

## **10.0 AMENDMENTS TO ORDINANCE**

### **10.1 GENERAL AMENDMENTS**

#### **10.1.1 INTENT**

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

#### **10.1.2 AUTHORITY**

The City Council shall have the authority to amend this Chapter, or any district boundary established by this Chapter, following the notice and conduct of a public hearing.

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

Proposed amendments may be brought to the City Council:

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

A. In cases involving a Board recommendation or a Petition, the City Council shall determine whether the recommendation or Petition has merit for review and if it shall be considered.

B. No determination of merit shall be required if the owners of fifty percent (50%) or more of the frontage in any District, or part thereof, present such a Petition duly signed and acknowledged to the City Council requesting an amendment, supplement, change or repeal of the regulations prescribed for that District, or part thereof. The Council shall vote on the Petition within ninety (90) days after it is filed with the Secretary of the City Council.

#### **10.1.4 APPLICATION AND FEE**

Every petition for an amendment to the Chapter shall be on forms prescribed by the City Council and shall be accompanied by a fee as established by the City Council.

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

Prior to taking action on any proposed amendment to the Zoning Ordinance, the City Council shall seek an advisory opinion from the City Planning Board, and the Saratoga County Planning Board as required by General Municipal Law. For amendments to Article 7.4 Historic Review and Article 7.5 Architectural Review, the Council shall also seek an advisory opinion from the Design Review Commission.

##### **10.1.5.1 CITY PLANNING BOARD**

The City Planning Board shall have 60 days to render a written advisory opinion to the City Council, unless extended by mutual consent. The Planning Board may

hold a public hearing at their discretion. The scope of the Planning Board review shall include but not be limited to:

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

#### **10.1.5.2 CITY DESIGN REVIEW COMMISSION**

The City Design Review Commission shall have 60 days to render a written advisory opinion to the City Council, unless extended by mutual consent. The opinion shall contain a favorable recommendation only if the Design Review Commission finds that the proposed revision is not contrary to the intent and objectives of Article 7.4 Historic Review or Article 7.5 Architectural Review, as applicable.

#### **10.1.5.3 SARATOGA COUNTY PLANNING BOARD**

A. Any proposed amendment that meets the referral requirements of General Municipal Law Section 239-m shall be referred to the Saratoga County Planning Board for its review prior to the public hearing. No action shall be taken by the City Council until an advisory recommendation has been received from the County Planning Board or 30 calendar days have passed from when the County Planning Board received the full statement.

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

#### **10.1.6 PUBLIC HEARING NOTICE**

A. The City Clerk shall notice a public hearing for an amendment, including a description of the proposed amendment, and shall provide notice as follows.

B. The City Clerk shall advertise the hearing in a Saratoga Springs newspaper of general circulation at least five days prior to the date thereof. If the amendment is requested by petition, the petitioner shall be responsible for payment for this notice. Prior to the hearing, the petitioner shall be responsible for filing with the City Clerk an affidavit from the newspaper confirming such publication and payment.

#### **10.1.7 ADDITIONAL PUBLIC NOTICE**

##### **10.1.7.1 MAP AMENDMENT PROPERTY OWNER NOTICE**

For all petitions involving zoning map amendments, the petitioner shall provide notice of the proposed amendment public hearing to neighboring property owners in the following manner.

A. The petitioner shall obtain from the City the names and addresses of property owners within a geographic radius of 250 feet from the petitioner's

subject property boundary.

B. The petitioner shall receive from the City Clerk a property owner notification and shall send only this notice to the identified property owners by first class mail. This notice shall be postmarked no less than 7 days but no more than 20 calendar days prior to the scheduled public hearing.

C. Prior to the public hearing, the petitioner shall submit to the City Clerk confirmation of this property owner notification using a “certificate of mailing” provided by the U.S. Postal Service.

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

#### **10.1.7.2 INTERMUNICIPAL NOTIFICATION**

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

#### **10.1.7.3 HOUSING AUTHORITY PROPERTY**

For amendments affecting property within the protectively zoned area of a housing project authorized under the Public Housing Law, written notice shall be given to the Housing Authority at least 30 days prior to the public hearing.

#### **10.1.8 PROTEST**

A. A protest against an amendment to this Chapter must be signed by the owners of:

1. 20% or more of the land area included in the proposed amendment; or
2. 20% or more of the land area immediately adjacent to and extending 100 feet from the land area included in the proposed amendment; or
3. 20% or more of the land directly opposite thereto and extending 100 feet from the street, road or highway frontage of such opposite land.

B. A protested amendment shall require the favorable vote of at least four (4) Council members.

#### **10.1.9 AMENDMENT PUBLICATION AND POSTING**

A. A notice briefly describing every amendment shall be published once in a newspaper of general circulation in the City and specify that the entire amendment is available for inspection at the City Clerk's office.

B. The amendment shall be posted conspicuously at or near the office of the

City Clerk for at least two weeks following publication and a copy of the amendment or map shall be made available for inspection at the office of the City Clerk.

C. Affidavits of publishing and posting shall be filed with the City Clerk.

**10.1.10 EFFECTIVE DATE**

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

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