

7.5 ARCHITECTURAL REVIEW

7.5.1 INTENT

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

7.5.2 DELEGATION TO DESIGN REVIEW COMMISSION

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

7.5.3 ACTIONS SUBJECT TO REVIEW

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

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

7.5.4 ACTIONS EXEMPT FROM REVIEW

The following actions are exempt from architectural review:

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

7.5.5 DESIGN CONSIDERATIONS

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

A. Height

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

B. Scale

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

C. Mass and Open Space

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

D. Proportion

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

E. Directional Expression

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

F. Architectural Rhythm

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

G. Front Setback

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

H. New Construction and Additions

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

I. Treatment of Major Building Elements

1. Doors. Existing historic doors and door openings shall be retained and rehabilitated whenever possible. Restoration of historic openings is encouraged where previously altered. Where doorways must be altered to meet current building code and safety requirements, doors and entrance ways shall be designed to respect the exterior architectural character of the building.
2. Windows. Existing historic windows and window openings shall be retained and rehabilitated whenever possible. Restoration of historic openings is encouraged where previously altered.

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

J. Materials

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

K. Colors

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

7.5.6 DEMOLITION

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

A. Structures with no architectural or historic significance

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

B. Structures with architectural or historic significance

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

1. The applicant shall document "good faith" efforts in seeking an alternative that will result in the preservation of the structure including consultation with the Commission and the Saratoga Springs Preservation Foundation. The relocation of structures may be permitted as an alternative to demolition;
2. The applicant shall document efforts to find a purchaser interested in acquiring and preserving the structure;
3. The applicant shall demonstrate that the structure cannot be adapted for any other permitted use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

4. The applicant shall submit evidence that the property is not capable of earning a reasonable return regardless of whether that return represents the most profitable return possible. "Dollars and cents proof" shall be required to demonstrate such hardship.
5. Application for demolition of a structure with historic or architectural significance shall include acceptable post-demolition plans of the site. Such plans shall include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project. The Commission may condition the issuance of a demolition approval on the applicant's receipt of all other necessary approvals and permits for the post-demolition plan.
6. The Commission shall schedule a public hearing on an application for demolition of a structure with historic or architectural significance and shall provide notice as follows.
 - a. Public Hearing Notice

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

C. Determination of Jeopardy to Health, Safety and Welfare of Community
 In cases where an applicant has sought demolition approval on the basis that a structure represents an imminent danger to the health, safety and welfare of the community, the Commission shall refer the application to the Building Inspector for review and report pursuant to City Code Section 118 Unsafe Structures. The Building Inspector's report shall be advisory to the Commission. The Commission shall review the Building Inspector's report and make a

determination that the structure can or cannot reasonably be repaired in such a way as to remove the imminent danger.

D. Court action

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

7.5.7 ARCHITECTURAL REVIEW APPLICATION

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

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

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

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

7.5.8 ADVISORY OPINION

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

7.5.9 ARCHITECTURAL REVIEW DECISIONS

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

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

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

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

2. For actions subject to Architectural Review but not requiring a building, sign or demolition permit, the Building Department shall perform inspections as may be necessary to confirm compliance with Commission approval and any required conditions.
3. Upon confirmation of the completion of an approved action requiring Architectural Review, and any required conditions, the Building Department may issue a certificate of occupancy.

7.5.10 Expiration

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

7.5.11 Extensions

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

7.5.12 ARCHITECTURAL REVIEW DISTRICTS

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

3. Beginning at the intersection of the center line of Lake Avenue (or NYS Route 29) and Broadway and extending to the rear lot line of the property facing Lake Avenue on both the north and south sides or 100 feet in depth, whichever is greater, and extending eastward along Lake Avenue to the City line.
4. Beginning at the intersection of the center line of Route 50 and Broadway (or New York State Route 9) and extending to the rear lot line of the property facing Route 50 on both the north and south sides or 100 feet in depth, whichever is greater, and extending eastward to the City line.
5. Beginning at the intersection of the center line of Marion Avenue (or NYS Route 9) and Route 50 and extending to the rear lot line of the property facing Marion Avenue on both east and west sides or 100 feet in depth, whichever is greater, and extending northward along Marion Avenue to the City line.
6. Beginning at the intersection of the center line of Van Dam Street and Broadway and extending to the rear lot line of the property facing Van Dam Street on both the north and south sides or 100 feet in depth, whichever is greater, and extending westward along Van Dam Street to the intersection of the center line of Church Street (or NYS Route 9N) and Van Dam Street.
7. Beginning at the intersection of the center line of Church Street (or NYS Route 9N) and Broadway and extending to the rear lot line of the property facing Church Street on both the north and south sides or 100 feet in depth, whichever is greater, and extending westward along Church Street to the City line.
8. Beginning at the intersection of the center line of Washington Street (or NYS Route 29) and Broadway and extending to the rear lot line of the property facing Washington Street on both the north and south sides or 100 feet in depth, whichever is greater, and extending westward along Washington Street to the City line.
9. Beginning at the intersection of the center line of Ballston Avenue (or NYS Route 50) and Broadway and extending to the rear lot line of the property facing Ballston Avenue on both the east and west sides or 100 feet in depth, whichever is greater, and extending southerly or southwesterly along Ballston Avenue to the City line.

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

B. Map of Architectural Review Area

A reference map displaying the Architectural Review areas may be found in the City Office of Planning and Economic Development and at www.saratoga-springs.org.

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