

**Appendix C:**

**7. Congress Park Planned Unit Development (formerly 241.7)**

**AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF  
A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS  
"CONGRESS PARK CENTRE PLANNED UNIT COMMERCIAL DEVELOPMENT"**

*BE IT ORDAINED* by the City Council of the City of Saratoga Springs, following a public hearing, as follows:

**Section I NAME:**

This Ordinance shall be known as "CONGRESS PARK CENTRE PLANNED UNIT COMMERCIAL DEVELOPMENT" and Amends Chapter 240 of the Code of the City of Saratoga Springs, New York. This project is also referred to herein as "PUCD".

**Section II AMENDMENT:**

The Zoning Ordinance of the City of Saratoga Springs, New York and the Zoning Map of the City of Saratoga Springs as set forth therein shall be and the same hereby are amended by changing the land owned by Eton Centers Company, designated as Tax Parcel 165.67-1-23 on the Inside Tax District Tax Map for the City of Saratoga Springs which is presently situated in a Commercial-1 Downtown Business Zone (C-1) to a Planned Unit Commercial Development creating within the boundaries of said described area a Planned Unit Development District to be known and described as "CONGRESS PARK CENTRE PLANNED UNIT COMMERCIAL DEVELOPMENT".

**Section III BOUNDARY:**

The area of the CONGRESS PARK CENTRE PLANNED UNIT COMMERCIAL DEVELOPMENT consists of 6.02 + acres and is bounded on the north by Washington street, on the south by Congress Street, on the east by Broadway and on the west by Federal Street. The real property consists of an entire City block except for the real property owned by the Bethesda Episcopal Church. The Tax Map reference for the Inside District of the City of Saratoga Springs is 165.67-1-23. Said real property is described in Exhibit "A" attached hereto.

**Section IV PURPOSE:**

It is the purpose of this Ordinance to provide for the means and to encourage the development of a mixed use commercial center in the core of the central business district of the City of Saratoga Springs. To allow this commercial center to develop over such a significant portion of the Saratoga Springs downtown area, flexibility in design concepts and criterion, building size and parking requirements must be allowed so as to permit the economically viable development of this site while remaining cognizant of the historic significance of the area and the need to employ good design techniques while incorporating

concern for the on-site and off-site urban nature of the environment in which the site exists.

### **Section V SKETCH PLAN:**

The "Sketch Plan", entitled Proposed Master Plan, for the development of this project at its anticipated build out, is attached hereto, marked Exhibit "B" and made a part hereof. It is anticipated that this project will go through multiple phases of construction over an extended period of years. As a result, the Sketch Plan may be changed, altered or amended pursuant to Section 240.3-13(f) of the Zoning Ordinance of the City of Saratoga Springs as it exists at the time of the passage of this Ordinance. A mylar of the final approved Sketch Plan shall be filed with the City Planning Board and the City Clerk.

### **Section VI USES AND CHARACTERISTICS:**

There shall be constructed within the boundaries of the Congress Park Centre Planned Unit Commercial Development structures and improvements for commercial and residential utilization as permitted in the City of Saratoga Springs Commercial-1 Downtown Business (C-1) Zone, see Exhibit "C" attached hereto and made a part hereof, as that zone is defined at the time of the passage of this Ordinance and as the uses within the zone in which this project is located may increase, but not as they may decrease, as a result of future amendments to the Zoning Ordinance of the City of Saratoga Springs. The permitted principal use shall also include movie theaters, indoor performance facilities, drive-thru facilities as specifically enumerated in Phase 1 d and with the structures to be located on the southeast corner of Broadway and Congress Street, except a drive-thru facility cannot be associated with a restaurant. A Special Use Permit is required for an outdoor performance facility. Permitted uses also shall include all Accessory Permitted Uses and Special Permitted Uses as designated for the uses within the Commercial-1 Downtown Business (C-1) Zone in the City of Saratoga Springs at the time this Ordinance is enacted and as those uses may increase, but not as they may decrease, as a result of future amendments to the Zoning Ordinance of the City of Saratoga Springs.

In the construction and leasing of the structures involved within this project, flexibility in use is desired, as a result, all permitted uses may be interchanged, i.e., restaurant for retail. The parking criterion for each use as established in Section IX is intended to accommodate those shifts and changes within the maximum gross square feet permitted for each phase and subphase of the project.

The development of the site will be staged over four primary phases each of which may have one or more building projects. All phases may be undertaken as tenants are identified for use of an individual building or a significant portion of an individual building.

Because this site is already improved with occupied commercial space and ground level parking, as individual building construction is undertaken certain portions of the existing structures will be demolished and the parking field will be reconfigured. New structures will be completed and granted a Certificate of Occupancy before existing structures are demolished, so long as adequate parking is provided.

- Phase 1: May consist of four structures intended to be primarily utilized for retail and general and professional office uses.
- Phase 1a: May consist of the construction of retail space with associated loading docks and storage area and associated on-site parking. This shall be the first structure constructed in the PUCD.

Characteristics are as follows:

Maximum:

Number of structures:	1
Gross Leasable Square Feet:	23,500 sq. ft. ±
Footprint Square Feet:	27,750 sq. ft. ±
Height Structure:	30 ft.
Height Tower:	50 ft.

The building constructed in this phase shall be set back from the PUCD site's south property line on Congress Street by ten (10) feet from a point commencing on the PUCD Site at the intersection of Federal Street and Congress Street running in a generally easterly direction along the north line of Congress Street for a distance of 140 feet.

Demolition: During the construction of Phase 1a, the structure at the northwest corner of Washington Street and Federal Street shall be demolished. Prior to occupancy of the new structure in this initial phase, the garage on Federal Street will be demolished. Subsequent to the occupancy of the building in this subphase, the structure at 307 Broadway and 315 Broadway shall be demolished. Subsequent to the demolition, 31,310 gross square feet+ of the previously existing shopping center will remain.

Subsequent to the destruction of the structures at 307 Broadway and 315 Broadway, the existing parking area associated with this site shall be landscaped as specified in Exhibit "E" attached hereto and made a part hereof.

Phase 1b, 1c and 1d are interchangeable as to the construction sequence within the PUCD, subject to the limitations specified in Section XVII but shall be granted PUCD Site Plan Approval subsequent to Phase 1 a.

Phase 1b: Shall consist of either of two structures, one would occupy the northeast corner of the site at the intersection of Washington Street and Broadway and the second would occupy the southeast corner of the site to be located at the intersection of Broadway and Congress Street. The choice as to which of these structures shall be constructed first shall be controlled by the real property owner subject to PUCD Site Plan approval as described in Section VIII. The anticipated primary use for these structures shall be retail and general and professional offices. The timing for submission for PUCD Site Plan approval of one of the structures shall be controlled by Section XVII. The structure to be located at the intersection of Congress Street and Broadway may have a drive-thru window exiting onto Congress Street. The exit shall be signed and constructed so as to permit only right-hand

turns.

The characteristics of these buildings are as follows:

Structure: Intersection of Washington Street and  
Broadway:

This structure may consist of retail on the first and possibly second floor and general and professional offices on the second and third floors.

Characteristics are as follows:

Maximum:

Number of structures:	1
Gross Square Feet	37,224 sq. ft ±
Gross Leasable Square Feet:	31,750 sq. fl. ±
Footprint Square Feet:	12,408 sq.ft.±
Height:	<del>75</del> ft

Structure: Intersection of Congress Street and Broadway:

This structure may consist of retail on the first and possibly second floor and general and professional offices on the second, third and fourth floors.

Characteristics are as follows:

Maximum:

Number of Structures:	1
Gross Square Feet:	42,905 sq. ft.±
Gross Leasable Square Feet:	36,500 sq. ft.±
Footprint Square Feet:	11,250 sq. ft. ±
Height Structure:	75ft

Demolition: Depending on which structure is first constructed on Broadway, the remaining portion of the previously existing structures will be demolished either during construction or immediately after construction and the issuance of a Certificate of Occupancy by the City of Saratoga Springs for the first structure on Broadway.

Phase Ic: May consist of retail space, general and professional office space.

Characteristics are as follows:

Maximum:

Number of Structures:	1
Gross Square Feet:	15,876 sq. ft. ±
Footprint Square Feet:	9,514 sq. ft. ±
Height Structure:	45 ft.
Height Tower:	60 ft.

Phase Id: May consist of retail space and/or general and professional office space, with a drive-thru facility.

Characteristics are as follows:

Maximum:

Number of Structures:	1
Gross Square Feet:	15,000 sq. ft. ±
Gross Leasable Square Feet:	13,200 sq. ft. ±
Footprint Square Feet:	7,500 sq. ft ±
Height Structure:	30 ft.

The building to be constructed at the intersection of Washington Street and Federal Street shall have a set back of 10 feet from the PUCD site's northerly boundary on Washington Street for a distance of 20 feet from the intersection of Washington Street and Federal Street running in a general easterly direction.

Phase 2: Shall consist of the second structure to be constructed as described in "Phase 1b" above.

Phase 3: May consist of the construction of a connecting building on Broadway between the two structures constructed in Phases 1b and 2. The structures shall be a mixed use retail/office building.

Characteristics are as follows:

Maximum:

Number of structures:	1
Gross Square Feet:	30,500 sq. ft. ±
Gross Leasable Square Feet:	25,000 sq. ft. ±
Footprint Square Feet:	8,064 sq. ft. ±
Height Structure:	75 ft.

Phase 4: May consist of a Cinema with several theaters housing a total of up to 1,000 seats to be constructed to the east of the easterly boundary of Bethesda Episcopal Church and west of the building designated in Phase 2, 1b. If a theater is constructed, the films shown to the general public shall be consistent with all Ordinances of the City of Saratoga Springs.

Characteristics are as follows:

Maximum:

Number of Structures:	1
Gross Square Feet:	
Gross Leasable Square	41,334 sq. ft. ±
Feet: Footprint Square	35,250 sq. ft. ±
Feet:	20,700 sq. ft. ±
Height:	40 ft.

The maximum height of any building within the PUCD shall be 75 feet. So as to allow flexibility in design and architecture, the appurtenance to any structure may include, but not be limited to, clocks, clock towers, non-occupied mechanical rooms, tower and flag poles which may extend above the herein specified maximum height limitation but not to exceed 110 feet.

The real property owner is permitted to increase the Gross Leasable square footage within the entire PUCD by fifteen (15%) percent without the requirement of an amendment to this ordinance.

The Gross Leasable Area is as follows:

<u>Building</u>	<u>Gross Leasable Square Feet</u>
1a	23,500 sq. ft. ±
1b, 2	31,750 sq. ft. ±
1b, 2	36,500 sq. ft. ±
1c	13,500 sq. ft. ±
1d	13,200 sq. ft. ±
3	25,000 sq. ft. ±
4	35,250 sq. ft. ±

Gross Leasable Square Feet = 178,700 sq. ft. +

Total permitted gross leasable square feet = 205,505 sq. ft. + with addition of 15 percent.

Because traffic control ingress and egress from the PUCD is of significant importance and based on the assumption that the site when fully built out will generate 682 vehicle trips per peak hour, the real property owner agrees that at the time of any PUCD site plan approval, if the, trip generation figures for the peak hour exceed 807 vehicle trips per peak hour, the City has the right to ask that real property owner to conduct another traffic impact analysis and the applicant will negotiate with the City any additional improvements required as a result of that analysis.

**Section VII DENSITY:**

For the purpose of determining building, pavement and parking lot coverage maximums, the entire project shall be treated as if it is being constructed in the Commercial-1 Downtown Business (C-1) Zone as that zone is defined in the Zoning Ordinance of the City of Saratoga Springs and shall be controlled by the "District Regulations: Area and Bulk Schedule for

Commercial District City of Saratoga Springs" of the Zoning Ordinance of the City of Saratoga Springs for the Commercial-1 Downtown Business Zone as that schedule is written at the time of the passage of this Ordinance.

### **Section VIII ISSUANCE OF BUILDING PERMIT:**

Prior to the issuance of a Building Permit to develop any or all of the structures within the PUCD, except as exempted in Article 204.5 of the Zoning Ordinance of the City of Saratoga Springs, the Applicant shall receive final PUD Site Plan approval for the structure(s) to be constructed from the City of Saratoga Springs Planning Board.

It is anticipated that there will be multiple applications for PUD Site Plan approval and each application shall show the relationship between the building to be developed and the vacant areas within the PUCD. Each final PUD Site Plan shall respond to the requirements set forth in Section 240-5.4 of the Zoning Code Ordinance of the City of Saratoga Springs.

### **Section IX PARKING/LOADING DOCKS:**

The interactive nature of the uses proposed in the project allows for a parking scheme which incorporates the "shared parking concept" so as to best utilize existing parking and parking to be constructed as a portion of this project.

So as to accommodate the various order in which construction of new structures and the demolition of existing structures within the PUCD will take place, as portions of the PUCD are presented for PUD Site Plan Approval, parking shall be supplied in the below specified ratios. Parking may be supplied on-site, within a parking structure, or by means of a long term (5 year) lease of under utilized parking on properties within 500 feet of the project site.

Parking requirements shall be based on gross leasable square feet ("GLSF") to be occupied within the site as follows:

- a. Retail: 4 parking spaces for each 1,000 GLSF.
- b. Mixed Use as specified in Exhibit "C": Take the GLSF, multiply that figure by one-tenth (0.1), subtract that number from the Mixed Use Gross Leasable Square Feet and divide that number by Three Hundred square feet to determine the number of parking spaces required.
- c. Residential: 1.2 parking spaces per residential unit.
- d. Cinemas: If 100,000 or more GLSF exist within the PUCD, then a 450 seat credit shall be granted. Thereafter, three parking spaces for each 100 additional theater seats. If 100,000 GLSF do not exist within the PUCD, then three parking spaces shall be required for each 100 theater seats.

The surface parking areas subsequent to reconstruction shall have eight percent green space within or contiguous to the parking fields. There shall be no green space requirement associated with a parking structure.

Because of the urban setting of the project and the requirements needed to maximize parking and on-site traffic flow, loading docks, access from the public right-of-way shall be established as follows:

- a. Federal Street to access the structure in Phase I a.
- b. Federal Street to access the structure to be located at the intersection of Federal Street and Washington Street.

During the construction of a structure in the Phase 4 location in the PUCD, the introduction of a loading dock off of Washington Street shall be subject to review and approval of the Planning Board of the City of Saratoga Springs at the time of the PUD Site Plan review for that aspect of the project.

The site shall have entrance and exit location(s): two on Washington Street with one to be used in conjunction with the structure to be located at the intersection of Federal Street and Washington Street, two on Federal Street with one entering and exiting the garage structure and also permitting the one-way vehicular access to the drive-thru window associated with the structure located at the intersection of Federal Street and Washington Street and two on Congress Street as specified herein. No direct vehicular access point shall be permitted onto or off of Broadway.

As a portion of Phase I b or 2, a drive-thru exit onto Congress Street shall be permitted. This exit shall be designed and signed for right turn only so as to allow exiting traffic to flow only in a westerly direction on Congress Street. Also, a drive-thru window may be constructed in conjunction with the Phase Ib or 2 structure to be located at the intersection of Broadway and Congress Street.

The total number of parking spaces required during any Phase of this project may be decreased but not increased by the Planning Board of the City of Saratoga Springs at the time of PUD Site Plan approval.

#### **Section X AMENDMENTS TO THIS ORDINANCE:**

This PUCD shall be developed in compliance with the final approved "Sketch Plan" as specified in this Ordinance. Any amendment thereto shall be pursuant to the applicable provisions of the Zoning Ordinance of the City of Saratoga Springs unless otherwise specified herein.

#### **Section XI INFRASTRUCTURE IMPROVEMENTS:**

The entire project, as set forth herein, will be serviced by City water and sanitary sewer lines. All services and improvements that are to be dedicated to the City of Saratoga Springs will be constructed to City standards as they exist at the time of construction. All other services and improvements shall be constructed in compliance with applicable codes, rules and regulations.

Storm water disposal shall be by means of direct access into the municipal storm water



drain and piping system.

With regard to water service to the structures within the PUCD, they shall not be required to directly tap off a City main for purposes of obtaining a water supply.

The City is hereby granted the right to enter upon the PUCD Site for purposes of making emergency repairs to any privately owned main, pipe or line. The City shall have the right to charge the real property owner whose pipe, line or main is repaired for said services.

All private water/sewer lines connecting into any structure in the PUCD shall be individually metered.

### **Section XII OFF-SITE IMPROVEMENTS:**

The real property owner and the structures located within the PUCD shall be exempt from all water service connection fees.

The real property owner shall, upon certification in writing that a fully functional three way traffic light is to be constructed and installed at the intersection of Congress Street and Federal Street, pay to the City of Saratoga Springs Twenty-Five Thousand (\$25,000.00) Dollars which sum shall be used exclusively to assist in the payment for the herein specified traffic light.

The City, prior to the issuance of a Certificate of Occupancy for the structure in Phase Ia, shall install "Stop" signs at the three corners of the intersection of Federal Street and Congress Street.

As a portion of the construction of the building in Phase Ia, a standard warning sign shall be placed on Federal Street indicating a stop sign at the intersection of Federal Street and Congress Street. The location of the warning sign shall be determined at PUCD Site Plan review for this Phase.

Improvements shall be made off of the project site on a phase by phase basis.

#### **Phase Ia:**

- a) The existing water line on Federal Street between Washington Street and Congress Street shall be replaced with a ten inch line.
- b) A ten inch water line incorporating a butterfly valve, at the Broadway main, shall be constructed and installed, which line shall be extended through the Congress Street right-of-way entering the site at a point to the west of the building to be constructed at the intersection of Broadway and Congress Street. The line will be constructed through the site and shall end at a tie-in with the 10 inch water line to be constructed in Federal Street.
- c) The structures at the northwest and southwest corners of the PUCD site shall directly tap into the sanitary sewer lines existing within the municipal right-of-way adjacent to the structures. The remaining structures within the PUCD shall be serviced by means of access to a tap off of the trunkline within Congress Street which shall enter the site at a point west of the location of the

structure to be constructed at the corner of Broadway and Congress Street.

- d) If directed by the Planning Board of the City of Saratoga Springs during PUD Site Plan approval, the existing curbs and sidewalks from a point 100 feet west of the intersection of Broadway and Congress Street on the north bounds of Congress Street running westerly to the intersection of Federal Street, thence along the easterly boundary of Federal Street to the intersection of Washington Street, thence easterly along the south bounds of Washington Street to the westerly property line of Bethesda Episcopal Church shall be replaced.
- e) The existing traffic signal at the intersection of Congress Street and Hamilton Street shall be improved with the installation of two sets of three section signal head assemblies to assist traffic flow at the southern site entrance/exit. These will include new loop detectors at the site driveway approach. Also, new pavement markings will be applied at the intersection.
- f) The real property owner, at the time the curbs and sidewalks along the north boundary of Congress Street are replaced, as specified herein, shall install within the public right-of-way, in proximity to the curbs that are to be installed, a two inch conduit needed to house the wires and mechanisms required to "hard wire" the traffic signal systems at Broadway and Congress Street with the traffic signal system at Hamilton Street and Congress Street. The installation of the wire and mechanisms within the conduit, other than as specified herein, shall be undertaken by the City at the City's cost and expense.
- g) Pedestrian "Walk/Don't Walk" signal shall be installed on the corners of the intersection of Hamilton Street and Congress Street.

### **Phase Ib**

- a) The PUCD real property owner shall transfer to the City of Saratoga Springs a strip of land described as follows upon the demolition of the existing northern most structure on the PUCD site:

ALL THAT TRACT, PIECE OR PARCEL OF LAND situate lying and being in the City of Saratoga Springs, Saratoga County, New York beginning at the intersection of the south bounds of Washington Street and the west bounds of Broadway and running south five feet to a point; thence running in a general westerly direction parallel with the south bounds of Washington Street 200 feet to a point; thence in a general northerly direction five feet to the south bounds of Washington Street and thence in a general easterly direction along the south bounds of Washington Street to the west bounds of Broadway.

The PUCD real property owner, in conjunction with the construction of the structure at the northwest corner of the intersection of Broadway and Congress Street, shall purchase and deliver to the City one Type 179 controller, or its equivalent to be installed at the intersection of Broadway and Congress Street by the City. Also, the PUCD real property owner shall supply and install along the eastern frontage of the PUCD site, two-inch conduit from the traffic signal at Congress Street and Broadway to the traffic signal at Washington Street and Broadway. The responsibility and cost for placing wiring and mechanisms within

this conduit to "hard wire" connect the traffic control signals at Washington Street and Broadway, Spring Street and Broadway and Congress Street and Broadway shall be the City's unless that responsibility is specifically accepted by the PUCD real property owner.

b) Because the PUCD site is presently occupied with extensive leasable space, which will be demolished during the various phases of this project, the construction of the Phases of this project in conjunction with the demolition of the existing structures will not have an adverse impact on the roadways and signalization of the City of Saratoga Springs until such time as more than 61,000 square feet of the new gross leasable space is built. During the phase of construction that reaches the above specified square footage, the real property owner shall construct a new signal installation at the Washington Street and Broadway intersection which shall include new signal poles, loop detectors, wiring and signal head equipment to install a fully functioning signal. Also, at the intersection of Spring Street and Broadway, a new signal installation shall be constructed to include new signal poles, loop detectors, wiring and signal head equipment to install a fully functional signal. This installation shall include a Type 179 controller, or its equivalent, which will operate both of these newly installed signals.

The real property owner shall also purchase and deliver to the City of Saratoga Springs one Type 179 controller, or its equivalent to be installed in the traffic signal at the intersection of Division Street and Broadway.

Pedestrian "Walk/Don't Walk" signals shall be installed at the corners of Washington Street and Broadway and Spring Street and Broadway.

The work described in this paragraph shall be undertaken either in coordination with the building to be constructed when 61,000 new gross leasable square feet of construction has been approved for this site and being constructed.

Phase IC and D: Other than as specified herein, no off-site infrastructure improvements shall be required for the structures in these Phases.

**Phase 2 or 1b, whichever building is second on Broadway:**

The streetscape along Broadway shall be replaced, if directed by the Planning Board of the City of Saratoga Springs during PUD Site Plan approval. If directed by the Planning Board, the curbs and sidewalks from the intersection of Broadway with Congress Street on the north bounds of Congress Street to their point of intersection with the sidewalk improvements made in Phase I shall be replaced. Also, if directed by the Planning Board, the curbs and sidewalks from Broadway along the south bounds of Washington Street to the easterly boundary of the Bethesda Episcopal Church property shall be replaced.

The real property owner shall supply the City with 500 feet of two inch conduit to be installed by the City, at the City's expense, from the traffic light signal at Division Street and Broadway through the intersection of Washington Street and Broadway. The responsibility and cost for placing wiring and mechanisms within this conduit, to "hard wire"

connect traffic signals at Division Street and Broadway, and Washington Street and Broadway shall be the City's, unless that responsibility is specifically accepted by the real property owner herein.

For the construction of the structures in Phase 3 and 4, the municipal systems are adequate for the structures and uses intended and no further infrastructure improvements shall be requested, other than as specified herein, during site plan review for any of the projects.

### **Section XIII SETBACKS:**

Upon further subdivision of this property, the setback requirements shall be as exist at the time of the enactment of this legislation. Upon subdivision, parking by fee ownership or by covenants or cross-easements shall be adequate for each individually subdivided property.

### **Section XIV TIME EXTENSIONS:**

On good cause shown, the PUCD may apply for an extension of an approved PUD Site Plan which request shall not be unreasonably denied. An application for such request shall be made to the Planning Board of the City of Saratoga Springs.

### **Section XV SIGNAGE:**

A. All signs shall be part of a uniform program for the entire site and individual signage shall be compatible with respect to the architectural standards for Congress Park Centre.

B. The following types of signs may be erected with permits, but without permit fees, and maintained, providing such signs comply with the general requirements of this section:

1. (a) A single sign tower at the entrance to the site located at the intersection of Hamilton Street and Congress Street shall be permitted, provided it substantially conforms to the design presented in Appendix F. The total area of the tower signage shall not exceed 120 square feet per tower face. The sign tower may have sign panels on the south and north side of the sign tower. The sign panel shall be no higher than 41 feet from ground level and the maximum height of the tower shall be 60 feet. The sign panel will list the tenants within the site. The sign panels may be externally lighted or internally lighted. If the real property owner chooses to internally light the tower signs, then only the lettering of the sign and not the background of the sign shall be lit. In addition, incorporated as a structural feature of each of the sides of the sign tower and not exceeding 56 square feet per side, may be the name of the Centre and/or the logo representing the Centre.

(b) At the site entrance on Federal Street and Washington Street, a site identification tower sign shall be permitted. The sign shall not exceed 40 square feet per tower and may be illuminated as specified in Paragraph "B.1(a)" above.

- 2) Building sign panels on the structures on the corner of Broadway and Congress Street and Broadway and Washington Street: the four panels, one on Congress Street, one on Washington Street and two on Broadway, are allowed to be attached to the face of the buildings with each panel not exceed 190 square feet. The top of the panel may be located above the ground floor of the structure but shall be not higher than the window sill of the highest story of the structure or 45 feet above ground level, whichever height is lower. The sign panel will list the major stores and commercial units throughout the site with not more than ten entities to be listed on any panel.
- 3) Within the arcade connecting Broadway and the internal parking field for the site, a directory of tenants with site locate map may be attached to the arcade wall or placed on a free standing pedestal. The directory, with map, may be up to 120 square feet.
- 4) Horizontal sign bands may be permitted on the street facade and the internal facade of all structures. The signs shall be placed no higher than the lower sill of the second floor window or below the roof line on a single story structure. The band on which the signs are located shall be no higher than 30 inches and shall identify the tenant of the space below which it is affixed.
- 5) Below the roof line on each structure upon the site, on each facade facing a public street and on the internal facade of the structure facing the interior parking field, signage identifying the building may be constructed as an integral part of the facade or as a sign added to the facade of the structure but integral to the building design. This building identification sign may be one or two signs on each facade.
- 6) A sign marque shall be constructed in association with the cineplex. The marque shall be located on the internal side of the site and may extend over the private sidewalk. The sign shall have two faces each of which may be 120 square feet with the sign to be no higher than 40 feet above ground level. The sign may be allowed to be internally illuminated with an external grid to support individual letters not higher than 15 inches.
- 7) On premises directional signs identifying private property, restrictions, public parking, fire zones, entrances and exits signs shall be located on the external side of the site and shall not be illuminated. Each sign lettering panel shall not exceed four square feet per side. The signs may be free standing and two sided. The total square footage of the sign structure and lettering shall not exceed 6.5 square feet per side.
- 8) Temporary non-illuminated "For Rent" signs may be permitted within the windows of the site but shall be no larger than 30 percent of the window area.
- 9) An analogue clock which does not exceed 10 square feet in diameter per face

is allowed to occupy the four faces of a tower incorporated in a Broadway building design and shall not be higher than 96 feet above grade.

10) Awnings projecting over the property lines of the public street facade of the site and on the external side of the site which incorporates signage on front: Awning graphics shall only be allowed on the front flap and shall be no larger than 12 inches in height and may include logos. Signage must be of the same type, size, color as the sign band described in subparagraph (B)(4) herein and may be included only on the front of the awning. The awning on the street facade of the site may not be internally illuminated. The awning on the internal facades of the site may be internally illuminated.

11) Banners, flags or pennants may be flown from the towers upon the site and upon the internal sidewalks and parking field of the site. The flags located at ground level may be no higher than 20 feet in height. There shall be no advertising located on the banners, flags or pennants other than the site's commercial name and/or logo. The placement of these banners, flags and pennants shall be by the property owner and not the individual site tenants.

#### C. General:

##### 1) Tower Signs:

a) All of the letters, except tenant logos, will be of the same type, face and color, and the background will be a uniform color. The letters shall not be more than 8 and no less than 6 inches high. Such height limitation shall not apply to the lettering for the Centre name and logo on the tower.

##### 2) Sign Panels:

a) All of the letters, except tenant logos, will be of the same type, face and color, and the background will be of a uniform color. The letters shall not be more than 15 inches high.

##### 3) Sign Band:

a) The architectural design of the structures are allowed to include the sign band described in subparagraph (B)(4) which band would continue over all of the rental store fronts interrupted only • by architectural pilasters or columns. The signage may be no longer than 50 percent of the length of the store frontage occupied by an individual tenant. In general, the lettering, except for tenant logos, shall be the same type, face and color, and the background will be the same color as the general scheme of the building.

b) The signs shall be externally illuminated with the lettering and logo to be no more than 15 inches high.

c) Any tenant with special logos or special color signage that wishes the logo to be part of the exterior signage must apply to the real property owner for approval.

## 4) Building Identifier Signs:

- a) The letter for this sign, which is incorporated within the facade or the design of the structure, shall be no more than two feet in height.
- b) The signs may be located on any portion of the facade except that it shall not extend above the building line.
- c) The total size of all building identifier signs for each facade shall be no larger than five percent of the facade of the building side upon which they are constructed."

**Section XVI CONSTRUCTION STANDARDS:**

Unless otherwise noted in this Ordinance, all City construction standards current at the time of PUD Site Plan approval for any project, shall be met, with regard to improvements which are to be made in a public right of way or with regard to improvements that are intended to be dedicated to the City of Saratoga Springs.

All construction standards for buildings and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects or engineers. All costs associated with this shall be borne by the real property owner whether the plans are provided by the City of Saratoga Springs or by the real property owner. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith.

**Section XVII EXPIRATIONS:**

The Planned Unit Development Zoning approval of this site shall expire if:

- (a) final PUD Site Plan approval for the initial structure in Phase 1 is not granted by the City of Saratoga Springs Planning Board on or before July 1, 1995, or within six (6) months of submission of the initial PUD site plan application, whichever date occurs first; or
- (b) The Planned Unit Development Zoning legislation shall expire if a PUD site plan application has not been submitted by the real property owner by the 31st day of December 1998 for a structure located in Phase Ib; or
- (c) The Planned Unit Development Zoning Legislation shall expire if PUD site plan approval has not been granted within 24 months of submission of the application for PUD site plan approval for a structure in Phase Ib; or
- (d) Planned Unit Development building approval for the individual structures within each phase as shown on the "Sketch Plan" shall expire on December 31, 2003 if PUCD site plan approval for those individual

structures is not applied for the real property owner to the City of Saratoga Springs.

The zoning for the real property upon which a PUCD Site Plan approval has not been granted shall revert to the Zoning District in existence at the time of the enactment of this Ordinance. On good cause shown, an application for an amendment to the expiration date may be made to the City Council of the City of Saratoga Springs, which approval shall not be unreasonably withheld.

**Section XVIII VALIDITY:**

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected.

**Section XIX MODIFICATION:**

The developer may, upon approval of the Planning Board of the City of Saratoga Springs, alter, modify or change the number, placement and type of structure to be constructed within the site so long as the alteration, modification and change does not result in an increase in density for which on-site parking cannot be provided, constructed or obtained.

**Section XX EFFECTIVE DATE:**

This Ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: June 22, 1993

AMENDED: June 16, 1998  
September 1, 1998  
January 19, 1999



EXHIBIT "A"  
LEGAL DESCRIPTION

ALL THAT TRACT, PIECE OR PARCEL OF LAND situate lying and being in the City of Saratoga Springs, Saratoga County, State of New York beginning at the intersection of the south side of Washington Street and the west side of Broadway and running thence south 04 degree 53 minutes 47 seconds west, a distance of 445.94 feet to a point at the intersection of the west line of Broadway and the north line of Congress Street and running thence south 84 degrees 38 minutes 49 seconds west, a distance of 480.72 feet to a point; thence north 64 degrees 39 minutes 11 seconds west, a distance of 132 feet to a point which is the intersection of the north line of Congress Street and the East line of Federal Street; thence north 04 degrees 05 minutes, 49 seconds east, a distance of 470.44 feet to a point which is the intersection of the east line of Federal Street and the south line of Washington Street and running thence south 86 degrees 29 minutes 11 seconds east, a distance of 153.62 feet to a point which is the northwest corner of the lands now or formerly of Bethesda Episcopal Church and running thence south 03 degrees 30 minutes 49 seconds west a distance of 152.75 feet to a point which is the southwest corner of the lands now or formerly of Bethesda Episcopal Church and running thence south 86 degrees 29 minutes 11 seconds east, a distance of 193.75 feet to a point which is the southeast corner of the lands now or formerly of Bethesda Episcopal Church and running thence north 03 degrees 30 minutes 49 seconds east, a distance of 152.75 feet to a point on the south line of Washington Street which is also the northeast corner of lands now or formerly of the Bethesda Episcopal Church and running thence south 86 degrees 29 minutes 11 seconds east, a distance of 256.10 feet to the point and place of beginning.

EXHIBIT "C"

PERMITTED USES WITHIN PUCD AND USES IDENTIFIED  
FOR PARKING DEMAND

C-1 DISTRICT

PERMITTED PRINCIPAL USES UPON SITE PLAN REVIEW AND APPROVAL	ACCESSORY PERMITTED USES UPON SITE PLAN REVIEW AND APPROVAL	USES PERMISSIBLE UPON ISSUANCE OF SPECIAL USE PERMIT & UPON SITE PLAN REVIEW & APPROVAL
<ul style="list-style-type: none"> <li>*1. Animal clinic</li> <li>*2. Apparel cleaning/dry cleaning</li> <li>3. Art gallery</li> <li>4. Bakery shop</li> <li>*5. Barber/beauty shop</li> <li>*6. Bathhouse/health center/spa</li> <li>7. Boutique</li> <li>*8. Business office</li> <li>*9. Car rental agency</li> <li>*10. Churches &amp; religious institutions</li> <li>*11. Communication services</li> <li>12. Convenience sales and services</li> <li>*13. Daycare center</li> <li>14. Drug store</li> <li>*15. Eating &amp; drinking establishments</li> <li>*16. Financial institutions &amp; banks</li> <li>*17. Florist</li> <li>18. Furniture store</li> <li>19. General retail</li> <li>*20. Hotel/motel</li> <li>*21. Library</li> <li>*22. Medical offices/clinics</li> <li>*23. Museum</li> </ul>	<ul style="list-style-type: none"> <li>*1. Private garages &amp; Parking Structures</li> <li>*2. Solar/heating/ventilation equip.</li> </ul>	<ul style="list-style-type: none"> <li>*1. Bus Depot</li> <li>*2. Civic center/convention center</li> <li>*3. Fraternal lodges/clubs</li> <li>*4. Group entertainment (nightclubs, theater)</li> <li>*5. Laundromat</li> <li>*6. Satellite receiving antennas</li> </ul>

EXHIBIT "C"

PERMITTED USES WITHIN PUCD AND USES IDENTIFIED

FOR PARKING DEMAND

C-1 DISTRICT

PERMITTED PRINCIPAL USES UPON SITE PLAN REVIEW AND APPROVAL	USES PERMISSIBLE ACCESSORY PERMITTED USES UPON SITE PLAN REVIEW AND APPROVAL SITE PLAN REVIEW &	UPON ISSUANCE OF SPECIAL USE PERMIT & UPON
_____	_____	_____
		<u>APPROVAL</u>

- \*24. Neighborhood center
- \*25. Newspaper plant
- 26. Open-air market (farmers' market)
- \*27. Printing, publishing & engraving
- \*28. Professional offices
- \*29. Real estate office
- \*30. Recreational facilities (indoor)
- 31. Residential use on 2nd floor or above
- \*32. Training & educational services, classroom instruction, etc.
- \*33. Vehicular fee parking
- \*34. Visitors center

\* = Mixed use utilization for purposes of parking demand

"EXHIBIT D"

Exhibit "D" removed as per an amendment adopted on January 19, 1999.

the LA get  
Landscape Architecture  
and Engineering  
40 Lark Alley  
Saratoga Springs, NY 12158  
Tel: 518.587.4100  
Fax: 518.587.4101

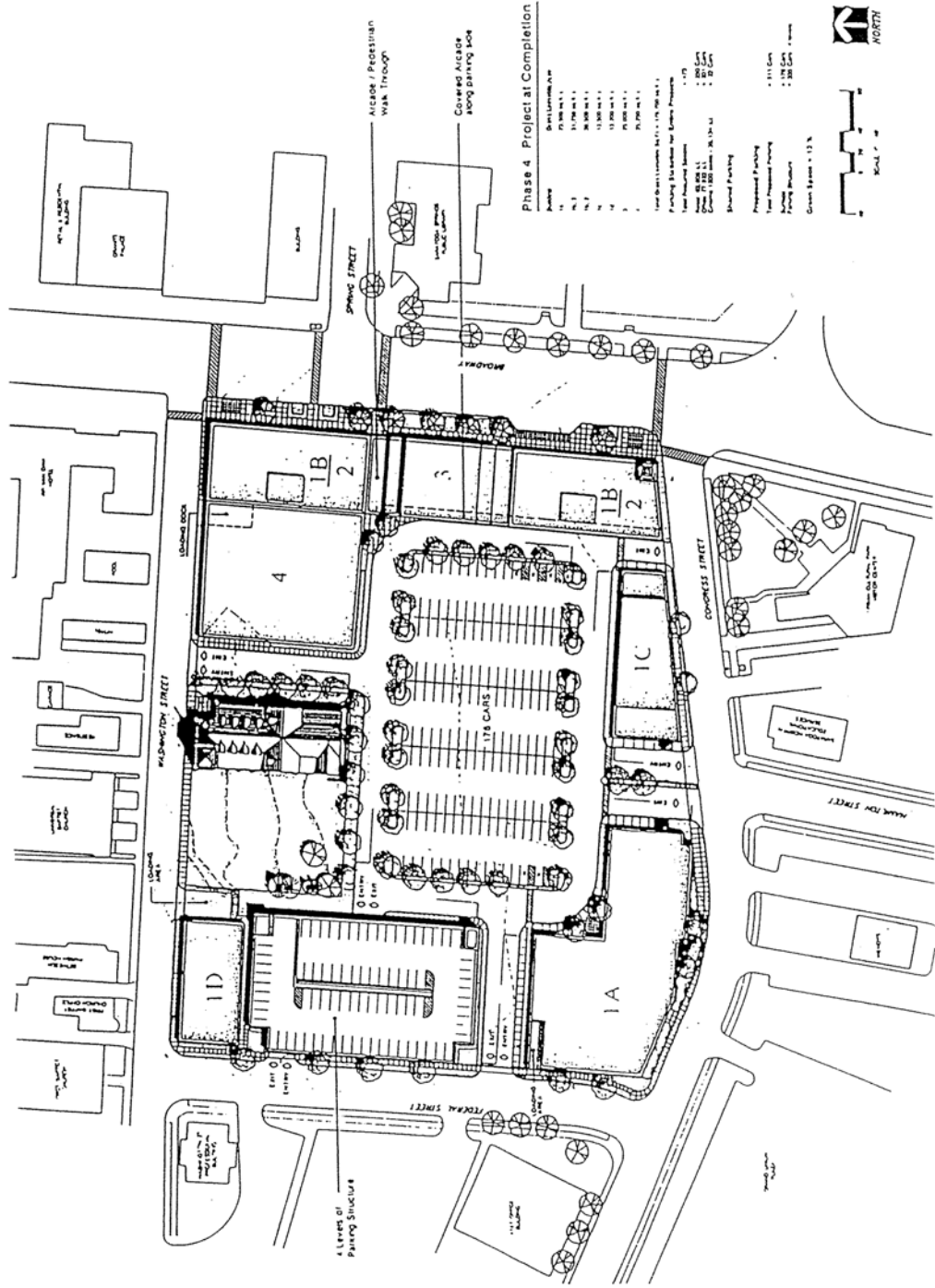


**DAUM**  
ARCHITECTS  
300 East 4  
New York, NY  
BRAUSE RI  
52 VANDERBILT  
New York, NY

Date: \_\_\_\_\_  
Drawn: \_\_\_\_\_  
Checked: \_\_\_\_\_

Congress Park Centre  
Saratoga Springs, New York

Figure \_\_\_\_\_  
EXH 11  
11/15/17



LA Group  
Landscape Architecture  
and Engineering, PC  
40 Longfellow  
Saratoga Springs, NY  
518-581-4100  
www.la-group.com



DJM  
Architect & Eng  
300 East 1st St  
Saratoga Springs, NY 12866  
518-581-4100  
www.djm.com

Design: \_\_\_\_\_  
Drawn: \_\_\_\_\_  
Checked: \_\_\_\_\_

CONGRESS PARK CENTRE  
Saratoga Springs, New York  
Sheet No. \_\_\_\_\_  
Phase 1A SITE GREEN SPACE

FIGURE  
EXHIBIT  
"E"

