

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,