substations constructed as part of an overhead electric transmission line project, wind power project or cell tower project; and,
12. All other construction activities, not listed above, that include the construction or reconstruction of impervious area and alter the hydrology from pre-development to post-development conditions.

5.9.7 Contents of Stormwater Pollution Prevention Plans (SWPPP)

A. Contents of Basic SWPPP. Basic SWPPPs shall provide the following background information and erosion and sediment controls:

1. Background information about the scope of the project, including location, type and size of project;
2. Site map/construction drawing(s) for the project at a scale no smaller than 1"=100', including a general location map. At a minimum, the site map shall show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; protection methods for trees and vegetation within the right-of-way (R.O.W.), on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final grades (5 foot contour interval max); material, waste, borrow

or equipment storage areas; and location(s) of the stormwater discharges(s);

3. Delineation and description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG); test pit or soil boring information as required by the Stormwater Management Officer;
4. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with most current version of the New York State Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres (or as currently specified) shall be disturbed at any one time unless pursuant to an approved SWPPP and prior written authorization from the City's Stormwater Management Officer;
5. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
6. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
7. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project completion and achievement of final soil stabilization. Measures shall meet the requirements of the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control;
8. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
9. Dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;

10. Temporary practices that will be converted to permanent control measures;
11. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement or implementation of each erosion and sediment control practice and duration that each practice should remain in place or be implemented;
12. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice. The maintenance schedule shall be in accordance with the requirements in the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control;
13. Name(s) of the receiving water(s);
14. Delineation of SWPPP implementation responsibilities for each part of the site;
15. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
16. Any existing data that describes the stormwater runoff at the site.

B. Contents of Full SWPPP. ~~Land disturbance activities as defined in this Chapter and meeting Condition "A", "B" or "C" below shall also be required to prepare and submit a Full SWPPP which includes Basic SWPPP requirements in addition to water quantity and water quality controls (post-construction stormwater runoff controls) as set forth below. Full SWPPPs shall provide the following background information and erosion and sediment controls in addition to post-construction water quantity and water quality controls:~~

~~Condition A — Stormwater runoff from land disturbance activities directly discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.~~

~~Condition B — Stormwater runoff from residential development activities involving land disturbance of five (5) or more acres:~~

~~Condition C — Stormwater runoff from non-residential development involving land disturbance of 0.1 acre or more:~~

1. ~~All information in Section 242-7(B)(1) of this Chapter~~ All the required information for a Basic SWPPP above;
2. Description of each post-construction stormwater management practice;
3. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
4. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
5. Comparison of post-development stormwater runoff conditions with pre-development conditions;
6. Dimensions, material specifications and installation details for each post-construction stormwater management practice;
7. Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;
8. Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
9. Inspection and maintenance agreement binding on all subsequent landowners served by the onsite stormwater management measures in accordance with this [Chapter section](#).
10. The SWPPP shall be prepared by a landscape architect, ~~certified professional~~ or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices met the requirements in this [Chapter section](#).

5.9.8 Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land disturbance activity prior to approval of the final stormwater design plan.

5.9.9 Contractor Certification

- A.** Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land disturbance activity:

"I hereby certify that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the qualified inspector during a site inspection. I also understand that the owner or operator must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings."

- B.** The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
- C.** The certification statement(s) shall become part of the SWPPP.

5.9.10 On-Site Copy

A copy of the SWPPP shall be retained at the site of the land disturbance activity from the date of initiation of construction activities to the date of final soil stabilization.

- A.** Performance & Design Criteria
- B.** Reference to Enforcement section in Article 8

5.9.11 Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control

All land disturbance activities shall be subject to the following performance and design criteria:

- A. Technical Standards.** For the purpose of this [Chapter section](#), the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:

1. New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation), ~~2010~~ [January 2015](#), most current version or its successor, hereafter referred to as the Design Manual).
2. New York State Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, ~~2004~~ [November 2016](#), most current version or its successor, hereafter referred to as the Erosion Control Manual).

- B. Equivalence to Technical Standards.** Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in this [Chapter section](#) and the SWPPP shall be prepared by a licensed professional.

- C. Water Quality Standards.** Any land disturbance activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

5.9.12 Maintenance and Repair of Stormwater Facilities

- A. Maintenance and Inspection During Construction**
1. The applicant or developer of the land disturbance activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this [Chapter section](#). Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
 2. ~~For land disturbance activities as defined in this-~~

~~Chapter and meeting Condition A, B or C in Section 242-7, For all SWPPP's undergoing site disturbance,~~ the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every 7 days ~~and within 24 hours of any storm event producing 0.5 inches of precipitation or more.~~ Soil disturbances five acres or more in size at any one time shall require two site inspections every 7 days. Inspection reports shall be maintained in a log book and be kept on-site along with the approved SWPPP.

3. ~~An erosion and sediment control-~~trained contractor shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.

B. Maintenance Easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the City of Saratoga Springs to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this [Chapter section](#). The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the City of Saratoga Springs.

C. Maintenance After ~~Contstruction~~ Construction.

The owner or operator of permanent stormwater management practices installed in accordance with this [Chapter section](#) shall ensure that they are operated and maintained to achieve the goals of this [Chapter section](#). Proper operation and maintenance also includes as a minimum, the following:

1. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this [Chapter section](#).
2. Written procedures for operation and maintenance and training new maintenance personnel.

3. Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with this [Chapter section](#).

D. Maintenance Agreements. The City of Saratoga Springs shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of [Schedule A](#) of this Chapter entitled Sample Stormwater Control Facility Maintenance Agreement. The City of Saratoga Springs, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this [Chapter section](#) and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

5.9.13 Administration and Enforcement

A. Construction Inspection

1. Erosion and Sediment Control Inspection. The City of Saratoga Springs Stormwater Management Officer may conduct such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the Stormwater Pollution Prevention Plan (SWPPP) as approved. To schedule inspections, the applicant must notify the Stormwater Management Officer at least 48 hours in advance before any of the following as required by the Stormwater Management Officer:

- a. Start of construction
- b. Installation of sediment and erosion control measures
- c. Completion of site clearing
- d. Completion of rough grading
- e. Completion of final grading
- f. Close of the construction season
- g. Completion of final landscaping

- h. Successful establishment of landscaping in public areas.

If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

2. Stormwater Management Practice Inspections.

The City of Saratoga Springs Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs) after final construction is completed. All applicants are required to submit "as built" plans for any stormwater management practices located on-site. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer verifying all practices have been constructed in conformance with the SWPPP and are operational.

3. Inspection of Stormwater Facilities After Project Completion.

Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

- 4. **Submission of Reports.** The City of Saratoga Springs Stormwater Management Officer ~~may~~ require requires yearly monitoring and reporting

from entities subject to this Chapter section as are necessary to determine compliance with this Chapter section. Yearly inspection reports of post-construction stormwater management practices shall be submitted to the City Engineer's office on an annual basis.

- 5. **Right-of-Entry for Inspection.** When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the City of Saratoga Springs the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in subsection 3 above.

B. Performance Guarantee

- 1. **Construction Completion Guarantee.** In order to ensure the full and faithful completion of all land disturbance activities related to compliance with all conditions set forth by the City of Saratoga Springs in its approval of the Stormwater Pollution Prevention Plan, the City of Saratoga Springs may require the applicant or developer to provide, prior to construction, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the City of Saratoga Springs as the beneficiary. The security shall be in an amount to be determined by City of Saratoga Springs based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the City of Saratoga Springs, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the City of Saratoga Springs. ~~Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.~~ Annual interest on escrow deposits shall be re-invested in the account until the escrow is released.

Note: Confirm if the entire above paragraph can be eliminated and instead point to common "Performance Guarantee" section 5.20, or if this needs to remain as a specific condition.

2. **Maintenance Guarantee.** Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the City of Saratoga Springs with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the City of Saratoga Springs may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
3. **Record-Keeping.** The City of Saratoga Springs may require entities subject to this law to maintain records demonstrating compliance with this [Chapter section](#).

C. Enforcement and Penalties. ## Note: It had been intended that all enforcement and penalties of the UDO would be collected and combined under Article 8, however it is no longer clear if that is the best solution. Should discuss.

1. **Notice of Violation.** When the City of Saratoga Springs determines that a land disturbance activity is not being carried out in accordance with the requirements of this [Chapter section](#), it may issue a written notice of violation to the landowner. The notice of violation shall contain:
 - a. The name and address of the landowner, developer or applicant;
 - b. The address when available or a description of the building, structure or land upon which the violation is occurring;
 - c. A statement specifying the nature of the violation;
 - d. A description of the remedial measures

necessary to bring the land disturbance activity into compliance with this [Chapter section](#) and a time schedule for the completion of such remedial action;

- e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - f. A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.
2. **Stop Work Orders.** The City of ~~Saratoga Springs~~ [Engineer](#) may issue a stop work order for violations of this [Chapter section](#). Persons receiving a stop work order shall be required to halt all land disturbance activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the City of Saratoga Springs confirms that the land disturbance activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this Chapter.
 3. **Violations.** Any land disturbance activity that is commenced or is conducted contrary to this Chapter may be restrained by injunction or otherwise abated in a manner provided by law.
 4. **Penalties.** In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this [Chapter article](#) shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a

period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this [Chapter section](#) shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

- 5. Withholding of Certificate of Occupancy.** If any building or land disturbance activity is installed or conducted in violation of this [Chapter section](#) the Stormwater Management Officer may prevent the occupancy of said building or land.
- 6. Restoration of lands.** Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City of Saratoga Springs may take necessary corrective action, the cost of which shall become a lien upon the property until paid.
- D. Fee for Services.** The City of Saratoga Springs may require any person undertaking land disturbance activities regulated by this law to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the City of Saratoga Springs or performed by a third party for the City of Saratoga Springs.
- E. [Sample Maintenance Agreement.](#)** Please refer to [Appendix B for a sample "Stormwater Control Facility Maintenance Agreement"](#).

5.10 LAND DISTURBANCE PERMIT

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

5.10.1 Activities Requiring Permit and Exemptions

A Land Disturbance Activity Permit shall be required before undertaking the following activities: **## Note: Need to revise these provisions below to coordinate with Section 5.9 Stormwater, since there is overlap.**

- A.** Within the Rural Residential-1 district: any activity affecting ~~1.5~~ [1.0](#) or more acres that changes the natural topography, removes or disturbs the topsoil, or removes more than 15% of trees over 4 inches in diameter at breast height (dbh).
- B.** Any other district: any activity affecting 0.5 or more acres that changes the natural topography, removes or disturbs the topsoil or removes more than 15% of trees over 4 inches in diameter.

5.10.2 Exempt Activities-Activities Exempt From Permit

The following activities shall be exempt from permit:

- A.** Agricultural activities directly related to the production of crops or livestock, excluding timber harvesting.
- B.** ~~Forest management practices or noncommercial tree-cutting for firewood that does not remove more than 15% of trees over 4 inches in diameter.~~ **## Note: Already covered in 5.10.1 B above.**
- C.** Authorized governmental activities.
- D.** Bona fide emergencies.

5.10.3 Permit Application Process

- A.** For all activities that require a land disturbance activity permit, application may be made directly to the Planning

Board or as a referral by the Zoning Enforcement Officer. To the extent practicable, the Planning Board shall coordinate review of the land disturbance activity permit with associated subdivision or site plan review applications. [Land Disturbance Permit applications can be found on the city website under Building Department.](#)

- B.** Applications for land disturbance activity permits shall be on forms prescribed by the Planning Board, shall include a soil erosion and sediment control plan (~~basic-SWPPP~~) [as described below](#), and shall be accompanied by a fee as established by the City Council. The Planning Board may waive the fee if review is conducted in association with subdivision or site plan review. [Refer to Section 5.9.7 for the requirements of a soil erosion and sediment control plan.](#)
- C.** In its review, the Planning Board may approve the application if it finds that the soil erosion and sediment control plan will adequately minimize the impact of the proposed land disturbance activity upon the City's land and water resources.
- D.** A Soil Erosion and Sediment Control Plan shall include a sketch plan that fully identifies the proposed activity, extent of soil and vegetative alterations or tree harvesting, and the land protection and structural soil conservation measures to minimize soil erosion and sediment loss. Such plan should be at a scale of 1" = 100' and include the following:
1. General topographic data, soil conditions, and vegetative cover type.
 2. All watercourse, wetlands, rock outcrops and other important land features (including all 100 year federally designated flood hazard and New York State regulated wetlands).
 3. The location of all proposed public utilities including water supply, sewerage, and storm water drainage facilities to be constructed.
 4. Any other information that the Planning Board may deem necessary for review of the project.
- E.** The Planning Board may require a performance guarantee to ensure that all necessary erosion and sediment control measures are completed and maintained adequately. The amount of the letter of credit, or other financial security, ~~will~~ [shall](#) not exceed \$1,000 per acre.
- F.** Unless otherwise specified or extended by the Planning Board, a land disturbance activity permit shall expire 18 months following the filing date of such decision if the applicant has not complied with any required conditions and started the activity, or otherwise implemented this approval.
- G.** The Planning Board may grant up to two 18-month extensions for an approved land disturbance activity permit provided that the application was properly submitted prior to the expiration date of either the original land disturbance activity permit or the first extension. When requesting an extension, it shall be the applicant's responsibility to prove that there have been no significant changes to the site or neighborhood and that the circumstances and findings of fact by which the original approval was granted have not significantly changed.
- H.** Unless waived by the Planning Board, construction inspections by the Storm Water Management Officer, or designee, shall be required for all land disturbance activity permits. The construction inspections requirements shall be identical to those set forth in [Article 7.2.16](#).
- I.** Unless waived by the Planning Board, upon completion of the approved activity an as-built drawing shall be filed with the Planning Board. The requirements for an as built drawing shall be identical to those set forth in [Appendix B](#).

5.10.4 [Fines](#)

- A.** [Violation of this section by removal or clearing without a Land Disturbance Permit is punishable by a fine up to but not exceeding \\$1000 per acre of affected land. ##](#)
 Note: Also may want to discuss an additional penalty of having such property forgo any Site Plan approvals for a period of 1 year.

5.11 WATERCOURSE ACTIVITY PERMIT

Watercourse Activity Permits are administered by the City Planning Board, and are required for certain activities within the Watercourse Protection Overlay District. Refer to Article 2.4 for more information. Watercourse Activity Permit applications can be found on the city website, under [Department]. ~~## Note: Currently these are not available.~~

~~## Note: The following is from existing Section 3.6.4~~

5.11.1 Permit Application Process

- A. For all activities that require a watercourse activity permit, application may be made directly to the Planning Board or as a referral by the Zoning Officer. To the extent practicable, the Planning Board shall coordinate review of the watercourse activity permit with associated subdivision or site plan review applications.
- B. Applications for watercourse activity permits shall be on forms prescribed by the Planning Board, shall include plans and details as required, and shall be accompanied by a fee as established by the City Council.
- C. In its review, the Planning Board may approve the application if it finds:
 1. That issuance of the permit will not violate the intent or standards listed in Section 2.4.9 for the Watercourse Protection District, and; ~~That there is no reasonable alternative, and;~~
 2. That there is no reasonable alternative. ~~That issuance of the permit will not violate the intent of this Section~~
- D. The Planning Board may require a performance guarantee to ensure that all necessary erosion and sediment control measures are completed and maintained adequately.
- E. Unless otherwise specified or extended by the Planning Board, a watercourse activity permit shall expire 18 months following the filing date of such decision if the applicant has not complied with any required conditions and has not begun actual construction, or otherwise implemented this approval.

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

5.12 SIGN PERMIT

Sign Permits are administered by the Building Department. All signs requiring a Sign Permit shall be in accordance with the design standards of Article 4.11 Signs. Sign Permit application forms may be found on the city website under Building Department. ~~## Note: Currently these are not available.~~

5.12.1 General

- A. Signs proposed for properties within the Architectural Review District, Historic District or on City Landmarks shall require review and approval by the Design Review Board prior to a permit being issued.
- B. Sign Permit applications for sandwich board signs are administered separately from other signs. Application forms for these can be found on the city website under Building Department.

~~## Note: The following subsection is taken from existing Section 6.1.8. This may be moved to Article 8 Enforcement.~~

5.12.2 Enforcement

- A. Upon finding that a sign or sign structure is in violation of this ~~Article~~ chapter, the Zoning Officer shall give written notice to the property owner or responsible entity noting the following:
 1. The nature and specific details of the violation;
 2. The recommended action to correct the violation; and,
 3. The date by which the violation must be corrected.
- B. Should the property owner or responsible entity fail

to comply with the notice ~~within 10 days~~, by the due date, they shall be fined up to \$50 per day for each subsequent day until the violation is corrected or the sign is removed. Should the owner or responsible entity continue to fail to comply with the notice, the sign or sign structure shall may be removed or altered to comply with the notice at the expense of the property owner or responsible entity.

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

5.13 RENEWABLE ENERGY PERMITS

5.13.1 Solar Photovoltaic (PV) Permits

Solar PV Permits are administered by the City Building Department. Solar Permit applications can be found on the city website under Building Department.

- A. Solar installations proposed for properties within the Architectural Review District, Historic District or on the City Landmarks shall be in accordance with the design standards of Article 4 and shall require review and approval by the Design Review Board prior to a permit being issued.
- B. **Small Scale Roof Installations.** Small Scale Roof Mount solar installations may be eligible to apply for a permit using the New York State Unified Solar Permit application from the City, which allows for expedited administrative approval. To determine if you are eligible, you may use the eligibility checklist in the application, which is available on the city website under Building Department.
- C. **Other Installations.** Solar installations, including Small Scale Ground Mount, Large Scale Roof Mount and Large Scale Ground Mount which are not eligible to apply for a permit using the Unified Solar Permit above shall instead obtain a building permit and may be required to obtain site plan and special permit approval. Refer to Article 3 for specific use requirements.

5.13.2 Solar Thermal Permits

Solar (Thermal) Permits are administered by the City Building Department. Solar Permit applications can be found on the city website under Building Department.

- A. The requirements for Solar Thermal Permits shall be the same as those identified above for Solar Photovoltaic Permits above.

5.13.3 Geothermal & Heat Pump Permits

Note: This subsection was recommended to be added by the TRAC to cover other renewable energy installations, however there does not appear to be a current permitting system in place for these by the city. Need to discuss if these would be a separate permit, combined under a larger 'renewables' permit, what the requirements might be, or if it is needed.

Geothermal and Heat Pump Permits are administered by the City Building Department. Permit applications can be found on the city website under Building Department.

5.13.4 Electric Vehicle Charging Permit

Note: This subsection was recommended by the TRAC to create a permitting process for electric vehicle charging stations, for both commercial and residential installations. It is not known if this is really necessary. Alternately, it is recommended that this not requirement not be included, and that instead any Vehicle Charging Terminals be simply required to meet New York State and local electrical codes and be installed by a licensed electrician as outlined in Article 3.

Electric Vehicle Charging Permits (also known as Electric Vehicle Supply Equipment – EVSE) are administered by the City Building Department. Permit applications can be found on the city website under Building Department.

- A. Level 1 Charging Stations, permitted in private residential homes and not intended for public use, do not require a permit. Level 1 Charging Stations are not permitted for commercial installations or those designed for public use.
- B. Level 2 Charging Stations, for both residential and

commercial installation, require an Electric Vehicle Charging Permit, and shall submit the following information:

1. Layout Plan. A drawing illustrating to scale the proposed layout of parking spaces and clearances to all adjacent structures, equipment, parking spaces, pedestrian areas or vehicle travel lanes.
 2. Manufacturer's Data. A copy of the EVSE manufacturer's installation instructions and specification sheets.
 3. Wiring Diagram. Wiring diagram illustrating the proposed system, EVSE equipment and connection point to the power supply.
 4. Electrical Load Calculations. Copies of a calculation sheet prepared by a licensed electrical contractor that certify existing electrical capacity, estimated load from the EVSE, and that the existing service will handle the additional load.
- C. Level 3 Charging Stations for both residential and commercial installation, require an Electric Vehicle Charging Permit, and shall submit the same information as required for a Level 2 station above.
- D. After review and approval of the permit application, the installation shall be inspected by the Building Department for compliance before the system may be authorized for use.

Note: the above information and requirements need to be carefully reviewed, and should be instead listed on the actual permit application when it is eventually created.

5.14 TREE WORK PERMIT

Tree Work Permits are administered by the City Department of Public Works. [Tree Work Permit applications can be found on the city website, under \[INSERT\] ##](#) Note: Currently these are not available.

5.14.1 Permit Required

- A. No work shall be conducted on or adjacent to any trees within the public highways or public places of the City of Saratoga Springs without a permit from the Department of Public Works.
- B. **Activities Requiring a Permit.** The following activities shall require a Tree Work Permit:
1. Destruction, removal, cutting, pruning, root excavation or disease or insect treatment of any tree, plant or shrub within the public highway or public places.
 2. Construction activities, including sidewalk construction, repair or replacement, within the drip line of a public tree that may be damaging to the tree.

Note: The following paragraphs have been moved from existing code Chapter 220. Chapter 220 will need to be revised accordingly, with a reference added to permits required in this chapter.

3. ~~Any person, firm or corporation or officer or employee of a corporation desiring for any lawful purpose to remove, destroy, cut, prune, treat with a view to its preservation from disease or insects or trim any tree, plant or shrub in or upon any public highway or public place shall make application to the Commissioner of Public Works at the Department of Public Works:~~ Such application must state the number and condition of the nearest trees to be trimmed, removed or treated and the kind and condition of the nearest trees upon the adjoining property.
4. If, in the judgment of the Commissioner of Public Works and/or the City Forester, the desired removing, cutting, pruning, treatment or trimming shall appear necessary due to public safety concerns or the health of the tree, and the proposed method and workmanship thereof shall be such as such

Commissioner of Public Works and/or the City Forester may approve, the Department of Public Works may thereupon issue a written permit for such work. Any work done under such written permit must be performed in strict accordance with the terms thereof and the provisions of ~~this chapter~~ Chapter § 220 Trees.

5. In consideration of whether a permit should be issued, the Commissioner shall consider the age and size of the tree and its contribution to the visual landscape, with preference given to protect older-growth and "heritage" trees. In lieu of granting the permit as requested, the Commissioner may grant a conditional or amended permit which limits the work performed.
 6. Any tree which is removed or destroyed within the highways or public places of the city shall be replaced by the Department of Public Works within one year by a new tree planting in the immediate vicinity, unless such replanting is unfeasible.
- C. All trees within the public highways or public places of the City of Saratoga Springs are otherwise governed and protected by City Code Chapter § 220 Trees.

5.14.2 Fines

~~## Note: The following paragraph has been moved from existing code Chapter 220~~

- A. Except upon order of the Department of Public Works, it shall be unlawful for any person, firm or corporation or the officer or employee of a corporation without a written permit from the Department of Public Works to remove, destroy, cut, break, climb or injure any tree, plant or shrub or portion thereof or misuse or remove any device set for their protection, that is planted or growing in or upon any public highway or public place within the City of Saratoga Springs or cause, authorize or procure any person to do the same. ~~remove, destroy, cut, break, climb or injure any such tree or shrub or portion thereof or to injure, misuse or remove or cause, authorize or procure any person to injure, misuse or remove any device set for the protection of any tree, plant or shrub in or upon any public highway or public place.~~ Fines for willfully conducting such actions without prior approval of the Department of Public Works shall

be as follows:

1. Cutting, pruning, root excavation or other action which does not destroy or likely endanger the life of the tree: \$50.
 2. Actions which destroy or likely endanger the life of a tree with less than 10 inch caliper (diameter breast height): \$250.
 3. Actions which destroy or likely endanger the life of a tree with 10 to 20 inch caliper (diameter breast height): \$1000.
 4. Actions which destroy or likely endanger the life of a tree with greater than 20 inch caliper (diameter breast height) or city heritage trees: \$5000.
- B. Fines collected under this provision shall be added to and used for the funding for the purchase and planting of new trees within the public highways and public places of the city.

5.14.3 Responsibility & Liability

- A. Nothing contained in this section shall be deemed to impose any liability upon the city, its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon any street tree area on his property or under his control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, park, pleasure ground, boulevard, alley or public place within the city.

5.15 DEMOLITION PERMIT

Demolition Permits are administered by the City Building Department as a type of Building Permit. All Building or Demolition Permits shall be required and issued according to the provisions of City Code Chapter § 118-4. [Demolition Permit applications can be found on the city website, under Building Department.](#)

Note: Currently these are not available. Need to consider what additional information can be provided here which would be helpful to applicants without duplicating material already found in § 118-4.

the procedures shall be the same as those for demolition of significant structures within the Architectural Review District, [Article 5.4.7 B.](#)

5.15.1 General

- A. Demolition Permits for structures within an Architectural Review District, Historic District or on City Landmarks shall require prior review and approval of the Design Review Board, and shall follow the specific procedures set forth for those districts in this article.
- B. Demolition Permits for structures within a National Register District which propose demolishing 50% or more of the floor area of a structure which is 50 years or older shall require a 30-day comment period to determine if the structure has architectural or historic significance.
1. A copy of the application shall be sent to the Saratoga Springs Preservation Foundation for comment.
 2. The [City Planning Department / Design Review Board] shall determine whether the proposed structure has architectural or historic significance. "Significance" includes having particular important associations within the context of the architecture, history or culture of Saratoga Springs or region and may include listing as "contributing" on the State and National Registers of Historic Places.
 3. **Structures with no architectural or historic significance.** The Design Review Board may approve an application for demolition if it finds that the structure proposed to be demolished has no historic or architectural significance.
 4. **Structures with architectural or historic significance.** For the proposed demolition of a structure determined to have significance,

5.16 FLOODPLAIN DEVELOPMENT PERMIT

Floodplain Development Permits are administered by the City Floodplain Administrator. All permits shall be required and issued according to the provisions of City Code Chapter § 120. Permit applications can be found on the city website, under [INSERT]

Note: The following text is relocated from existing code Section 120, Article IV. Section 120 will need to be revised accordingly, with a reference to the permits covered in this section.

5.16.1 ~~Development Permit Required;~~ Fees General

- A. Purpose.** A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in City Code Chapter § 120-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include, but not be limited to, plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question; and existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.
- B.** All work requiring a Floodplain Development Permit shall comply with the design and construction standards for development within areas of special flood hazard as specified in Article 2.4.
- C. Fees.** All applications for a floodplain development permit shall be accompanied by an application fee of \$50. In addition, the applicant shall be responsible for reimbursing the City of Saratoga Springs for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of no more than \$500 to cover these additional costs.

5.16.2 Application for Permit

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- A.** The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zone A1-A30, AE or all, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- B.** The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the local administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- C.** A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in City Code Chapter § 120-16C, Utilities.
- D.** A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in City Code Chapter § 120-18, Nonresidential structures.
- E.** A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in City Code Chapter § 120-6, when notified by the local administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

- F.** A technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- G.** In Zone A, when no base flood elevation data is available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or five acres.

5.17 BUILDING PERMIT

Building Permits are administered by the City Building Department. All Building Permits shall be required and issued according to the provisions of City Code Chapter § 118-4.

Note: Need to consider what additional information can be provided here which would be helpful to applicants without duplicating material already found in § 118-4.

5.18 CERTIFICATE OF OCCUPANCY

Certificates of Occupancy are issued by the City Building Department. All Certificates of Occupancy shall be required and issued according to the specific provisions of City Code Chapter § 118-7.

5.19 OTHER PERMITS & APPROVALS

Note: This Subsection Under Construction

5.20 PERFORMANCE GUARANTEES

Note: The following has been relocated from Site Plan Review.

A letter of credit or ~~acceptable equivalent security~~ cash escrow shall be delivered to the City to guarantee that the applicant shall construct and complete ~~the~~ any (or all) required improvements as indicated on the approved final site plan. Cash escrows must be accompanied by an escrow

agreement. The Planning Board may waive the requirement for a performance guarantee if the estimated cost of site improvements is less than \$10,000.

A. Establishment of Performance Guarantee

1. The performance guarantee shall cover the full estimated cost of required off-site improvements within the public right-of-way and 25% of the full estimated cost of required on-site improvements. ~~These improvements may include grading, curbs, sidewalks, utilities, street lighting, driveways, parking lots, plantings, signs, and the like.~~
2. Estimates of construction costs are to be submitted to the Planning Board by the applicant's New York State licensed professional engineer ~~/architect~~ or landscape architect. The City Engineer shall review and revise estimated costs in accordance with current construction standards and practices or as modified by the Planning Board.
3. The performance guarantee shall identify the City of Saratoga Springs as the beneficiary and will state that funds may be collected ~~at an institution/ location within 40 miles of the Saratoga Springs municipal boundaries~~ chartered or within New York State upon receipt of a written demand from the City Attorney of the City of Saratoga Springs. Legal and administrative costs incurred by the City associated with the collection of a performance guarantee will be reimbursed to the City.
4. The performance guarantee shall be valid for no less than 12 months and shall expire at quarterly intervals ~~with the exception of March 31.~~ [## Note: Confirm edit] Upon completion of all required construction, the City shall cancel the performance guarantee by written notice to the applicant.

B. Amendment and/or Extension to Performance Guarantee

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

documentation are due no less than 30 days from expiration date. ## Note: Confirm language transcribed correctly.

ARTICLE 6 VARIANCES

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6.1 VARIANCES

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

6.1.1 Delegation to Zoning Board of Appeals

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

6.1.2 Appellate Authority

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

6.1.3 Area Variance

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

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

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse

effect or impact on the physical or environmental conditions in the neighborhood or district; and

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of an area variance.

6.1.4 Use Variance

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

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

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

6.1.5 Minimum Variance

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

6.1.6 Conditions of Approval

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

such variance may have on the neighborhood or community.

6.1.7 Interpretation Appeals

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

Note: The above paragraph is being considered for removal or rewording by TRAC.

6.1.8 Compliance

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

6.2 ~~VARIANCE AND~~ INTERPRETATION APPEALS PROCEDURE

6.2.1 Administrative Decision

- A.** Each decision of the administrative official charged with the enforcement of this Zoning Ordinance shall be filed in the office of such official within five (5) business days from the day it is rendered and shall be a public record.
- B.** An application for appeal shall be submitted by an aggrieved person within sixty (60) days of the filing of any such decision.

6.2.2 Application for Appeal

- A.** Applications for appeals shall be on forms prescribed by the ZBA and shall be accompanied by a fee as established by the City Council. Every appeal shall specify the grounds for appeal and the requested relief or interpretation sought. Applications may be obtained from the city website.
- B.** The ZBA shall not accept any application for appeal that includes a parcel for which there is an outstanding, unresolved written violation from the Zoning Officer that is not the subject of the appeal.
- C.** An appeal shall stay all enforcement proceedings

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

~~## Note: The following subsection shall be deleted and moved into existing city code chapter 51 related to the ZBA function.~~

6.2.3 Meetings

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

~~## Note: Recommend that the notification and public hearing requirements below be replaced by or supplemented with a single-page reference chart in the UDO which describes these notification requirements for all similar actions such as Special Use Permits, etc.~~

6.2.4 Public Hearing Notice and Referrals

- A. The ZBA shall schedule a public hearing on an application for an appeal. ~~and shall provide notice as follows.~~
- B. A Public Hearing shall be scheduled, with notifications and referrals as specified in Article 5.2.

~~## Note: Remainder of the Public Hearing Notice and Referral requirements from this section have been moved and combined into a common section 5.2~~

6.2.5 Decisions

- A. In rendering its decision on any application, the ZBA shall comply with all applicable provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
- B. The ZBA shall decide an appeal within sixty-two (62) days after the close of the required public hearing. This time frame may be extended by mutual consent of the applicant and the ZBA.

- C. Four (4) affirmative votes are required to pass a motion regarding an appeal before the ZBA. The ZBA may amend a motion that fails to receive four affirmative votes within this 62-day period. Ultimately, if four affirmative votes cannot be attained on a motion within this 62-day period, unless extended by mutual consent of the applicant and the ZBA, the appeal shall be denied by default.
- D. The ZBA shall have the authority to impose such reasonable conditions and restrictions as are directly related, and incidental, to the proposed project. As a condition of approval, the ZBA may require a letter of credit or equivalent security approved by the City to guarantee satisfactory performance of all required improvements.
- E. Every ZBA decision shall be signed and dated by the Chairperson and shall document the circumstances of the case and the findings on which the decision is based.
- F. Every ZBA decision of an appeal shall be by Resolution and shall be filed in the Office of the City Clerk within five (5) business days thereof and a copy provided to the applicant and to the Building Department.
- G. In order to rehear an appeal previously determined by the ZBA, the following must occur:
 1. A ZBA member must move to formally rehear the appeal.
 2. A unanimous vote of all ZBA members present must approve the motion to rehear.
 3. The appeal shall be subject to the same notice provisions as an original hearing.
 4. The ZBA may reverse, modify or annul its original decision provided the ZBA finds that the rights vested in persons acting in good faith reliance upon the reheard order, decision or determination will not be prejudiced thereby.
 5. A unanimous vote of all ZBA members present is required to reverse, modify or annul its original decision.

6.2.6 Expiration and Extensions

- A.** Unless otherwise specified or extended by the ZBA, a variance approval shall expire 18 months following the filing date of such decision if the applicant has not complied with any required conditions and started actual construction, or otherwise implemented this approval. Actual construction is defined as the fastening or placing of construction materials in a permanent manner, the excavation of a basement, or the demolition or removal of any existing structure if no new construction is approved.
- B.** The ZBA may grant up to two 18 month extensions for an approved variance provided that the application for extension was properly submitted prior to the expiration date of either the original variance or the first extension. When requesting an extension, it shall be the applicant's responsibility to prove that there have been no significant changes to the site or neighborhood and that the circumstances and findings of fact by which the original approval was granted have not significantly changed.
- C.** Any use variance granted shall expire which such use is changed, or the use ceases to operate for a period of one year. Continued approval for that use shall then require a new use variance.

Note: City requested similar expiration as above for area variances as well, need to confirm how this would work.

ARTICLE 7 AMENDMENTS TO ORDINANCE

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7.1 GENERAL AMENDMENTS

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

7.1.1 Authority

The City Council shall have the authority to amend this Chapter, or any district boundary established by this Chapter, following the notice and conduct of a public hearing.

7.1.2 Proposal to Amend

Proposed amendments may be brought to the City Council:

1. By a City Council Member;
 2. By recommendation of the Planning Board, Design Review Commission Board, or Zoning Board of Appeals;
 3. On Petition.
- A.** In cases involving a Board recommendation or a Petition, the City Council shall determine whether the recommendation or Petition has merit for review and if it shall be considered.
- B.** No determination of merit shall be required if the owners of fifty percent (50%) or more of the frontage in any District, or part thereof, present such a Petition duly signed and acknowledged to the City Council requesting an amendment, supplement, change or repeal of the regulations prescribed for that District, or part thereof. The Council shall vote on the Petition within ninety (90) days after it is filed with the Secretary of the City Council.

7.1.3 Application and Fee

Every petition for an amendment to the Chapter shall be on forms prescribed by the City Council and shall be accompanied by a fee as established by the City Council.

7.1.4 Referral for Advisory Opinion

Prior to taking action on any proposed amendment to the ~~Zoning~~ this Ordinance, the City Council shall seek an advisory opinion from the City Planning Board, and the Saratoga County Planning Board as required by General Municipal Law. For amendments to Article 5.8 Historic Review and Article 5.7 Architectural Review, the Council shall also seek an advisory opinion from the Design Review ~~Commission~~ Board.

A. City Planning Board

The City Planning Board shall have 60 days to render a written advisory opinion to the City Council, unless extended by mutual consent. The Planning Board may hold a public hearing at their discretion. The scope of the Planning Board review shall include but not be limited to:

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

B. Design Review ~~Commission~~ Board

The Design Review ~~Commission~~ Board shall have 60 days to render a written advisory opinion to the City Council, unless extended by mutual consent. The opinion shall contain a favorable recommendation only if the Design Review ~~Commission~~ Board finds that the proposed revision is ~~not contrary to~~ consistent with the intent and objectives of Article 5.8 Historic Review or Article 5.7 Architectural Review, as applicable.

C. Saratoga County Planning Board

- 1. Any proposed amendment that meets the referral requirements of General Municipal Law Section 239-m shall be referred to the Saratoga County Planning Board for its review prior to the public hearing. No action shall be taken by the City Council until an advisory recommendation has been received from the County Planning Board or 30 calendar days have passed from when the County Planning Board received the full statement.
- 2. If the Saratoga County Planning Board recommends modification or disapproval of a proposed action, the City Council shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.

7.1.5 ~~Public Hearing Notice~~ Public Hearing and Notice

A. The City Clerk shall notice a public hearing for an amendment, including a description of the proposed amendment; ~~and shall provide notice as follows:-~~ as follows: ~~## Note: Public Hearing and Notice requirements restored here per TRAC request, instead of referencing Article 5.~~

- 1. The City Clerk shall advertise the hearing in a Saratoga Springs newspaper of general circulation at least five days prior to the date thereof. If the amendment is requested by petition, the petitioner shall be responsible for payment for this notice. Prior to the hearing, the petitioner shall be responsible for filing with the City Clerk an affidavit from the newspaper confirming such publication and payment.

7.1.6 ~~Additional Public Notice~~ Property Owner Notification

A. A notice briefly describing every amendment shall be published once in a newspaper of general circulation in the City and specify that the entire amendment is available for inspection at the City Clerk's office.

~~## Note: Items B, C and D here relocated from 10.1.9 "Amendment Publication and Posting" to put all Public Hearing notification info together.~~

B. The amendment shall be posted conspicuously at or near the office of the City Clerk for at least two weeks following publication and a copy of the amendment or map shall be made available for inspection at the office of the City Clerk.

C. Affidavits of publishing and posting shall be filed with the City Clerk.

D. For all petitions involving zoning map amendments, the petitioner shall provide notice of the proposed amendment public hearing to neighboring property owners in the following manner:

- 1. The petitioner shall obtain from the City the names and addresses of property owners within a geographic radius of 250 feet from the petitioner's

subject property boundary.

2. The petitioner shall receive from the City Clerk a property owner notification and shall send only this notice to the identified property owners by first class mail. This notice shall be postmarked no less than 7 days but no more than 20 calendar days prior to the scheduled public hearing.

Note: Discuss option of requiring mailings in official City envelope marked "Public Hearing Notice".

3. Prior to the public hearing, the petitioner shall submit to the City Clerk confirmation of this property owner notification using a "certificate of mailing" provided by the U.S. Postal Service.
4. Failure to provide notice in exact conformance with these provisions shall not invalidate a City Council determination provided the City Council finds that substantial compliance has occurred and the public has been fairly apprised of the fundamental character of the proposed change.

E. Intermunicipal Notification. Pursuant to General Municipal Law 239-nn, if the land involved in an application lies within 500 feet of the boundary of another municipality, the City Clerk shall submit a copy of the official notice of the public hearing to the municipal clerk of the other municipality at least 10 days prior to the public hearing.

F. Housing Authority Property. For amendments affecting property within the protectively zoned area of a housing project authorized under the Public Housing Law, written notice shall be given to the Housing Authority at least 30 days prior to the public hearing.

7.1.7 On Premise Signage

The petitioner, whether an applicant or the city, shall obtain from the City Planning Office a "Notice of Public Hearing" sign which shall be posted and secured conspicuously as described below.

A. Sign Design. The sign shall be printed on high-visibility color paper and include the following:

1. The city logo;
2. Text: "PUBLIC NOTICE";

3. The type of review (Zoning Amendment, etc.);

4. Text: "This property is the subject of a public hearing scheduled on:"

5. The date and time of the public hearing;

6. Text: "This sign is property of the City of Saratoga Springs. Removal or defacement of this sign by unauthorized persons is prohibited. For information call the City Office of Planning and Economic Development at [phone number]."

B. Location. The sign(s) shall be posted in a conspicuous place on the subject property free from obstructed view.

1. On properties abutting a street, the sign(s) shall be posted on private property no more than 10 feet from the property line. On properties that do not abut a street, sign(s) shall be placed at the edge of the property closest to the nearest street

2. On properties where an existing structure is not setback from the property line or in instances where property posting is not practicable, sign(s) may be posted in a first floor window. Such window postings shall be visible from the street and shall provide the public with an unobstructed view of the sign.

3. On corner lots, signs shall be posted on each street frontage.

4. For zoning amendment areas which have frontage exceeding 200 feet, signs shall be placed at maximum intervals of 200 feet.

C. Duration. The sign(s) shall be erected no less than seven (7) days prior to the first meeting or public hearing for which the review of this property has been scheduled. The sign(s) shall be removed within five (5) days of the determination of that application. The City Council may withhold the fully executed amendment until proof of sign removal has been satisfied. The petitioner or an authorized agent is responsible for erecting, maintaining, and removing the sign(s) in accordance with this section. Signs may be kept by the petitioner and may be reused as long as they are in suitable condition.

D. Multiple Board Review. In the event a property is subject to more than one (1) land use review board, the sign(s) shall be posted no less than seven (7) days prior to the first scheduled land use review board appearance and

maintained until no more than five (5) days following the determination by the last scheduled board.

E. Compliance. Failure to post notification sign(s), or to comply with other applicable standards herein, may result in the delay of proposal review or in the determination that an proposal to amend is incomplete.

F. Waiver. Each land use review board shall have the authority, within its individual review process only, to waive any or all provisions of these sign notification requirements upon a finding that:

1. The sign notification requirements are deemed impractical due to unique property characteristics, or

2. The sign(s) have been removed due to excessively inclement weather, or removed by no action of the petitioner in such time that renders the petitioner unable to replace the sign; provided that substantial compliance with the intent of public notification has been satisfied.

7.1.8 Protest

- A.** A protest against an amendment to this Chapter must be signed by the owners of:
- 1.** 20% or more of the land area included in the proposed amendment; or
 - 2.** 20% or more of the land area immediately adjacent to and extending 100 feet from the land area included in the proposed amendment; or
 - 3.** 20% or more of the land directly opposite thereto and extending 100 feet from the street, road or highway frontage of such opposite land.
- B.** A protested amendment shall require the favorable vote of at least four (4) Council members.

7.1.9 Effective Date

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

7.2 PLANNED UNIT DEVELOPMENT

A Planned Unit Development (PUD) is a district or floating zone wherein a planned mix of residential and non-residential uses is sanctioned by the City Council subject to restrictions calculated to achieve compatible and efficient use of the land in accordance with the City Comprehensive Plan. The intent of a PUD is to permit a mix of uses and arrangement of structures, not commonly possible under the requirements of **current zoning regulation** [this Chapter](#), to serve the public welfare of the community.

7.2.1 Legislative Authority and Applicability

- A.** The creation of a PUD shall constitute an amendment to **the Zoning** [this Ordinance](#) and shall require approval by the City Council. The provisions of a PUD do not apply to the specific area until the effective date of **a an Zoning** Ordinance amendment established by resolution of the City Council.
- B.** A Planned Unit Development may be permitted in any area except the Rural Residential District and Public Water Supply and Wetland Protection District.

7.2.2 Planned Unit Development Objectives

In order to justify the establishment of a PUD as an alternative to current zoning regulation and carry out the intent of this section, a PUD shall achieve the following objectives:

- A.** Provide for a development pattern of mixed-uses consistent with the objectives of the Comprehensive Plan.
- B.** Provide for a more efficient arrangement of land uses, buildings, circulation systems, infrastructure and open space than otherwise possible under current zoning.
- C.** Provide for diversity in residential housing opportunities at varied economic levels.
- D.** Provide for uses and amenities that fulfill an identifiable community need.

- E. Provide for enhanced open space and the preservation of natural resources.
 - F. Prevent soil erosion and enhance the preservation of trees, outstanding natural topographical and geological features.
 - G. Enhance integration of transportation systems including vehicular, pedestrian, bicyclist and transit.
 - H. Minimize adverse impacts of land development upon neighboring properties.
 - I. Provide for a more economically viable and environmentally sustainable land use pattern than would be possible through the strict application of other articles of this Chapter.
- 5. Sketch plan to scale including the required site details found within [Appendix B](#).
 - 6. SEQRA Full Environmental Assessment Form ("long form [EAF](#)")
- D. Upon receipt of a complete application, the City Council shall determine whether the proposed PUD has merit for review and if it shall be considered. However, if the owners of fifty percent (50%) or more of the frontage in any District or part thereof present a PUD application to the City Council, the Council shall vote on the Petition within ninety (90) days after it is filed with the Secretary of the City Council.
 - 1. If the City Council determines there is merit for review, the City Council shall then refer the complete application to the Planning Board for review and recommendation.
 - 2. If the Council determines the proposal does not merit further review, it shall not refer the application to the Planning Board and no further action on the application shall be taken.

7.2.3 Permitted Density

The maximum density permitted in any proposed PUD, or subsequent amendment thereto, shall not cumulatively exceed 20% in addition to the maximum density envisioned by either the current Comprehensive Plan or by the applicable zoning in effect immediately prior to the adoption of the original PUD, whichever is lower.

7.2.4 Application Procedures

- A. An eligible applicant for a proposed Planned Unit Development must be the owner(s), lessee or purchaser under contract for all properties subject to the application. A lessee or purchaser under contract must have written permission of the current property owner(s) to submit an application.
- B. Applications for a PUD shall be on forms prescribed by the City Council and shall be accompanied by a fee as established by the City Council.
- C. Every application for a PUD shall include the following:
 - 1. A narrative providing general project information.
 - 2. Proposed PUD legislation.
 - 3. Demonstration of achieving PUD Objectives found within this section.
 - 4. Project details to address the Planning Board evaluation criteria found in this section

7.2.5 Referral for Advisory Opinion

Prior to taking action on any proposed PUD, the City Council shall seek an advisory opinion from the City Planning Board, and the Saratoga County Planning Board as required by General Municipal Law. For proposed PUD locations within a historic or architectural district, the Council shall also seek an advisory opinion from the Design Review [Commission Board](#).

- A. **City Planning Board.** The City Planning Board shall have 60 days from receipt of the application to render a favorable, favorable with conditions, or unfavorable written advisory opinion to the City Council, unless extended by mutual consent.
- B. **Planning Board Evaluation.** The Planning Board's advisory opinion shall include evaluation of the following:
 - 1. Consistency with the goals and objectives of the Comprehensive Plan.
 - 2. Consistency with the general purposes and intent of this Chapter and the intent and objectives of a PUD as expressed in this [Article section](#).
 - 3. Community need and adherence to sound planning and design principles in the proposed land use

configuration, transportation system, open space, and storm water management concept.

4. Positive and negative impacts to population, schools, traffic, utilities, recreation, taxes, and aesthetics.
 5. Availability and adequacy of utilities including water and sewer service.
 6. Availability and adequacy of transportation systems including accommodation for vehicular, pedestrian, bicyclist and transit needs.
 7. Potential for any adverse impacts on the surrounding neighborhood, including the character of the neighborhood, and any proposed mitigation to minimize possible detrimental effects.
 8. The height and bulk of buildings and their relation to other structures in the vicinity.
 9. Potential for adverse impacts on environmental resources including wetlands, surface water, floodplains, and plant and wildlife communities.
 10. General ability of the land to support the development including such factors as slope, depth to bedrock, depth to water table and soil type.
 11. Other factors as may be deemed appropriate by the City Council.
- C. The Planning Board may hold a public hearing at its discretion.
- D. The Council may, at any time, return the application to the Planning Board for additional review and recommendations.
- E. **Saratoga County Planning Board Referral**
1. Any proposed PUD that meets the referral requirements of General Municipal Law Section 239-m shall be referred to the Saratoga County Planning Board for its review prior to the public hearing. No action shall be taken by the City Council until an advisory recommendation has been received from the County Planning Board or 30 calendar days have passed from when the County Planning Board received the full statement.
 2. If the Saratoga County Planning Board recommends modification or disapproval of a proposed PUD, the City Council shall not act contrary to such recommendation except by a vote of a majority plus

one of all the members thereof.

F. **Design Review Commission Board Referral**

If the PUD application is referred to the Design Review Commission Board, the Design Review Commission Board shall have 60 days to render a written advisory opinion to the City Council, unless extended by mutual consent. The opinion shall contain a favorable recommendation only if the Design Review Commission Board finds that the proposed PUD is not contrary to the intent and objectives of Article 5.8 Historic Review or Article 5.7 Architectural Review, as applicable.

7.2.6 Public Hearing and Notice

- A. Within 45 days of the receipt of the Planning Board advisory opinion, the City Council shall schedule a public hearing for consideration of the proposed PUD as described in Section 7.1.5
- B. ~~The City Clerk shall notice the public hearing for a proposed PUD, including a description of the proposed PUD:~~
- C. ~~The City Clerk shall advertise the hearing in a Saratoga Springs newspaper of general circulation at least five days prior to the date thereof. The applicant(s) shall be responsible for payment for this notice. Prior to the hearing, the applicant(s) shall be responsible for filing with the City Clerk an affidavit from the newspaper confirming such publication and payment:~~
- D. ~~Property Owner Notice. For all applications to locate a proposed PUD, the applicant(s) shall provide notice of the proposed PUD public hearing to neighboring property owners in the following manner:~~
 1. ~~The applicant(s) shall obtain from the City the names and addresses of property owners within a geographic radius of 250-500 feet from the petitioner's subject property boundary:~~
 2. ~~The applicant(s) shall receive from the City Clerk a property owner notification and shall send copies of only this notice to the identified property owners by first class mail. This notice shall be postmarked no less than 7 days but no more than 20 calendar days prior to the scheduled public hearing:~~
 3. ~~Prior to the public hearing, the applicant shall submit~~

~~to the City Clerk confirmation of this property owner notification using a "certificate of mailing" provided by the U.S. Postal Service.~~

- ~~4. Failure to provide notice in exact conformance with these provisions shall not invalidate a City Council determination provided the City Council finds that substantial compliance has occurred and the public has been fairly apprised of the fundamental character of the proposed change.~~
- E. On-Premise Signage.** ~~The applicant shall obtain from the city a "Notice of Public Hearing" sign which shall be posted and secured conspicuously at the front of the property no less than seven days prior to the hearing. Such sign shall include the subject of review (Zoning Amendment) and the date and time of the hearing, and shall be returned to the city no less than 7 days after the hearing.~~
- F. Intermunicipal Notification.** ~~Pursuant to General Municipal Law 239-nn, if the land involved in an application for a proposed PUD lies within 500 feet of the boundary of another municipality, the City Clerk shall submit a copy of the official notice of the public hearing to the municipal clerk of the other municipality at least 10 days prior to the public hearing.~~
- G. Housing Authority Property.** ~~For the location of proposed PUDs that affect property within the protectively zoned area of a housing project authorized under the Public Housing Law, written notice shall be given to the Housing Authority at least 30 days prior to the public hearing.~~

7.2.7 Decisions

- A.** In rendering its decision on any proposed PUD, the City Council shall comply with all applicable provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
- B.** Within 62 days of the close of the public hearing, the City Council shall act on the proposed PUD. As a condition of approval, the City Council may impose such reasonable conditions, requirements and restrictions as are directly related and incidental to the proposed PUD.

- C.** If approved, the terms and conditions of the PUD shall be binding on all owners.
- D.** If the City Council approves the PUD, the legislation shall be adopted into ~~the City's Zoning~~ this Ordinance and the Zoning Map shall reflect the change.

7.2.8 Protest

- A.** A protest against a proposed PUD must be signed by the owners of:
- 1.** 20% or more of the land area included in the proposed PUD; or
 - 2.** 20% or more of the land area immediately adjacent to and extending 100 feet from the land area included in the proposed PUD; or
 - 3.** 20% or more of the land directly opposite thereto and extending 100 feet from the street, road or highway frontage of such opposite land.
- B.** A protested PUD shall require the favorable vote of at least four (4) Council members.

7.2.9 Subsequent Required Approvals

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

7.2.10 Amendments to PUD

Proposed revisions that would substantively alter an approved PUD are subject to a zoning amendment process as identified in Section 7.1.

ARTICLE 8 ADMINISTRATION & ENFORCEMENT

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8.1 ADMINISTRATION

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

8.1.1 Zoning Officer Designation

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

8.1.2 Zoning Officer Authority and Duties

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

- A. Administer and enforce all provisions of this ~~Zoning Ordinance~~ Unified Development Ordinance;
- B. Record all complaints regarding possible Zoning Ordinance violations together with any investigation or action conducted in response to each complaint;
- C. Issue orders to remedy, notices of violation, stop work orders, appearance tickets in accordance with Article 150 of the Criminal Procedure Law, and other documents relative to enforcement, and the commencement of proceedings and actions reasonably necessary to carry out the lawful enforcement of this Chapter;
- D. Determine compliance with the provisions of this ~~Zoning Ordinance~~ Unified Development Ordinance, issue building permit denials and provide referrals to the Zoning Board of Appeals, Design Review ~~Commission~~ Board and Planning Board as necessary;
- E. Issue determinations, in response to inquiry, about the meaning of any part of this ~~Zoning Ordinance~~ Unified Development Ordinance;

- F. Submission of an annual report to the Office of the Mayor showing all complaints of violations and subsequent action taken in each case for the year;
- G. Such other specific duties or responsibilities as may be assigned by the Mayor as being reasonably necessary to carry out the provisions of this Chapter.

8.1.3 Financial Security

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

8.1.4 Insurance Requirements

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

8.1.5 Fees

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

8.2 NON-CONFORMING USES, STRUCTURES AND LOTS

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

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

any unsafe use or structure or to restrict any proper procedures to regulate, prohibit, abate or remove any unsafe use or structure.

8.2.1 Determination of Conformity

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

8.2.2 Non-Conforming Uses

- A. **Continuation.** A lawfully pre-existing, non-conforming use may be continued subject to the provisions of this section.
- B. **Discontinuance.** A non-conforming use shall be deemed discontinued if it is not operated for at least thirty (30) days in a calendar year and any future use of the property shall conform to this Chapter.
- C. **Damage or Destruction.** A structure containing a non-conforming use that is damaged or destroyed by any unintentional cause may be restored, rebuilt or repaired to its original dimensions and occupied by the same use provided that the building permit for reconstruction is obtained within one (1) year after the damage occurs and a Certificate of Occupancy is obtained within two (2) years from the date of issuance of building permit.
- D. **Extension or Expansion of Use.** A non-conforming use shall not be extended or physically expanded. Extension or expansion of a non-conforming use shall include expansion of the area or volume occupied by a non-conforming use, including expansion into previously underutilized, vacant or newly constructed space, or the increase of any parking related to the use.
- E. **Change in Use.** If a non-conforming use is to be replaced or augmented by another use, the new and any future use shall conform to this Chapter.

8.2.3 Nonconforming Structures

- A. **Continuation.** A non-conforming structure may be maintained in reasonable repair subject to the provisions

of this [Article section](#).

- B. Damage or Destruction.** A non-conforming structure that is damaged or destroyed by any unintentional cause may be restored, repaired or rebuilt to its nonconforming dimensions provided that the building permit for reconstruction is obtained within one (1) year after the damage occurs and a Certificate of Occupancy is obtained within two (2) years from the date of issuance of building permit.
- C. Renovation, Alteration or Repair.** Any non-conforming structure may be renovated, altered or repaired within its present dimensions.
- D. Extension or Expansion of Structure**
1. A non-conforming structure may be extended or expanded provided the proposed extension or expansion does not violate any dimensional requirements other than the current nonconformity.
 2. A non-conforming structure may not be extended or expanded to increase nonconformity unless dimensional relief is granted by an area variance from the ZBA.

8.2.4 Nonconforming Lots

- A.** A lot which lawfully existed and was in compliance with the provisions of the Zoning Ordinance applicable on the date that such lot was recorded in the Saratoga County Clerk's office but which does not conform to the current dimensional requirements of this Chapter shall be considered a legal non-conforming lot of record as follows in "B" and "C".
- B.** Minimum lot size and minimum average lot width requirements shall not apply to any lawfully recorded lot which was under different ownership from any adjoining land on or before July 6, 1961.
- C.** The owner of any lot in a residential district which does not conform to the district's minimum lot size and minimum average lot width requirements may erect a single family residence or accessory building if the lot legally existed on or before January 19, 1970 and is not under the same ownership as any adjoining land.

- D.** Any parcels that are owned by an adjacent owner that are not legally subdivided and are not in separate ownership prior to [January 19, 1970] are hereby required to be combined into one lot in order to meet the requirements of a conforming lot.
- E.** Lawfully nonconforming lots of record, which are located within approved subdivisions, shall be considered legal nonconforming lots and can be developed in accordance with the dimensional requirements that were effective on the day that such lots were created, provided that the approved subdivision plat was properly filed in the Saratoga County Clerk's office.
- F.** Development of any lawfully nonconforming lots existing outside of approved subdivisions shall comply with the dimensional requirements that are currently in effect.

8.3 ENFORCEMENT

8.3.1 Violations

- A.** No person or entity shall maintain any land or structure, or part thereof, in violation of the use or dimensional requirements permitted in this Chapter. Any person or entity that violates this article shall be subject to the procedures and penalties stated herein. The continuation of a violation shall constitute a separate and distinct offense for each day the violation is continued.
- B.** The Zoning Officer, or duly authorized assistants, shall have the right to enter upon, examine and inspect any building or property at any reasonable time for the purpose of carrying out his/her duties and to determine compliance with the provisions of this [Zoning Ordinance Chapter](#).

8.3.2 Notice of Violations

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

- A.** The nature and specific details of such violation;
- B.** The recommended remedial action;

- C. The date by which the violation must be remedied.

8.3.3 Stop Work Orders

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

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

8.3.4 Appeals to the ZBA

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

8.3.5 Penalties and Fines

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

- A. First violations of this [Zoning Ordinance](#) shall be punishable by a fine of not more than fifty (\$50.00) dollars for each day the violation continues and/or imprisonment of up to five (5) days.
- B. Second violations shall be punishable by a fine of not more than one hundred (\$100.00) dollars for each day the violation continues and/or imprisonment of up to fifteen (15) days.
- C. Third and subsequent violations shall be punishable by a fine of not more than two hundred fifty (\$250.00) dollars or each day the violation continues and/or a jail sentence of up to thirty (30) days.

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

8.3.6 Civil Enforcement

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

8.3.7 Court Action

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

8.3.8 Non-Exclusivity of Remedies

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

8.4 LEGAL STATUS

8.4.1 Interpretation

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

8.4.2 Conflict with Other Laws

The provisions of this [chapter Chapter](#) shall be held to be minimum requirements. Whenever the requirements of this

~~chapter~~ Chapter differ from the requirements of any other lawfully adopted rules, regulations, local laws, ordinances, the more restrictive provisions, or higher standards, shall apply. In case of any difference of meaning or implication between different parts, sections, or subsections of the text of this ~~chapter~~ Chapter, the specific shall control the general.

8.4.3 Repealer

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

8.4.4 Severability

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

8.4.5 Saving Clause

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

8.4.6 Effective Date

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

ARTICLE 9 DEFINITIONS

Note: This Article incorporates definitions from existing code Chapter 240 Zoning, 241 Subdivision Regulations, 242 Stormwater Management and portions of Chapter 120 Flood Damage Prevention.

100-Year Floodplain

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

A

Abandonment

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

Access

A way or means to provide physical entrance to a property or physical element of the landscape.

Access Drive

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

~~Temporary~~ Accessory Dwelling, Temporary

A temporary accessory residential unit within an existing legal single-family residence.

Accessory Structure

A detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot therewith.

~~Residential~~ Accessory Structure, Residential

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

Administrative Office

An establishment primarily engaged in management and general administrative functions such as executive,

personnel, finance and sales activities performed centrally for other establishments of the same company.

Adult Book Store

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

A. Substantial or significant portion

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

B. Specified sexual activities:

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

C. Specified Anatomical Areas:

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

Adult Entertainment

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

A. Specified sexual activities:

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

B. Specified anatomical areas:

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

Agricultural Activity

The activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, and using land for growing agricultural products, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

Agriculture

The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the commercial production, preparation and marketing of "crops, livestock and livestock products", "commercial horse boarding operation", "timber operation", "compost, mulch or other biomass crops", "commercial equine operation" as defined herein. ~~The raising of crops, horticulture and the keeping or raising of domestic animals, fowls and livestock.~~

Alley

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

~~A service road with one way or two-way traffic providing a secondary means of public access to abutting property and not intended for general traffic circulation. ## Note: second definition from Subdivision Regs, being deleted.~~

Alteration

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

Animal Clinic

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

Animal Kennel

A facility providing boarding and care for animals.

Antenna and Satellite Dish

A device utilized for the personal receipt and/or transmitting

of radio signals and any form of satellite receiving dishes. It shall specifically exclude customary Vhf and Uhf TV antennae and TV/Radio transmission towers licensed for public broadcast by the FCC.

Applicant

The owner, or purchaser under contract, of land proposed for ~~subdivision~~ land development activities or his representative. Consent shall be required from the legal owner of the premises.

Applicant's Engineer

A professional licensed by the State of New York to perform design of improvements and retained by the applicant.

Area of Special Flood Hazard

The land in the floodplain within a community subject to a 1% of greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, V, VO, VE or V1-V30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain."

Area Variance

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

Art Gallery

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

Artist Studio

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

Asphalt Mix Plant

<Needs Definition>

Attic

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

~~Outdoor~~ Athletic Field / Court Facility, Outdoor

An area designed and constructed to be utilized in connection with athletic endeavors such as football, baseball, softball, rugby, soccer, lacrosse, basketball or tennis

courts, and the like.

Auto Junk Yard

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

Automotive Charging Terminals

Electric Vehicle Supply Equipment (EVSE) designed for the recharging of electric motor vehicles, for personal or public use.

Automotive Fuel Sales Vehicle Fueling Stations

A facility that is used for the sale of motor vehicle fuel and accessories, and shall not include a car wash or motor vehicle repair.

Automobile Garage Motor Vehicle Repair

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

Automotive Car Rental Agency

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

Automotive Motor Vehicle Repair

An establishment for the repair and servicing of motor vehicles; includes collision service, painting, detailing and incidental retail sale. Shall not include fuel dispensing to the public.

Automotive Auto Sales

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

Automotive Wash Car Washes

A facility designed for the cleaning of motor vehicles.

B

Bakery, Retail

An establishment primarily engaged in the retail sales of baked goods.

Bakery, Wholesale

An establishment utilized for the production of baked goods for sale off the premises.

Barns and Stables

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

Base Flood

The flood having a one-percent chance of being equalled or exceeded in any given year.

Basement

The portion of a building having its floor subgrade (below ground level) on all sides. ## Note: From Flood Damage Prevention code.

Bathhouse / Health Spa

An establishment providing baths or other treatment to the public in association with mineral waters.

Corridor Bed & Breakfast, Corridor

A supplementary use in a single or two-family residential structure having a resident host which six to ten rooms are offered for rent and one or more meals are furnished to guests. Regularly scheduled commercial indoor or outdoor activities such as weddings/receptions/showers, business meetings, catered events, etc., and the like may be permitted. See Corridor Lodging [Overlay](#) District, [Section 3.4-Article 00](#).

Neighborhood Bed & Breakfast, Neighborhood

A supplementary use in a single or two-family residential structure having a resident host which one to five rooms are offered for rent and one or more meals are furnished to guests. Regularly scheduled commercial indoor or outdoor activities such as weddings/receptions/showers, business meetings, catered events, and the like, are not permitted.

Block

The aggregate of lots and alleys circumscribed by streets.

Block Face

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

Board

~~The Planning Board of the City of Saratoga Springs as established in accord with the codes of the City of Saratoga Springs or any person authorized by the Planning Board to act as its representative. ## Note: Deleted per TRAC request~~

Bottling Plant

<Needs Definition>

Bowling Alley

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

Brew Pub

An eating and drinking establishment where certain beverages are prepared on the premise for on-site consumption. The brewing and retail sale of such beverages is accessory to the eating and drinking establishment. Separate and distinct from Craft Brewery, Winery or Distillery.

Buffer

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

~~An area of dimensional separation between land uses, buildings, or structures, which is undeveloped, with installed screening and/or undisturbed and left in a natural condition. ## Note: Second definition from Subdivision Regs, deleted per TRAC request.~~

Build-To Area

An area parallel to or coinciding with the frontage line, along which building facades are aligned, which represents the minimum and maximum building setback allowed. ## Note: TRAC recommended deleting this definition, and modifying "Build-To Line" below to include "minimum and maximum" setback. Need to discuss.

Build-To Line

A line parallel to or coinciding with the frontage line, along which building facades are aligned which represents the maximum building setback allowed. ## Note: TRAC recommended modifying this to include "minimum and maximum" setback, need to discuss.

Building

Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or

property. ~~and occupying more than 100 square feet of area.~~

Building Configuration

The three dimensional form of a building and its relation to its lot.

Building Coverage

The percentage of the lot that is covered by the maximum horizontal cross section of all structures, including those structures below the finished lot grade. Only the footprint of the structures and structurally attached elements are counted toward this coverage, and does not include miscellaneous appurtenances such as roof overhangs or bay windows.

Building Envelope

That portion of a lot excluding required setbacks. The exterior enclosure of a structure made up of walls, windows and roof which separate the inside conditioned space from the outdoor elements.

Building Footprint

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

Building Height

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

Building Integrated Photovoltaic System

A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

Building Materials Storage and Sales

An establishment for the storage and sale of building materials and equipment.

Building Permit

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

Building Type

The type of building allowed on a lot, defined by its configuration and disposition on the lot, [and illustrated in Article 4](#). The following are building types:

Detached Building: A building with setbacks on all sides. The front yard is intended to be semi-public and visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed outbuilding.

Side Yard Building: A building that occupies one side of the lot with the primary open space to the other side. **The visual opening of the side yard on the street frontage causes this building type to appear freestanding.**

Common Wall Building: A building that occupies the full frontage of its lot, using shared walls, eliminating side yards, and leaving the rear portion as a large yard. The building facade defines the edge of the public space while the rear area can accommodate private space or substantial parking.

Court Yard Building: A building that extends to the Boundaries of its lot while internally defining one or more private courtyards. This building type is able to shield the private realm from all sides and accommodate potentially incompatible activities in close proximity, such as workshops, lodging, and schools.

Bus Depot

<Needs Definition>

##Note: Rename this as Transit Station or similar - will need to coordinate change with all instances in Use schedules once name is agreed upon.

C**CCT**

Correlated color temperature. A numerical figure used to describe the apparent color of white or nearly white light sources such as LEDs or metal halide.

Cemetery

<Needs Definition>

Center Line

The midpoint of the travel way of the roadway.

Central Water Supply System

The system for the collection, treatment, storage and distribution of potable water from the source of supply to the consumer.

Certificate of Occupancy

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

Channel

A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

City

Means the City of Saratoga Springs, or other entity or person authorized to act as the official representative by law for the function referred to.

City Engineer

A licensed professional engineer, either employee or consultant, who shall perform the duties of the City Engineer for purposes of this chapter.

Civic Space

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

Clearing

Any activity that removes the vegetative surface cover. This can include, but is not limited to, logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal.

Club, Civic or Private Private/Civic Club

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

Cluster Subdivision

A development design technique that concentrates (per permitted density) buildings and structures in specific areas within the site allowing remaining land to be permanently protected open space. (note from Subdivision Regs)

Co-Location/Telecommunication Facilities

The use of a wireless telecommunication support facilities by more than one wireless telecommunication carrier, or several wireless telecommunication support facilities on an existing building

Commercial Equine Operation

An agricultural enterprise, consisting of at least seven acres and stabling at least ten horses, regardless of ownership, that receives ten thousand dollars of more in gross receipts annually from fees generated through the provision of commercial equine activities including, but not limited to riding lessons, trail riding activities or training of horses or through the production for sale of crops, livestock, and livestock products, or through both the provision of such commercial equine activities and such production. Does not include operations whose primary on-site function is horse racing.

Commercial Horse Boarding Operation

An agricultural enterprise, consisting of at least seven acres and boarding at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Does not include operations whose primary on-site function is horse racing.

Commissioner of Accounts

The presently elected Commissioner of Accounts of the City or their designee. The Commissioner heads the Department of Accounts.

Commissioner of Finance

The presently elected Commissioner of Finance of the City or their designee. The Commissioner heads the Department of Finance.

Commissioner of Public Safety

The presently elected Commissioner of Public Safety of the City or his designee. The Commissioner heads the Department of Public Safety.

Commissioner of Public Works

The presently elected Commissioner of Public Works of the City or his designee. The Commissioner heads the City's Department of Public Works.

Common Wall

See BUILDING TYPE

Compost, Mulch or Other Organic Biomass Crop

The on-farm processing, mixing, handling or marketing of organic matter that is grown or produced by such farm operation to rid such farm operation of its excess agricultural waste; and the on-farm processing, mixing or handling of off-farm generated organic matter that is transported to such farm operation and is necessary to facilitate the composting of such farm operation's agricultural waste. This shall also include the on-farm processing, mixing or handling of off-farm generated organic matter for use only on that farm operation. Such organic matter shall include, but not be limited to, manure, hay, leaves, yard waste, silage, organic farm waste, vegetation, wood biomass or by-products of agricultural products that have been processed on such farm operation. The resulting products shall be converted into compost, mulch or other organic biomass crops that can be used as fertilizers, soil enhancers or supplements, or bedding materials.

Comprehensive Plan

The document adopted by the City Council containing policies for the general development of the City, which indicates the general location for physical growth of the community, together with any and all amendments thereto.

Concession Stand

A structure utilized for the sale of food and drink and providing no inside seating.

Concrete Mix Plant Asphalt Mix / Concrete Batching Plant

An industrial facility with a series of conveyors, bins and weighing equipment arranged for the purposes of mixing the ingredients to make concrete or asphalt. ## Combined with Asphalt Mix Plant per TRAC request.

Condominium

A multifamily dwelling development containing individually owned dwelling units, wherein the real property title and ownership are vested in an owner, who has an undivided

interest with others in the common usage areas and facilities which serve the development. ~~## Revised per TRAC request.~~

Conservation Easement

A perpetual restriction on the use of land, created in accordance with the provisions of Section 49, Title 3 of the Environmental Conservation Law or Section 247 of the General Municipal Law, for the purposes of conservation of open space, agricultural land, and natural, cultural, historic, and scenic resources.

Conservation Subdivision

A pattern of development that places housing units on those portions of a property most suitable for development, while leaving substantial portions as undeveloped open space.

~~Such subdivisions may include a variety of lot sizes, ranging from large farms or estate lots to lots similar in size to those found in hamlet or village settings. ## Note: Second definition from Subdivision Regs, deleted per TRAC request.~~

Constrained Land

Lands classified as wetlands, watercourses, 100-year floodplains, and slopes over 25% (2,000 square feet or more of contiguous sloped area).

As used in the conservation subdivisions, lands classified as wetlands, watercourses, 100-year floodplains, and slopes over 25% (2,000 square feet or more of contiguous sloped area). ## Note: Second definition from Subdivision Regs

Construction

Refers to clearing, grading, paving, utility and miscellaneous construction in public rights-of-way or easements as shown on the subdivision plat plan and the commencement of excavation for or the building of any structure, including accessory structures and subsurface utility systems, or the commencement of moving or alteration of any structure. This does not refer to privately owned construction covered by building permits. ##Note: Highlighted per TRAC request.

Construction Plan

The drawings showing location, profile and size of sewers, drains, water mains, roads and streets, and other details of construction.

Convenience Sales

A small retail establishment providing a limited line of groceries and household items, and catering primarily to nearby residential areas. The use may have up to twenty

seats for customers consuming food sold or prepared on-premise. Gasoline pumps shall not be permitted unless separately authorized.

Conventional Subdivision

Any residential subdivision ~~in the Rural Residential (RR), Suburban Residential-1 and 2 (SR-1 and SR-2) Districts~~ that is not a clustered or conservation subdivision and that satisfies the area lot requirements in ~~Article H 2 of the Zoning ordinance~~ this chapter.

Court Yard

See BUILDING TYPE.

Coverage

See BUILDING COVERAGE or PERMEABLE SURFACE COVERAGE.

Craft Brewery, Winery or Distillery

A brewery, winery or distillery operation which is designed for public visitation with the inclusion of a tasting room and may also include ancillary retail, eating and drinking establishment or event facility components in addition to the area devoted to production of malts and liquors. The area of the establishment devoted to the production of malts and liquors shall not exceed ten thousand (10,000) square feet in commercial districts or twenty thousand (20,000) square feet in industrial districts. ## Note: Added by City Staff. Have attempted to differentiate this from smaller operations such as Brew Pub which may be more appropriate in other districts.

Crops, Livestock and Livestock Products

Includes but is not limited to the following: Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans; Fruits, including apples, peaches, grapes, cherries and berries; Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions; Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers; Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs; Maple sap; Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump; Aquaculture products, including fish, fish products, water plants and shellfish; Woody biomass, which means

short rotation woody crops raised for bioenergy, and shall not include farm woodland; Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs and queens.

Cultural Facility

An establishment for display, performance, or enjoyment of heritage, history or the arts. This use includes but is not limited to museums, libraries and arts performance venues by a public or private entity.

D

Day Care Center

Group care for persons away from their own homes for periods of less than 24 hours per day. Day care centers that enroll three or more persons for more than three hours a day must be licensed by the State.

Day Care, Family Day-Care

Care provided to children in a caregiver's home for periods of less than 24 hours per day. No more than six children can be cared for at any one time, including provider's own children.

Day Care, Group Family Day-Care

Care provided to children in a caregiver's home for periods of less than 24 hours per day for 7 to 12 children.

Dedication

The deliberate appropriation of property by its owner for general public use, subject to acceptance by the City.

Density

The number of dwelling units on an area of land.

~~The number of families, individuals, dwelling units, households, or housing structures per unit of land. ## Note: Second definition from Subdivision Regs deleted per TRAC request.~~

~~Department~~ **NYSDEC**

The New York State Department of Environmental Conservation. ## Note: From stormwater regs – need to coordinate change of "Department" to "NYSDEC" in that chapter.

Design Manual

The New York State Stormwater Management Design Manual, most recent version including applicable updates

that serve as the official guide for stormwater management principles, methods and practices.

Detached Building

See BUILDING TYPE.

Developer

A person who undertakes land development activities.

Developer Agreement

An agreement between the City and the developer through which the City agrees to vest development use or intensity or refrain from interfering with subsequent phases or development through new legislation in exchange for provision of public facilities or amenities by the developer in excess of those required under current community regulations. Such agreements shall include "inclusionary housing agreements," etc.

Development

The construction, reconstruction, conversion, structural alterations, relocation, or enlargement of any structure; any land disturbances; and any use or extension of the use of the land; the division of a parcel or land into two or more lots.

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials. ##

Note: Second definition from Flood Damage Prevention Regs

~~Dining Facility~~

~~Food services provided predominantly for the occupants of an institution. ## Note: Deleted per TRAC request.~~

Distribution Plant & Wholesale Establishment

A facility where goods are received and/or stored for delivery to the ultimate customer at remote locations.

Dock, Private Docks

A fixed or floating structure, including moorings, used for the purpose of berthing buoyant vessels and which does not produce income.

Dormitory

A building operated by an educational or public institution and containing a room or rooms forming one or more habitable units which are used by residents of the institution.

Double Frontage Lots

Lots with more than one lot line abutting existing or proposed streets.

Draft Environmental Impact Statement (DEIS)

A preliminary description for public review and comment and prepared in accord with the NYS State Environmental Quality Review Act (SEQRA) of the effect of a proposed action or development project on the environment consisting of an inventory of existing environmental conditions at the project site and what potential impacts may result.

Drive-In Establishment, General

~~An establishment designed or operated by providing the sale of goods and services to patrons who are seated in a motor vehicle. An establishment designed to provide the sale of goods and services to patrons who are seated in a motor vehicle and are serviced through a terminal or window which is protected by a canopy. This definition is not intended to apply to, or otherwise limit, the sale of goods which are manually brought out to the patron's car in a normal parking space, as may be found in a "car-hop" style eatery where food is brought out to the waiting car, or a "groceries-to-go" operation where a customer can order groceries in advance and have them brought out to their car in the parking lot at a pre-appointed time. ## Note: for discussion.~~

Drive-in Facility Canopy

<Needs Definition> ## Note: This is currently listed as a use in the use schedule, but unclear what it is referring to.

Drive-in, Financial Institution

A financial institution which provides drive-up teller windows and bays to service patrons who are seated in a motor vehicle. May optionally include a drive-up ATM. This use does not include stand-alone drive-up ATMs which are not physically connected to a financial institution structure on the same lot.

Drive-in, Pharmacy

A retail pharmacy establishment licensed to sell prescription medicines which provides drive-up teller windows to service patrons who are seated in a motor vehicle.

Dwelling Unit

A residence having direct-access from the outside of the building or through a common hall and a complete kitchen facility for the exclusive use of the occupants.

E

Easement

Authorization by an owner for the use, by others for a specific purpose, for a designated part of his property.

Eating and Drinking Establishment

An establishment where food and beverages are prepared, served and consumed primarily within the principal building or on the site.

~~Outdoor—Eating and Drinking Establishment, Outdoor~~

~~A facility where food or beverages are served or consumed in an area that may, or may not, have a roof, canopy, awning or tent over it, but for at least half its perimeter, has 75% of its sides uncovered by any building material, including screening or netting.~~

An outdoor space, accessory to a principal eating and drinking establishment on the same property, where food or beverages are served or consumed.

Educational Facilities

<Needs Definition>

Elevation

~~The exterior walls of a building not along a frontage. A drawing or rendering which represents the vertical facade of a side of a building, projected geometrically and without perspective distortion.~~

Employee Recreation Areas

Indoor and outdoor recreational facilities principally for the use by employees, for recreational facilities, including but not limited to: picnic areas, shelter buildings with or without restroom facilities, ball fields, and similar park like uses.

Entrance, Principal

The principal place of pedestrian entry to a building. The entrance door should generally be along the frontage rather than a parking area.

Equipment Repair Shop

An establishment for the repair of small equipment, watches, clocks, lawn mowers, small engines, small appliances, and the like. Shall not include the outdoor storage or display of any equipment.

Erosion Control Manual

The most recent version of the "New York State Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book".

Existing Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is complete before the effective date of the flood plain management regulations adopted by the community. ## Note: From Flood Damage Prevention, deleted per TRAC request

Expansion to an Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads). ## Note: From Flood Damage Prevention, deleted per TRAC request

Extraction of Sand, Stone or Gravel

A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining and soil mining. ## Note: Added per TRAC request.

F

Facade

The exterior walls of a building along a frontage line.

Building Facade Type

The type of facade that lies along the frontage line, as illustrated in Article 4. The following are facade types:

Arcade: A facade aligned on the frontage line with an attached colonnade, or the second story of the building extends over the sidewalk, while the ground story remains set back at the frontage line. ~~This type is indicated for retail use, but only when the sidewalk is fully absorbed within the arcade so that a pedestrian cannot bypass it. An easement for private use of the right-of-way is usually required. To be useful, the arcade should~~

~~be no less than 12 ft. wide.~~

Shopfront and Awning: A facade aligned close to the frontage line with the entrance at sidewalk grade. ~~This type is conventional for retail frontage.~~ It is commonly equipped with cantilevered shed roof or an awning.

Stoop: A facade aligned close to the frontage line with the ground story elevated from the sidewalk, securing privacy for the windows. ~~This type is suitable for ground-floor residential uses at shallow setbacks with row houses and apartment buildings. An easement may be necessary to accommodate the encroaching stoop.~~

Forecourt: A facade aligned close to the frontage line with a portion of it set back. ~~The forecourt created is suitable for gardens, vehicular drop-offs, and utility off-loading. This type should be used sparingly to prevent a continuous excessive setback.~~

Terrace and Light Court: A facade set back from the frontage line with an elevated garden or terrace, or a sunken light court. ~~This type can effectively buffer residential quarters from the sidewalk, while removing the private yard from public encroachment. The terrace is suitable for restaurants and cafes as the eye of the sitter is level with that of the standing passerby. The light court can give light and access to a basement.~~

Porch: A covered but unenclosed structure projecting from the outside wall of a building. ~~A great variety of porches are possible, but to be useful, none should be less than 8 ft. wide.~~

Open Front Yard: A facade set back substantially from the frontage line. ~~The front yard thus created should remain unfenced and be visually continuous with adjacent yards.~~

Farm

~~Land greater than five acres used for the commercial cultivation of agricultural products and/or raising of livestock. A parcel of land used for the production, preparation, marketing and transportation of grain, vegetable, fruit, and other crops, horticultural and floricultural products, animal husbandry, livestock and livestock products, as well as the associated buildings, structures, equipment and handling facilities necessary to support such production activities and practices. May include public recreational events used for education and marketing of farm operations.~~

Farm Stand

A temporary structure, not to exceed a gross floor area of 500 square feet, from which locally grown agricultural products ~~produced on the premises~~ are sold.

Federal Emergency Management Agency (FEMA)

The federal agency that administers the National Flood Insurance Program.

Fence

An unroofed barrier or enclosing structure, including retaining walls.

Final Environmental Impact Statement (FEIS)

A collection of the responses made to comments received from the public and involved agencies regarding the content of the DEIS files in accord with the State Environmental Quality Review Act (SEQRA).

Final Plat

The final map upon which the owner's plan of subdivision is presented to the Board for approval, and which, if approved shall be submitted to the County Clerk for recording. The final plat is submitted as part of the final submission.

Final Plat Approval

The signing of the plat in final form by a duly authorized officer of the Board pursuant to a Board decision granting final approval to the plat, or after conditions specified in a decision granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the Office of the Saratoga County Clerk.

Final Review

Refers to the complete process of reviewing a final submission and issuing a final plat approval or disapproval by the Board.

Final Submission

Refers to the final plat and all other documents the ~~subdivider~~ applicant is required to submit for final review of a subdivision by the Planning Board.

Financial Institution

An establishment providing financial and banking services to consumers and clients. Typical uses include banks, savings and loans, credit unions, brokerage firms and lending institutions.

Financial Security

Monetary backing provided by the owner, from a bank or financial institution, which guarantees the City that a specific amount of money will be kept available for the completion of ~~subdivision~~ construction. Said financial security is to be drawn on only by the City.

Finished Grade

The elevation at which the finished surface or the surrounding lot intersects the structure.

Flag Lot

A lot with narrow frontage and narrow lot width at the front portion of the lot and widening or wider lot width to the rear portion of the lot.

Flood or Flooding

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; or

(b) The unusual and rapid accumulation or runoff of surface _____ waters from any source.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1)(a) above. ## Note: From Flood Damage Prevention code

Flood Insurance Rate Map (FIRM)

An Official Map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Floodproofing

Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway

Has the same meaning as "regulatory floodway."

Floor Area

The sum of the gross horizontal areas of the several floor(s) of a building, measured at the perimeter. All horizontal dimensions of each "floor area" shall be measured by the exterior face of walls of each such floor, including the walls of roofed porches having more than one wall. The following shall be included in computing gross floor area:

1. Any floor area devoted to mechanical equipment serving building with structural headroom of 7 feet, 6 inches or more;
2. Elevator shafts and stairwells at each floor;
3. Penthouses;
4. Interior balconies and mezzanines;
5. Enclosed porches;
6. Basements and cellar space.

The following shall not be included:

1. Uncovered steps, exterior fire escapes;
2. Exterior terraces, stairways, open porches, **outside** balconies;
3. Accessory outside water tanks and cooling towers or equipment.

Footcandle

The standard imperial unit used to measure illuminance, or the amount of light falling onto a surface, such as a roadway or athletic field. One footcandle equals one lumen per square foot. One footcandle equals approximately 10 lux.

Forecourt

SEE BUILDING FACADE TYPE

Forest Management

Activities relating to the growing, managing, harvesting, and interim storage of timber for commercial sale.

Frontage Build-Out

The minimum percentage of the length of a build-to line along which a building façade must be constructed in order to properly define the public space of the street.

Frontage Line

The lot line coincident with a street. For corner lots, the frontage line shall be along the higher capacity street. Building front facades should be oriented toward the frontage line.

Frontage Type

A type of standard design used to describe the desired

characteristics of the front yard area between the street curb and the front facade of a building.

Fully Shielded (light) Fixture

A light fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal.

Funeral Home

An establishment used and occupied by a professional licensed mortician for burial preparation and funeral services.

G**Garage**

An accessory building or portion of a principal building used for the storage of motor vehicles of the occupants of the premises and their guests. **## Note: Added per TRAC request, although not sure why this change is necessary.**

Golf Course & Clubhouse

A tract of land for playing golf, and which may include clubhouses and shelters.

Grading

Excavation or fill of dirt and soil materials on a site, including the resulting slope or drainage conditions thereof.

Ground-Mounted Solar Energy System

A Solar Energy System that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure for the primary purpose of producing energy for onsite consumption.

Group Entertainment

~~include performances, events, ceremonies, and the like.~~
Note: Needs a new definition.

Growth Management

Techniques utilized by the City to guide the rate, amount, location, timing, and type of development.

H**Habitable / Living Space**

A finished space in a building suitable for living, sleeping,

cooking, bathing, washing and sanitation purposes.

Heavy Equipment Storage

The storage of large vehicles and/or equipment customarily used for transportation, distribution, construction activities, and the like.

Heavy Manufacturing

A facility primarily engaged in the processing of extracted or raw materials into basic metals, construction materials and other products.

Heliport

An area either at ground level or elevated on a structure licensed or approved for the landing and take off of helicopters and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

High Density Residential

Development that occurs at a density of 10 or more dwelling units to the acre.

Highest Adjacent Grade

The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Home Occupation

An activity conducted entirely within a dwelling and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the residence and does not change the character thereof.

Hospital

An institution providing physical and mental health services primarily for inpatients, and medical or surgical care of the sick or injured; may include such related facilities as laboratories, offices, outpatient or, training facilities, and the like.

Hotel / Motel

An establishment in which more than six rooms are made available to lodgers for compensation for any rental period, and that may offer food services to lodgers and the public.

Hotel, Pari-Mutuel Wagering Hotel

A building containing more than 15 rooms which are rented or hired out to be occupied for sleeping purposes by guests and where a general kitchen and dining room are provided

within the same structure and where pari-mutuel wagering on horse racing is available in each sleeping room and in a central wagering room. Within this hotel pari-mutuel wagering shall be allowed only between the hours of noon and midnight. A pari-mutuel wagering hotel shall not have rooms for business meetings or conferences.

Illuminance

The amount of light falling onto a unit area of surface (luminous flux per unit area) – measured in footcandles or lux.

Impervious Cover

Those impermeable surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc). This includes, but is not limited to, paved, concrete and gravel surfaces.

Inclusionary Zoning

Regulations in the zoning ordinance focused on the provision of housing units affordable to individuals and families of specified income ranges.

Industrial Districts

Collectively refers to the following zoning districts contained in this chapter: Warehouse District (WD), Light Industrial (IND-L), General Industrial (IND-G), Industrial Extraction (IND-EX).

Industrial Stormwater Permit

A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Industry or Industrial

The storage, manufacture, preparation, processing or repair of any item for off premises distribution and/or sale.

Infiltration

The process of percolating stormwater into the subsoil.

Inn

A residential building with a resident manager in which eleven

to twenty-five rooms are made available to not more than fifty lodgers. An inn may offer food service for compensation to lodgers or to both lodgers and the public. An inn may have regularly scheduled commercial indoor or outdoor activities such as weddings/receptions/ showers, business meetings, catered events, and the like. [See Corridor Lodging District, Section 3.4.](#)

Institution / Institutional

A facility that provides a public service such as a religious institution, library, public or private school or college, hospital or public agency.

Institutional Districts

Collectively refers to the following zoning districts contained in this Chapter: Institutional Educational (INST-ED), Institutional Horse Track Related (INST-HTR), Institutional Municipal Purpose (INST-MP), Institutional Parkland/ Recreation (INST-PR).

J

Jurisdictional Wetland

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

L

Laboratory

A facility for research, investigation, testing, experimentation or related educational activities.

Land Development Activity

Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

Land Disturbance Activity

Activity including clearing, grading, excavating, filling, demolishing or stock piling activities that result in soil

disturbances. Includes land development activity and construction activity.

Landowner / Owner

The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Large Scale Solar Energy System

A Solar Energy System that is ground- mounted and produces energy primarily for the purpose of offsite sale or consumption.

Layer

The depth of the lot within which certain activities or structures are permitted. The first layer is the area between the frontage line and the facade. The second layer starts at the building facade to a depth of 20 ft. The third layer starts 20 ft. behind the front facade to the rear lot line. Layers on corner lots only apply to the primary frontage. Buildings set at the frontage line have no first layer.

L.E.D.

A light emitting diode light source.

Light Court

See FRONTAGE TYPE

Light Manufacturing

Light manufacturing is predominately the manufacturing of previously processed materials or parts and includes assembly.

Liner Building

A shallow building designed to mask a parking lot, parking structure or blank wall, which includes habitable / living or useable commercial space and an active pedestrian storefront.

Loading, off-street

A space provided for the loading and unloading of trucks and not general vehicular circulation.

Local Administrator

The person appointed by the community to administer and implement this chapter by granting or denying development permits in accordance with its provisions. This person is often the Code Enforcement Officer, Building Inspector or

employee of an engineering department. (FDP)

Lot

A parcel of land occupied, or designed to be occupied, by principal and accessory uses(s) and/or building(s) together with such open spaces as may be required. ~~A parcel or portion of land separated from other parcel or portions by description on a subdivision map, survey map or by metes and bounds, for purpose, whether immediate or future, of sale, lease or separate use.~~ ## Note: Second definition from Subdivision regs, deleted.

Lot, Corner

A lot abutting upon 2 or more streets at their intersection or upon 2 parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. Such lot lines shall be considered front lot lines.

Lot, Interior

A lot other than a corner lot.

Lot Lines

Any properly surveyed and recorded property line dividing one lot from another lot, or from a public or private right-of-way.

~~A properly surveyed and recorded line bounding a lot that divides one lot from another lot or from a public or private street or any other public or private parcel.~~ ## Note: Second definition from Subdivision regs, deleted.

Lot Line Adjustment

~~The resetting of lot line of a lot and not resulting in any additional lots.~~ The relocation of a lot line bounding a parcel of land, where it does not result in the creation of any additional lots.

Lot of Record

A lot that is part of a properly filed subdivision plat or in a legally recorded deed as filed in the Saratoga County Clerk's Office.

Lot Size

The total horizontal area within the lot lines.

Lot Width

The average width of the lot as measured across the frontage, approximate midsection, and rear boundary of the lot.

Lot, Non-Conforming (legal)

~~Any lot which was lawfully on record on the effective date of this Chapter, or any applicable amendment, but which does not meet the regulations of this Chapter.~~ ## Note: Deleted per TRAC request.

Lowest Adjacent Grade

The lowest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

M

Machine Shop

An establishment utilized for the repair, servicing, assembly and/or modification of small motors and/or equipment and/or small parts used in connection with others to comprise large equipment.

Maintenance Agreement

A legally recorded document that acts as a property deed restriction and which provides for long-term maintenance ~~or~~ of stormwater management practices.

Maintenance / Storage Facility

<Needs Definition>

Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities which was constructed on or after June 15, 1976, bearing a seal of design and construction conformance of the Department of Housing and Urban Development. The term does not include a recreational vehicle. Separate and distinct from "Mobile Home", which were manufactured prior to June 15, 1976. ## Note: Partially from Flood Damage Prevention code, modified to include State definition.

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. ## Note: From Flood Damage Prevention code.

Mobile Manufactured Home Lot

A designated site portion of land within a mobile home park for the exclusive use by the occupants of a single mobile home. That area designated to accommodate one manufactured home within the manufactured home park.

Manufacturing

Heavy manufacturing is primarily engaged in the processing of raw materials. Light manufacturing is predominately manufacturing of previously processed materials or parts and includes assembly. The process of converting raw materials, components or parts into value-added finished goods in a large scale production.

Marina and Dock

A facility located within 500 feet of a navigable waterway for boat storage and servicing, and which may include retail and eating and drinking facilities.

Mass

The size, volume, area, and shape of a structure, and its relationship to lot lines, other structures, and all open spaces.

Mean Sea Level

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Metes and Bounds

A method of describing the boundaries of land by directions and distances from a known point of reference.

Minor Adjustment

A nonsubstantive change to an approved subdivision plat that does not result in non-conformities with the prior subdivision approval or zoning ordinance.

Mixed Use Development

A lot or structure with a variety of complementary and integrated uses, such as residential, office, manufacturing, retail, public, or entertainment.

Mixed Use Commercial Districts

Collectively refers to the following zoning districts contained in this Chapter: ~~Office/Medical Business 1 and 2 (OMB-1, OMB-2)~~; Tourist Related Business (TRB); ~~Water Related Business (WRB)~~; Highway/General Business (HGB); Neighborhood Complimentary Use 1, 2 and 3; Transect-4 Urban Neighborhood (T-4); Transect-5 Neighborhood Center (T-5); and Transect-6 Urban Core (T-6).

Mobile Home

A vehicle constructed so as to permit its being used, as a conveyance upon the public streets and duly titled as such, and constructed in a manner as to permit occupancy as a residence, which was constructed in a factory prior to June 15, 1976. A travel trailer is not considered a mobile home. Separate and distinct from "Manufactured Home", which are manufactured on or after June 15, 1976.

Mobile Home Park

A designated site in which two or more residential mobile homes are located, regardless of whether or not a charge is made for such accommodation.

Model Home

A dwelling unit used initially for display purposes, which typifies the type of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Planning Board as set forth in Appendix G, § 2S.

Monument

A boundary or survey marker.

Movie Theater

A place where motion pictures are shown to the public for a fee.

Municipal Vehicle Repair and Storage

<Needs Definition>

N**Neighborhood**

An area of the City with characteristics that distinguish it from other areas of the City. These include, but are not limited to, distinct architectural characteristics, historical destinations, unique features of physical design, schools

or social clubs, or boundaries as defined by built physical barriers such as roadways or natural features such as waterways or unique concentrations of flora or fauna.

Net Acreage

The remaining land area on a parcel after subtracting the areas of existing and proposed streets, as used in determining calculations for total outdoor light output. ##

For discussion.

New Construction

~~Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure. ## Note: From Flood Damage Prevention code, deleted per TRAC request.~~

New Manufactured Home Park or Subdivision

~~A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community. ## Note: From Flood Damage Prevention code, deleted per TRAC request.~~

Newspaper Plant

A printing facility for the bulk production, storage and distribution of printed newspapers for circulation to the public.

Non-Conforming Lot (Legal)

Any lot which was lawfully on record on the effective date of this Chapter, or any applicable amendment, but which does not meet the regulations of this Chapter.

Non-Conforming Structure (Legal)

Any structure which was lawfully in existence on the effective date of this Chapter, or any applicable amendment, but which is not situated in conformance with the regulations of this Chapter.

Non-Conforming Use (Legal)

Any use which was lawfully in existence on the effective date of this Chapter, or any applicable amendment, but which is not in conformance with the regulations of this Chapter.

Non-residential Activities

Any activity not included within definition of residential activity ## Note: From Stormwater Regs, for the purposes of establishing SWPPP requirements only.

Nonpoint Source Pollution

Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonresidential Subdivision

A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of [this chapter](#).

Nuisance

Any activity or use that endangers health and safety, or unreasonably offends the senses or has a detrimental effect on the property of another person or to the community.

Nursery

Any place where trees, bushes or plants are raised for wholesale and/or retail sale, includes greenhouses.

Nursing or Convalescent Home

A facility used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital or medical clinic.



Occupiable Space

A finished room or space designed for human occupancy or use, in which persons may remain for a period of time for rest, amusement, treatment, education, dining, shopping or work. Separate and distinct from Habitable Space.

Office

A business and/or professional establishment providing direct services to consumers, but not engaged in the manufacture or retail sale of goods. Includes attorneys, architects, engineers, accountants, and the like. ~~but~~ **which does not include** [Separate and distinct from Office](#), Administrative; Office, Medical / Clinics, or Office, Real

Estate.

Office, Administrative

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

Office, Medical / Clinic

An establishment where one or more licensed health care Professionals provide health care services for persons on an out-patient basis. A clinic may include laboratory facilities.

Office, Real Estate Office

A business with one or more professionals licensed in New York State to represent a seller or buyer in a transaction for real property.

Official Map

A map established by the City Council of Saratoga Springs under § 26 of the General City Law, showing the streets, highways and parks theretofore laid out, adopted and established by law and all changes or additions thereto made under the provisions of the General City Law § 29.

On-Street Parking

A temporary storage area for a motor vehicle that is located on a street and outside of the travel lane.

One-Way Street

A road that provides for the movement of vehicles in a single direction.

Opaque

Describes a material which does not permit light to pass through it.

Open Air Markets

An area utilized on a temporary or seasonal basis for the sale of crops or other merchandise, which is not enclosed. Open air markets include, but are not limited to, farmers' markets, bazaars, flea markets, craft shows, and the like.

Open Front Yard

See BUILDING FACADE TYPE

Outbuilding

An ancillary building, usually located towards the rear of the

lot, on the same lot as the Principal Building.

Owner

Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to, sufficient proprietary interest in, or under option to the land sought to be subdivided under this chapter.

P

Park Land

A tract of land, designated and used by the public for active and/or passive recreation.

Parking Facility

A facility, either open or enclosed, used for the parking or storage of motor vehicles.

Passage

A pedestrian connection between buildings. Passages provide shortcuts through long blocks and connect rear parking areas with street frontages.

Performance Bond

An obligation in writing, under seal, issued by a surety company, satisfactory to the City, binding the obligator to pay a sum of money to the City if the obligor fails to satisfactorily install and/or maintain improvements as required under § 33 of the General City Law, including escrow agreement and other similar collateral or surety agreements.

Permeable Area

A surface which allows water to infiltrate into the ground.

Permeable Surface Coverage

The percentage of a lot that is not covered by all buildings, paved areas and other impermeable surfaces.

Petition

A formal written request, signed by many people, appealing to the City Council with respect to a particular cause.

Phasing

Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

Planned Unit Development (PUD)

An area of land, in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a pre planned environment under more flexible standards than would normally apply under these regulations.

Plat

A map representing a subdivision of land.

[From subdivision regs:] ~~A map representing a tract of land illustrating the boundaries and location of individual properties and streets OR A map of a subdivision or planned unit development site plan.~~

Pollutant of Concern

Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land disturbance activity.

Porch

See BUILDING FACADE TYPE

Pre-Construction

Any construction begun prior to ~~land use approval of a subdivision~~ or issuance of a building permit. Excavation for site investigations, and customary agricultural activity are to be exempt.

Preliminary Plat Approval

The approval of the layout of a proposed subdivision as set forth in a preliminary subdivision plat but subject to the approval of the plat in a final form in accordance with the provisions set forth in ~~these subdivision regulations~~ [this chapter](#).

Preliminary Subdivision Plat

A drawing showing the salient features of a proposed subdivision submitted to the [Planning Board](#) for its consideration prior to submission of the final plat. The preliminary plat is submitted as part of the preliminary submission.

Premises

Land and all buildings and structures thereon.

Principal Building

A building in which the principal use of the lot is conducted,

and is located closest to the frontage line.

Project

Land disturbance activity. [From stormwater regs – may need clarification]

Public Realm

Includes all exterior places (parks, open spaces, waterfronts, natural features), linkages (sidewalks/paths, bikeways, bridges) and built form elements (plazas, landmarks, building facades) that are physically and/or visually accessible to the public regardless of ownership.

Public Service

A function relating to the health, safety and welfare of the general population.

Public Utility

A closely regulated private enterprise with an exclusive franchise for providing a public service deemed necessary for the public health, safety and welfare.

Public Utility Facilities

Telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.

R

Recharge

The replenishment of underground water reserves.

~~Employee Recreation Area Facility, Employee~~

Indoor and outdoor recreational facilities principally for the use by employees, for recreational ~~facilities purposes,~~ including but not limited to: picnic areas, shelter buildings with or without restroom facilities, ball fields, and similar park-like uses. ## Note: In the current code there are both "Employee Recreation Areas" and "Employee Recreation Facilities" – the edit requested by TRAC above merges these two, should discuss.

Recreation Facility

Facilities, either public or private, offering recreational activities.

Employee Recreation Facility

Note: Not clear what difference is from Recreation Area for employees.

Outdoor Recreation Facility

Note: Deleted per TRAC request

Residential Recreation Facility

~~A place designated and equipped for the conduct of sports, leisure time activities and other customary and usual recreational facilities located or associated with a single entity containing residential housing units. See RESIDENTIAL-ACCESSORY STRUCTURE. ## Note: deleted per TRAC request~~

Recreational Vehicle

A vehicle which is: (1) Built on a single chassis; (2) Four hundred square feet or less when measured at the largest horizontal projections; (3) Designed to be self-propelled or permanently towable by a light-duty truck; and (4) Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Regulatory Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 120-14B of this chapter the City code.

Religious Institutions

An establishment for religious worship which is used only for such purpose and those accessory activities as are customarily associated with such use. Includes churches, temples, synagogues, mosques, and the like.

Residence, Mobile Home Park

~~A designated site in which two or more residential mobile homes are located, regardless of whether or not a charge is made for such accommodation.~~

Residence, Multi Family Residence

A residential structure containing three or more dwelling units.

Note: Need to revise and clarify this definition.

Residence, Single Family Residence

A residential structure containing one dwelling unit.

Residence, Two Family Residence

A residential structure containing two dwelling units.

Residential Activity

Activities related to the development of living quarters for single family, or two family dwelling units (for purposes of establishing SWPPP requirements only).

Residential District

Collectively refers to the following zoning districts contained in this Chapter: Rural Residential (RR), Suburban Residential 1 and 2 (SR-1, -2), Urban Residential 1, 2, 3, 4, 4A, 5, 6 and 7 (UR-1, -2, -3, -4, -4A, -5, -6, -7), ~~Neighborhood Complementary Use 1, 2 and 3 (NGUD-1, -2, -3), and Transect-4 Urban Neighborhood (T-4).~~

Retail

Establishments engaged in selling goods to the public for personal and household consumption and rendering services incidental to the sale of such goods. Includes florists, drugstores, and the like.

Riding Stable

An establishment providing riding instruction and boarding of horses and where horses may be hired for riding.

Right-Of-Way

A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary sewer, storm sewer and other similar uses.

Road

See STREET.

Road, Rural

A vehicular way that may be existing or shown on a plat that may incorporate the elements of a street except for curbs, gutters and sidewalks and exists within areas with a low intensity of development.

Road, Small Rural

A vehicular way that may be existing or shown on a plat that may incorporate the elements of a street except for

curbs, gutters and sidewalks and exists within areas with a low intensity of development where natural features of the environment are highly prevalent or designed in a manner to have minimal impact to the natural features of the landscape and width of pavement is minimal.

Roadway

Refers to the portion of a street which is designated for vehicle use.

Roof-Mounted Solar Energy System

A solar collector system located on the roof of any legally permitted building or structure for the purpose of producing energy for onsite or offsite consumption.

Corridor Rooming House, Corridor

A single or two-family residential structure, owner-occupied or under the supervision of a resident manager, in which five to ten rooms are made available to lodgers for compensation for a rental period of no less than twenty-eight consecutive days. A common kitchen facility may be available to lodgers but shall have no kitchen facilities in any guest room. See Corridor Lodging District, [Section 3.4](#).

Neighborhood Rooming House, Neighborhood

A single-family or two-family residential structure, owner-occupied or under the supervision of a resident manager, in which one to four rooms are made available to lodgers for compensation for a rental period of no less than twenty-eight consecutive days. A common kitchen facility may be available to lodgers but shall have no kitchen facilities in any guestroom.

S

Sales & Maintenance

NEED DEFINITION

Salvage and Scrap Processing

The utilization of waste materials and processing of discarded or rejected materials that result from manufacturing or fabricating operations.

Sanitary Sewers

Pipes that carry only domestic or commercial sewage and into which storm, surface and ground waters are not intentionally admitted.

School

A facility offering instruction under the supervision of the State of New York or a lawfully constituted ecclesiastical governing body meeting NYS requirements.

Screening

A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Sediment Control

Measures that prevent eroded sediment from leaving the site.

Senior Assisted Care Facility

A facility containing residential units, exclusively for persons who are at least 55 years old where long-term residential care, room, board, housekeeping, supervision, and the like are provided.

Senior Housing

A structure containing individual residential units each occupied by at least one person aged 55+. Continued medical or nursing care is not provided.

Sensitive Areas

Cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SEQRA

The State Environmental Quality Review Act of New York State as defined in 6 NYCRR 617.

Service Establishment

Establishments primarily engaged in providing services, such as grooming, salon services, drop-off/pick-up dry cleaning, laundromat, and the like, and the incidental retail sale of associated products.

Setback

The minimum distance by which any building or structure must be separated from a lot line. [Setbacks are measured to the closest vertical face of a structure, including projections and overhangs.](#)

Shopfront

See BUILDING FACADE TYPE

Sign

Any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties. The term "sign" shall not include any flag, badge, or insignia of any governmental unit, nor shall it include any official traffic signs or signals.

AWNING SIGN: ~~A sign incorporated into an awning attached to a building.~~ Graphics or lettering printed on the vertical front surface of an awning above a public storefront.

BACKLIT SIGN: A sign whose light source is located in the interior of the sign so that only the letters and/or message are illuminated.

CHANGEABLE COPY SIGN: A sign designed to allow the changing of copy through manual, mechanical, or electrical means.

DIRECTIONAL SIGN: A sign limited to directional messages such as "entrance", "exit" and "one way".

DIRECTORY SIGN: ~~A sign listing the names, uses, or locations of the various businesses or activities conducted within a building or group of buildings.~~ A freestanding sign located on the sidewalk which identifies multiple nearby businesses which are not readily visible from the public way and/or do not have visible signage, intended to be read by pedestrians.

EXTERNALLY ILLUMINATED SIGN: A sign which is illuminated by a shielded external light source mounted above the sign, facing downward only.

FREE STANDING SIGN: ~~Any non-movable sign not attached to a building. Including post-mounted and pedestal signs.~~ A non-movable sign which is not attached to a building, including post-mounted or monument style designs.

ILLUMINATED SIGN: A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

INTERNALLY ILLUMINATED CUTOUT SIGN: An internal light source within the sign which illuminates the

individual lettering of the sign, but not the surrounding face or sides, which are opaque.

INTERNALLY ILLUMINATED FACE SIGN: An internal light source within the sign which illuminates the entire face of the sign, including the area around the letters, which has a translucent illuminated face.

INTERNALLY ILLUMINATED LETTER SIGN: An internal light source within each letter which illuminates each individual channel letter which has a translucent illuminated face, but opaque sides.

MENU SIGN: A sign which is attached outside of a restaurant to display the menu of foods currently being served.

OFF-PREMISE SIGN: A sign which directs attention to an activity, commodity or service at a location other than the premises on which the sign is located.

PLAQUE SIGN: A sign which is mounted on the wall near eye level directly adjacent to the building entry. Typically used to identify multiple commercial establishments inside which share a common entry door, a home occupation, or to announce a dedication, history, building completion date or similar historical information.

PROJECTED IMAGE SIGN: A sign graphic projected as an image by light onto a sidewalk or facade.

PORTABLE SIGN: A sign designed or intended to be movable and not structurally attached to the ground or other permanent structure. Includes signs mounted on or applied to vehicles for the purposes of advertising.

SANDWICH BOARD SIGN: A temporary ground sign advertising an adjacent business.

SILHOUETTE SIGN: A light source within (or concealed behind) individually-applied opaque channel lettering on the facade that illuminates the wall behind each letter, creating a muted silhouette or halo effect. The source of the light and associated wiring, transformers, mounting brackets must be concealed. The color of the light source shall be soft and muted.

WALL LETTERING: Individual channel letters secured to an exterior wall, parallel to the wall, extending no more than 6 inches from the surface.

WALL SIGN: ~~A sign which is painted on or attached to~~

~~the outside wall of a building with the sign face parallel to and not extending more than 6 inches from such wall.~~
A sign surface which is attached to, or painted on, the outside wall of a building, with the sign face parallel to the wall.

~~WINDOW SIGN: A sign attached to or painted on the interior of a window.~~ Lettering or graphics attached, painted or etched onto the window or storefront glass, or a sign board mounted behind the glass.

YARD SIGN: A freestanding sign located in the front yard area of a residential district, identifying a lawfully existing non-residential use on that property or home occupation.

Sign Area

The entire area within a continuous perimeter enclosing the extreme limits of sign display, including any frame or border. The sign structure shall be included if designed as integral to the sign display. The calculation for a double-faced sign shall be the area of one face only.

Sign Structure

The supports, bracing, or framework for any structure exhibiting a sign.

Single Family Residence

A residential structure containing one dwelling unit. **## Note:** TRAC request to delete this definition although it is not clear why.

Site Plan

A plan to scale showing topography, location of all structures, roads, rights-of-ways, lot boundaries, all essential dimensions and bearings and any other information as required.

Sketch Plan

A concept, informal map of a proposed subdivision or planned unit development site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Small Rural Road

A vehicular way that may be existing or shown on a plat that may incorporate the elements of a street except for curbs, gutters and sidewalks and exists within areas with a low intensity of development where natural features of the environment are highly prevalent or designed in a manner to

have minimal impact to the natural features of the landscape and width of pavement is minimal.

Storage, Self Storage Facility

A facility consisting of individual, self-contained units leased to individuals or businesses for self-service storage of personal property.

Solar Collector

A solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure affixed to the ground, a building, or other structure that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical, or other usable energy, or that reflects or concentrates solar radiation to a solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure that directly or indirectly generates thermal, chemical, electrical, or other useable energy.

Solar Energy System

A complete system intended for the collection, inversion, storage, and/or distribution of solar energy and that directly or indirectly generates thermal, chemical, electrical, or other useable energy. A solar energy system consists of, but is not limited to, solar collectors, mounting devices or structures, generators/turbines, water and energy storage and distribution systems, storage, maintenance and/or other accessory buildings, inverters, combiner boxes, meters, transformers, and all other mechanical, electrical, and plumbing components.

Solar Panel

A photovoltaic device capable of collecting and converting solar energy into electrical and/or thermal energy.

Solar/Heating/Ventilation & HVAC/Utility Equipment

Need Definition

Solid Waste Landfill

A site for the disposal of unwanted or discarded material, including garbage.

Solid Waste Transfer Station

A facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

Specialty Districts

Collectively refers to the following zoning districts contained in this Chapter: Office/Medical Business 1 and 2 (OMB-1, OMB-2); Water Related Business (WRB); Institutional-Educational (INST-ED); Institutional-Hore Track Related (INST-HTR); Institutional-Municipal Purpose (INST-MP); Institutional-Park / Recreation (INST-PR); Warehouse District (WD); Industrial-Light (IND-L); Industrial General (IND-G); Industrial-Extraction (IND-EX).

SPDES General Permit for Construction Activities GP-02-01

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems GP-0-10-002

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards.

Special Use

A use, which because of its unique characteristics requires individual consideration by the Planning Board, before it may be permitted.

Stabilization

The use of practices that prevent exposed soil from eroding.

Stoop

See BUILDING FACADE TYPE

Storage / Display, Outdoor

Display or storage, in an unroofed area, of any goods, materials, or vehicles (other than in an approved parking space under site plan review) on a lot.

Stop Work Order

An order issued which requires that all construction activity on a site be stopped.

Stormwater

Rainwater, surface runoff, snowmelt and drainage.

Stormwater Hotspot

A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

Stormwater Management

The use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

Stormwater Management Officer

An employee or officer designated by the municipality to accept and review Stormwater Pollution Prevention Plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

Stormwater Management Facility

One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

Stormwater Management Practices (SMPs)

Measures, either structural or non-structural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or non-point source pollution inputs to stormwater runoff and water bodies.

Stormwater Pollution Prevention Plan (SWPPP)

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

Stormwater Runoff

Flow on the surface of the ground, resulting from precipitation.

Story

That portion of a building designed for human occupancy between the surface of any floor and the surface of the next floor or roof above.

Stream

A watercourse having a source and a terminus, banks and channel through which water flows at least periodically.

Street

An existing public or private way open to general use which

affords principal means of access to abutting properties and is suitably improved.

Means a way for vehicular traffic, whether designated as a street, arterial, highway, thoroughfare, parkway, thruway, road, avenue, boulevard, land, cul-de-sac, place or however otherwise designated, including the entire area within the right-of-way, which is an existing maintained state, county or city roadway, or a street or way shown upon a plat heretofore approved by official action and includes the land between the street lines whether improved or unimproved and may comprise pavements, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines. For purposes of these Regulations, streets shall be classified by the City's Engineering Standards and are described in Appendix G. ## Note: Second definition from subdivision Subdivision Regs

Street Type

A type of standard design used to describe the desired dimensional characteristics of a street, such as lane widths, bike paths and parking accommodations.

Street, Urban Local Street

A road that provides land access and traffic circulation within residential neighborhoods. Urban local streets are typically narrow in width when compared to an urban street with parking on one side. Urban local streets also carry traffic to urban streets and have lower traffic volumes.

Street, Urban Street

A road that provides land access and traffic circulation within residential neighborhoods and commercial and industrial areas. Urban streets are wider in width with parking on two sides. Urban streets also carry traffic from local streets to the arterial system. Urban streets generally carry more than 1,000 vehicle trips per day.

Streetwall

An opaque wall built along the frontage line, or in the same plane as the facade, for the purpose of masking the interior of a lot from the street.

Structure

Any constructed or placed material in or upon the ground, including buildings, towers, sheds, pools, signs and the like, but excluding sidewalks, paving, grading, patios, and the like. ~~A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a~~

~~manufactured home. ## Note: Second definition from Flood Damage Prevention code, deleted per TRAC request.~~

Structure, Non-Conforming (Legal)

~~Any structure which was lawfully in existence on the effective date of this Chapter, or any applicable amendment, but which is not situated in conformance with the regulations of this Chapter. ## Note: Deleted per TRAC request.~~

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. ## Note: From Flood Damage Prevention code.

Substantial Improvement

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: ## Note: From Flood Damage Prevention code.

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

Subdivision

~~An area of land divided or re-divided into two or more lots, plots, sites or other divisions of land for sale or for building development.~~

The division of a lot, tract, or parcel of land into two or more lots. ## Note: Second definition from subdivision Subdivision Regs

Surface Waters of the State of New York

Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water,

natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to man made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

Survey

The process of precisely ascertaining the area dimensions of a piece of land and conducted by an individual licensed by the New York State Department of Education. This process may also involve ascertaining the precise location of naturally occurring or built features, and topography.

Swimming Pool

Any structure containing water having a depth at any point greater than 2 feet, intended to be used for swimming, and constructed, installed, or maintained in or above the ground.

T

Telecommunication Facility

A commercial facility consisting of equipment and structures involved in transmitting and receiving telecommunication signals.

Telecommunication Tower

A structure intended to support equipment to transmit and/or receive telecommunication signals.

~~Temporary Accessory Dwelling~~

~~A temporary accessory residential unit within an existing legal single-family residence. ## Note: Deleted because this is already defined elsewhere.~~

Terrace

See BUILDING FACADE TYPE

Timber Operation

The on-farm production, management, harvesting, processing and marketing of timber grown on the farm operation into woodland products, including but not limited

to logs, lumber, posts and firewood, provided that such farm operation consists of at least seven acres and produces for sale crops, livestock or livestock products of an annual gross sales value of ten thousand dollars or more and that the annual gross sales value of such processed woodland products does not exceed the annual gross sales value of such crops, livestock or livestock products.

Total Outdoor Light Output

The initial total amount of light, measured in lumens, added together from all the lamps used in outdoor light fixtures on a development parcel.

Trucking and Freight Terminal

An area where cargo is stored and where trucks load and unload cargo on a regular basis.

TV/Radio Station & Receiving/Broadcast Broadcasting Studio

An establishment containing one or more broadcasting studios for over-the-air, cable or satellite delivery or radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures.

Two Family Residence

A residential structure containing two dwelling units. ##

Note: This was noted for deletion by TRAC, not clear why this would be needed.

U

Unconstrained Land

All land that is not constrained land.

~~Unit (or Dwelling Unit)~~

~~A room or group of rooms providing complete housekeeping facilities for one household. ## Note: Deleted because dwelling unit already defined.~~

Usable Land

Class A Type refers to developable land generally devoid of wetlands, drainage courses, steep slopes, etc. Class B Type refers to land not suitable generally for development except for passive open space.

Use

The specific use for which land or a building is designed,

occupied or maintained.

Use Variance

Authorization by the Zoning Board of Appeals for the use of land or buildings for a use that is not otherwise permitted in a particular district.

Use-Accessory

A use customarily intended to be incidental and clearly subordinate to the principal uses or building on a lot.

Use-Permitted

Any use which is or may be lawfully established in a particular district provided it conforms with all the requirements applicable to that district.

Use-Principal

The primary or predominant use for which a building, or lot is designed, occupied or maintained.

Use-Prohibited

A use that is not permitted in a particular district.

Utility Equipment

Telephone, electric and cable TV lines, poles, appurtenances and structures; electrical substations carrying 34.5 kilovolts or less; water or gas pipes, regulators, mains, valves or structures; sewer pipes, valves or structures, pumping stations; telephone exchanges equipment, and other facilities, appurtenances and structures necessary to house and maintain utility equipment. Above ground electrical transmission lines carrying more than 115 kilovolts, telecommunication facilities and telecommunication towers are not utility equipment

Utility Establishments

Establishments engaged in the generation, transmission and/or distribution of electricity, gas or steam, including water and irrigation systems and sanitary systems; substations carrying more than 34.5 kilovolts; administration offices for such use; maintenance facilities; accessory buildings and outdoor storage. Also included are above ground electrical transmission lines carrying greater than 115 kilovolts. Telecommunication facilities and telecommunication towers are not utility establishments.

W

Warehouse

A building used primarily for the storage of goods and materials.

Waste Recycling Center

A facility where waste products may be reduced to raw materials and/or processed into new products.

Watercourse

Any stream, pond, lake, drainage channel, or similar features that is normally filled with water. Boundaries of a watercourse shall be measured at the mean high-water mark.

Waterway

A channel that directs surface runoff to a watercourse or to the public storm drain.

Wetland

An area of land that is characterized by hydrophytic vegetation, saturated soils, or periodic inundation which is classified as a wetland by either the New York State Department of Environmental Conservation or the U.S. Army Corps of Engineers

Wholesale (Establishment)

An establishment engaged in selling to retailers rather than directly to consumers.

Y

Yard- Front

The area between the lot line that is parallel, or nearly parallel, to a street and the building setback line. Where a lot has frontage on more than one public or private street, the lot shall have more than one front yard. If a lot has frontage on a street and an alley, the alley side shall not be considered a front yard. In the case of a lot that has no street frontage, the front yard line shall be considered the lot line that is closest and most parallel to the nearest street.

Yard-Rear

The area between the lot line that is opposite of the front lot line and the building setback line. In the case of a lot pointed at the rear, the rear yard area shall be the area between a point that is the furthest from the front lot line and parallel to the front lot line and the building set back line.

Yard-Side

The area between the lot line that is perpendicular, or nearly perpendicular, to a street and the building set back line.

Z**Zoning Amendment**

A change in the text of this Ordinance and/or the official zoning map.

Zoning Board of Appeals

The Board established in accord with the codes of the City of Saratoga Springs.

Zoning Officer and Building Inspector

The administrative officer official or designee charged with enforcing the provisions of this Chapter.

Zoning Ordinance

The adopted current former law of the City, together with any and all amendments thereto that provides a delineation of districts and the establishment of regulations governing the use, placement, spacing ; and size of lots, structures, and buildings.