

**SECTION 4(B)(3):**

~~Area B so created shall consist of 4 commercial lots with the maximum combined allowable building area not to exceed 137,000 square feet of enclosed building space.~~ Area B as described herein is calculated to have a maximum combined allowable building area not to exceed 89,500 square feet of building footprint. Of this calculation, no more than 11,000 square feet of non-residential enclosed building space, as provided for in Section 5(B) herein, shall be permitted.<sup>[GTB1]</sup>

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**SECTION 5(B)**

Allowable uses within Area B of Beacon Hill shall include the following: **[Amended 12-6-2005 by L.L. No. 7-2005; 8-7-2012 by L.L. No. 3-2012; 8-27-2013 by L.L. No. 2-2013]**

(1) Offices: business, professional, medical, governmental, financial, banks.

(2) Business signs for businesses that are located within Beacon Hill.

(3) Public utility structures.

(4) Residential living communities excluding apartments but including any of the following:

(a) Condominiums

(i) Deed restrictions shall be filed at the Saratoga County Clerk's Office which limits the ownership of units to no more than two (2) by any one entity.

(ii) A Home Owner's Association (HOA) with a Board of Directors shall be created which shall enforce the deed restrictions. The HOA Covenants Conditions & Restrictions (CC&R) shall be duly filed with the Saratoga County Clerk's Office.<sup>[GTB2]</sup>

(b) Townhouses

Deed restrictions shall be filed at the Saratoga County Clerk's Office which limits the ownership of units to no more than two (2) by any one entity.

(ii) A Home Owner's Association (HOA) with a Board of Directors shall be created which shall enforce the deed restrictions. The HOA Covenants Conditions & Restrictions (CC&R) shall be duly filed with the Saratoga County Clerk's Office.<sup>[GTB3]</sup>

(c) Single Family Homes

(5) A fifty-two-unit residential condominium which shall consist of 13 four-unit buildings, all such units containing attached garages and a parking space in front of each garage. **[Amended 12-6-2005 by L.L. No. 7-2005; 8-7-2012 by Local Law No. 3-2012](was number 4)**

(6) Day-care facilities.

(7) Church.

(8) Restaurant.

(9) Retail sales.

(10) Existing billboard signs only.

~~(11) Mixed-use building. This shall include mixing any use within Section 5B with residential dwelling units.~~

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**Appendix C  
Restrictive Covenants for Beacon Hill**

**Section 3 – Site Restrictions**

**B. Property Line Setbacks - Area B.**

1. No principal buildings or accessory structures shall be permitted within the following setbacks: **[Amended 12-6-2005 by L.L. No. 7-2005]**

	<u>All Uses Other Than Residential</u>	<u>Single-Family Lots</u>	<u>Townhouse Lots</u>	<u>Condominiums</u>	<u>Accessory Structures</u>
<u>Front Yard</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>N/A</u>
<u>Side Yard</u>	<u>10'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>
<u>Rear Yard</u>	<u>20'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>6'</u>
<u>Party Wall</u>	<u>0'</u>	<u>N/A</u>	<u>0'</u>	<u>0'</u>	<u>N/A</u>

The minimum lot width at the building line for single-family residences will be no less than 40 feet and the minimum lot width at the building line for the townhouse and condominium residences will be no less than 20 feet.

Front yard: 50'  
Side yard: 20'  
Rear yard: 20'  
2. (Reserved)<sup>30</sup>

3. No buildings or parking areas shall be permitted within 100 50 feet of the NYS Route 50 R.O.W.

**Section 4 – Architectural Restrictions**

**Area B.**

**A. Building Height.**

1. Maximum building height will be 40' (or as otherwise limited by Local Fire District regulations) to top of roof parapet or to average elevation of sloping roofs as measured from finished grade at building. **[Amended 12-6-2005 by L.L. No. 7-2005]** Irrespective of height, no building shall contain more than two (2) stories of livable space. All garages

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shall be positioned such that the access is from either the front or side of the building and no garage shall be designed in such a manner that it shall create a 3 story building.<sup>[GTB4]</sup>

<sup>30</sup> **Editor's Note: Former Subsection B2, which provided setbacks for parking areas, private roadways, access aisles and maneuvering areas, was repealed 12-6-2005 by L.L. No. 7-2005.**