

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☐ Town ☒ Village
(Select one:)

of Sackets Harbor

Local Law No. 2 of the year 20 14

A local law Village of Sackets Harbor Zoning and Subdivision Law
(Insert Title)

FILED
STATE RECORDS

SEP 02 2014

Be it enacted by the Board of Trustees
(Name of Legislative Body)

DEPARTMENT OF STATE

of the

☐ County ☐ City ☐ Town ☒ Village
(Select one:)

of Sackets Harbor

as follows:

(See attached law)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2014 of the ~~(County)~~(City)~~(Town)~~(Village) of Sackets Harbor was duly passed by the Board of Trustees on August 12 2014, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*)
on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local (Elective Chief Executive Officer*)
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Sally W. Daly

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: August 28, 2014

(Seal)

Village of Sackets Harbor

Zoning and

Subdivision Law

July 28, 2014

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- IV. GENERAL GUIDELINES**

ARTICLE I TITLE, SCOPE, AND PURPOSES

§1-1 TITLE

This Local Law is known and may be cited as "The Village of Sackets Harbor Zoning Law."

§1-2 USER GUIDE

A. Intent

This Zoning Law enables Sackets Harbor to protect the historic and rural character of the Village while also providing opportunities for traditional neighborhood and commercial development that is appropriate to this character. It is designed to enable the Village to grow according to its historic development pattern and to achieve the community's goals as expressed in the Village's Comprehensive Plan, while protecting the property interests of landowners and providing a development approval process that is predictable, efficient and fair.

B. How To Use This Zoning Law

Landowners and others who use this Zoning Law are encouraged to meet with the Zoning Officer to discuss how this Zoning Law applies to their property. For any large-scale development (a large business or a development of several homes) it is also a good idea to consult the Village's Comprehensive Plan to understand how to make a proposed development fit within the Village's vision of its future. The usual sequence of steps in using this Zoning Law is as follows:

1. Check the Zoning Map located in the Village Clerk's office, to determine what zoning district(s) your land is in, including whether or not the land is covered by the Historic Preservation (HP) Overlay District. If the land is in the HP Overlay, see sections 4-3.
2. Consult Table 1, Use Table, and the text in §3-1, along with any relevant definitions in Article XI, to determine whether your proposed use or building is allowed in that district, and what type of approval is needed to approve it. Also check the other sections that affect your proposed land use in Articles III and IV. (Many of these are referenced in the Use Table.)
3. Consult the Development Standards in Article IV to see what dimensional and other development standards apply.
4. If you have an existing use that is no longer permitted, or if your existing building or lot does not comply with dimensional standards for your zoning district, check Article VI to determine what you can do with it.
5. If the Use Table indicates that your proposed use or structure can go forward with just a zoning permit, refer to Article VII. If the use will require a Special Permit or site plan approval, turn to Article VIII for the procedures to follow.
6. If your proposed use or structure is not permitted, you may want to petition for either a variance from the Zoning Board of Appeals under §7-7 or a Zoning Amendment from the Village Board (as provided in Article VII). These options should be discussed with the Zoning Officer before they are pursued. Any zoning amendment must be consistent with the Comprehensive Plan.

§1-3 SCOPE, AUTHORITY AND PURPOSES

This local law regulates the location, design, construction, alteration, occupancy, and use of structures and the use of land in the Village of Sackets Harbor, dividing the Village into zoning districts. This Local Law is enacted pursuant to the authority and power granted by the Municipal Home Rule Law of the State of New York, Article 2, § 10 et seq., and the Consolidated Laws of the State of New York, Chapter 62, Article 16. This Local Law is enacted in accordance with the updated Village of Sackets Harbor Local Waterfront Revitalization Plan and its Comprehensive Plan, (as it may be modified from time to time), in order to protect and promote public health, general welfare, safety, comfort, convenience, economy, as well as the Village's natural, agricultural, aesthetic,

ARTICLE II LAND USE AND OVERLAY DISTRICTS

§2-1 ESTABLISHMENT OF DISTRICTS

The Village of Sackets Harbor is hereby divided into the following zoning districts:

Village Center District (VC)

The purpose of this district is to maintain and enhance the historic mixed-use character of the Village Center, while encouraging infill development that is compatible with that character, providing greater amenities to residents and a range of housing options and commercial opportunities.

Village Residential District (VR)

The purpose of this district is to maintain and enhance the residential neighborhoods surrounding the Village Center, allowing a variety of housing types, quality business development in scale with the neighborhoods, and flexibility of uses.

Rural Conservation District (RC)

The purpose of this district is to provide a greenbelt around the core area of the Village (VC, PDD, and VR Districts), to encourage agricultural uses of land, protect farmland and environmental resources, create a network of trails through the greenbelt, and to allow limited compact development that provides a reasonable return to landowners.

Planned Development Districts (PDD)

The purpose of these districts is to enable Planned Developments that were approved prior to the adoption of this Local Law to continue to develop pursuant to the approvals received and to allow new PDDs in appropriate circumstances.

Historic Preservation Overlay District (HP)

The purpose of this Overlay District is to protect the traditional character of portions of Village with important historic value, as further described in §4-3. This district includes all of the VC District and portions of the VR and PDD districts.

§2-2 ZONING MAP

- A. The boundaries of the zoning and overlay districts are hereby established on a map entitled "Village of Sackets Harbor Zoning Map." An unofficial reduction of this map is appended to this Local Law for reference purposes only.
- B. The official Zoning Map shall be kept in the office of the Village Clerk, and shall be reviewed for accuracy and updated by the Village Board or its designee at least once annually. Changes may be made in district boundaries or other matters portrayed on the Zoning Map only by a zoning amendment adopted by the Village Board pursuant to Article X of this Local Law. Such changes shall be noted by the Village Clerk on the official Zoning Map promptly after the Village Board adopts an amendment.
- C. In the event of a conflict between the zoning map in the Village Clerk's office and the specific local law adopting a zoning map amendment, the specific local law shall be the controlling authority as to the current zoning status of lands, structures and uses in the Village.
- D. An unauthorized map change made by any person shall be considered a violation of this Local Law, punishable under §7-5 of this Local Law.

ARTICLE III USE REGULATIONS

§3-1 ALLOWABLE USES

No structure or land shall be used except as provided in the Use Table (Table 1) below. See § 11-2 for Definitions of the use categories. In the event that a particular proposed use in the RC, VR, or VC districts does not fit into any of the categories shown on the Use Table for a district, and is not otherwise prohibited by law, it may be allowed by Special Permit issued by the Village Board. The meaning of the symbols on the Table is as follows:

<u>Permitted:</u>	Use permitted by right. Usually requires a zoning permit from the Zoning Officer, but does not require review by any municipal board.
<u>Site Plan:</u>	Use permitted by right, subject to Site Plan review by the Planning Board (see sections 8-6 through 8-7).
<u>Special Permit:</u>	Use permitted by Special Permit issued by the Planning Board or Village Board (see sections 8-1 through 8-5).
<u>Prohibited use:</u>	Not permitted.

A. Prohibited Uses

Any use, whether or not listed in the Use Table, is prohibited if it does not satisfy the applicable standards and criteria in this Zoning Law. The following uses are prohibited under all circumstances (existing uses may be continued pursuant to the nonconforming use provisions of Article VI): heavy industry, asphalt and plants, junkyards, and facilities for disposal of hazardous or radioactive material or hazardous or radioactive waste. In addition, within the RC District, the importation for dumping or disposal of snow or ice collected from roadways or parking lots is prohibited into or within 200 feet linear distance of any wetland or watercourse carrying water six months or more out of the year. Any actual use of land that is prohibited or illegal at the time of the effective date of this Zoning Law will not be allowed to continue as a “nonconforming use” as provided in Article VI, unless it enjoyed non-conforming use protection under the prior zoning law. For example, if a junkyard operated illegally in the past, it will not be allowed to continue.

B. Accessory Uses

Uses customarily incidental and subordinate to principal uses shown on the Use Table shall be allowed on the same basis as the principal uses (i.e. by right, or subject to site plan or special permit), unless otherwise indicated on the Use Table. Non-commercial recreational use shall be permitted as an accessory use in all districts, provided that it does not create noise, traffic, dust, odor, or other impacts that exceed those normally associated with single-family residential uses. Keeping animals as an accessory use is regulated by §3-7.

USE CATEGORY	ZONING DISTRICTS			
	Rural Conservation (RC)	Village Residential (VR)	Village Core (VC)	Applicable Section
Service Business	Special Permit ³ (PB)	Special Permit ³ (PB)	Site Plan Review	
Small Scale Business	(PB)	NA	NA	§3-1 E
(not listed elsewhere)	(PB)	(PB)		
Veterinary Hospital	Special Permit (PB)	Special Permit (PB)	Prohibited	
Warehouse/Wholesale Business	Special Permit (PB)	Prohibited	Prohibited	
Riding Academy	Site Plan Review	Prohibited	Prohibited	
Use Not Listed	Special Permit (VB)	Special Permit (VB)	Special Permit (VB)	
COMMUNITY USES				
Cemetery	Special Permit (PB)	Special Permit (PB)	Prohibited	
Educational/Charity/Religious	Special Permit (PB)	Special Permit (PB)	Site Plan Review	
Health Care Facility	Special Permit (PB)	Special Permit (PB)	Site Plan Review	
Membership Club	Special Permit (PB)	Special Permit (PB)	Site Plan Review	
Place of Public Assembly	Special Permit (PB)	Special Permit (PB)	Site Plan Review	

¹Subject to limitations on building footprint in §4-2C.

²Requires a Special Permit if more than one non-resident employee or occupies 30% of dwelling unit floor space.

³See §3-1E.

C. Mixed Use

The Village of Sackets Harbor encourages the mixing of uses where such mixing does not create land use conflicts. Accordingly, all Special Permit and/or Site Plan reviews for the same project shall be consolidated into one proceeding before the Planning Board (except where the Village Board has jurisdiction over a Special Permit). For example, if someone wants to operate a retail store with apartments above, only one application will be required.

D. Change of Use or Structure

A change of use is the initiation of a use that is in a different use category, as listed on the Use Table, from the existing use of the site or structure. A change of ownership, tenancy, or occupancy, or a change from one use to another within the same category, shall not be considered a change of use, unless the change would result in the enlargement or addition of a sign or an increase in the number of required parking spaces for the new use.

1. Permitted Uses.

Any change of use of land or existing structures to a use permitted by right without Site Plan review ("Permitted" on the Use Table) shall not require approval from the Planning Board or the Zoning Officer.

2. Uses Subject to Site Plan Review.

Any change of the use of an existing structure to a use subject to Site Plan review shall require Site Plan

2. Lots shall vary in size, shape and frontage length and shall be alternated in location along the street to avoid the appearance of uniform lot sizes.
3. The nonresidential uses of a commercial or business nature shall not exceed the square footage devoted to residential (and its accessory) uses. This shall be determined by building floor area. Such commercial or service area may be in separate buildings or incorporated within two-family or multi-family structures or in suitable combinations of these alternatives.

D. General Requirements for Planned Development Districts

A proposal must meet the following requirements to be considered for Planned Development District status:

1. Minimum Area: The proposal must include at least three (3) contiguous acres of land.
2. Ownership: The land involved may be owned, leased or controlled either by a single person or corporation, or by a group of individuals or corporations. An application must be filed by the owner, or jointly by owners, of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.
3. Location: If the applicant can demonstrate that the proposal's characteristics meet the objectives of this section, PDD may be designated in any area of the Village.
4. Community Property: Common property is not required for Planned Development Districts, however, it is often characteristic of such proposals. Common property is a parcel(s) of land, with or without improvements, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists, its ownership may be either public or private. When common property exists in private ownership, satisfactory arrangements must be presented for the improvement, operation and maintenance of the common property and facilities, including private streets, drives, parking areas, recreational and open space areas.
5. Specific Use Regulations: The Planning Board and Village Board may use the standards established for specific uses (see Article III) as a basis for approving the PDD plan.

E. PDD Procedure

Following are procedural steps that shall be followed when applying for PDD status.

1. To establish Planned Development Districts, the zoning map must be amended in accordance with the following procedures and the regulations for amendments to the zoning law.
2. Application for a Planned Development District shall be made to the Village Board by the owner(s) of the property included in the proposed PDD. A complete application must be submitted to the Village Clerk at least fourteen (14) days prior to the Village Board meeting at which the application is to be considered. The application shall consist of all the information required for a Site Plan Review, as stated in §8-6B. Within seven (7) working days of receiving the application, if the application is complete, the Village Board shall refer the application to the Planning Board for consideration.
3. The Planning Board shall review the application according to the criteria and procedure for Site Plan Review, §8-6 and §8-7, except that a public hearing by the Planning Board is not required. The Planning Board shall have a maximum of 60 days from the formal receipt of the application to make its recommendation.
4. The Planning Board shall recommend (rather than take final action) approval, approval with conditions, or disapproval to the Village Board within the same time as they would normally take final action on a Site Plan review use.
5. Within forty-five (45) days of receiving the Planning Board recommendation, the Village Board must hold a public hearing on the proposal, then deny, approve, or approve with modifications the PDD proposal.
6. If the PDD is approved, the permitted development must be confined to the specific designated area and adhere to the approved site plan. Anything different from this constitutes a violation of this zoning law.
7. In order to exceed any of the above time frames for adoption of a PDD, there must be agreement by both the applicant and the Village Board.
8. If no noticeable intent to develop has been demonstrated within one (1) year from the date PDD status is granted, the land shall revert to its former zoning status.

home occupations, up to a maximum of 500 square feet, including screened exterior storage space.

2. Home Occupation by Special Permit.

A home occupation occupying an area greater than that permitted in subsection (B)(1)(a) above or employing more than one non-resident employee may be allowed by Special Permit, provided that it satisfies all criteria for granting of Special Permits as well as all other criteria and standards in subsections (B)(3)(a) through (g) below. Such criteria shall become standard conditions of the Special Permit. In no case shall the area occupied by home occupations allowed by special permit exceed the lesser of 40% of the floor area of the primary dwelling unit or 2,000 square feet, including screened exterior storage space.

3. Standards for All Home Occupations

- a. A home occupation may be conducted within a dwelling unit and/or within accessory structures.
- b. A home occupation shall be incidental and secondary to the use of a dwelling unit for residential purposes. It shall be conducted in a manner which does not give the outward appearance of a business, does not infringe on the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units, and does not alter the character of the neighborhood.
- c. Signs used in conjunction with a home occupation shall not be animated or illuminated and shall not exceed four square feet.
- d. Parking shall be adequate for non-resident employees and customers or clients. No business vehicle larger than 10,000 pounds gross vehicle weight may be parked regularly in a location visible from a public road or neighboring properties.
- e. There shall be no exterior storage of materials, equipment, vehicles, or other supplies used in conjunction with a home occupation, unless screened from the road and from other properties.
- f. No offensive appearance, noise, vibration, smoke, electrical interference, dust, odors, or heat shall occur. The use of substances in a manner which may endanger public health or safety or which pollute the air or water shall be prohibited.
- g. More than one home occupation may be conducted on a lot, provided that the combined impact of all home occupations satisfies these criteria and standards.

§3-5 DRIVEWAYS

New driveway entrances (including the conversion of farm roads into residential or commercial driveway entrances) also shall require permission from the Village Superintendent of the Department of Public Works, the County Department of Public Works for county roads, or the New York State Department of Transportation for state roads.

§3-6 OUTDOOR STORAGE

A. Junk Vehicles

No junk vehicles, to include, but not limited to, an automobile, bus, trailer, truck, motor home, motorcycle, boat or snowmobile, or any other type of device originally intended for travel or transportation, shall be kept in the Village for a period longer than sixty (60) days unless they are enclosed within a structure or fence and are not visible from any other lot or public way.

B. Recreational and Commercial Vehicles

1. Boats, trailers, docks and other seasonal or recreational vehicles used in the previous year may be stored, maintained, or parked on a driveway or out of sight from a public street unless such location is not feasible. Any boat, trailer, dock, or other seasonal or recreational vehicle that is unregistered and has not been used for its intended purpose in the previous calendar year shall be removed immediately, or in accordance with an enforcement action taken under section 7-5.
2. Unless authorized by a Special Permit or Site Plan approved in connection with a business use, no commercial vehicle exceeding 10,000 pounds gross vehicle weight or 20 feet in box length shall be parked

which land contains farm operations and is located within five hundred feet of the property upon which the project is proposed, and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agriculture data statement.

D. Keeping Livestock as an Accessory Use

Subsections A through C above shall not apply where farm animals are kept on residential properties as an accessory use and are not part of a farm operation. See §3-7.

E. Agricultural Zoning Exemptions

Within an agricultural district as defined in Article 25AA of the New York State Agriculture and Markets Law, adopted by the County and certified by the State, the following exemptions from provisions of this Zoning Law shall apply to land and buildings on farm operations:

1. There shall be no height limits on agricultural structures, including but not limited to barns, silos, grain bins, and fences, as well as equipment related to such structures, as long as they are being used in a manner that is part of the farm operation.
2. There shall be no lot line setback restrictions on agricultural structures, except setbacks from lots that are either not within the agricultural district or lots that have existing residential uses. Agricultural structures containing animals, animal feed, or animal waste shall be set back at least 200 feet from watercourses and from lots that have existing residential uses, whether or not such residential lots are within an agricultural district. This setback requirement shall not apply to preexisting non-conforming structures.
3. Agricultural structures and practices shall not require Site Plan review or special permit approvals, except that agricultural structures with a footprint greater than 15,000 square feet shall require site plan approval pursuant to §8-6.

F. Manure Management

The storage and land application of manure for agricultural purposes shall follow reasonable agricultural practices and be in accordance with NYS DEC Regulations.

§3-9 MOBILE HOME AND CONSTRUCTION TRAILER REGULATIONS

A. Mobile home parks

1. New mobile home parks shall be allowed by Special Permit from the Village Board only within the RC District.
2. Mobile home parks shall fully comply with all standards for Conservation Subdivisions, except as follows:
 - a. The number of permitted homes in any mobile home park shall be determined as provided by the formula in §5-12, using three dwelling units per acre as the maximum allowable density.
 - b. The minimum protected open space shall be 30%.
 - c. The development shall provide playground and recreational facilities for the use of residents.
 - d. The maximum number of mobile homes in any mobile home park shall be forty.
 - e. The minimum parcel size shall be 20 acres.
 - i. All mobile homes shall be screened from view from public roads and other publicly accessible land including trails used by the public.
 - ii. All mobile homes shall be set back at least 100 feet from property lines.
3. All mobile home parks shall comply with all applicable state and federal regulations and all applicable special permit and Site Plan review standards and criteria in this Local Law. If the mobile home park will involve the creation of separate lots, the Village of Sackets Harbor Subdivision Law shall also apply.

B. Individual Mobile Homes Outside of Mobile home parks

1. Individual mobile homes permanently located outside of mobile home parks shall be prohibited, except in connection with farm operations as provided in subsection E.

1. No adult use shall be located within 1,000 feet of any single-family, two-family, or multi-family residence, or of any school, day care center, library, religious institution, lakeshore, park or other public recreation area, or recreational business.
2. No adult use shall be located within 1,000 feet of any other adult use.
3. No more than one free-standing sign, not exceeding 12 square feet, shall be permitted for an adult use in a location visible from a public street. Such sign shall be limited to the name and address of the business. One wall-mounted sign, not exceeding 12 square feet, shall be permitted on the building, provided that it complies with subsection 4.
4. Adult uses shall be set back at least 100 feet from all public rights-of-way and shall be screened from view by a buffer at least 50 feet wide consisting of trees and shrubs.

§3-12 UNSAFE AND DANGEROUS BUILDINGS

Dangerous or unsafe buildings are governed under Local Law (see Local Law No. 4 of 1996 or current local law).

§3-13 ALTERNATIVE ENERGY GENERATING SYSTEMS

A. Energy Systems

All alternative energy systems may be allowed by Special Permit of the Village Board. As exceptions, the following do not require a zoning permit:

1. Standby generators for temporary use during power outages, and
2. Indoor wood or wood pellet burning stoves.

B. Outdoor wood-burning furnaces are prohibited by Local Law (see Local Law No. 3 of 2008 or current local law).

§3-14 WATERFRONT STRUCTURES

A. Purpose and Scope

The purpose of this section is to protect and preserve the natural and historic resources of the Village's harbor, waters and shores; to promote and preserve the public's access to the Harbor, Black River Bay and Lake Ontario for recreational and commercial uses; to protect the waters abutting the Village and their unique and sensitive environmental and aesthetic qualities; and to promote and protect the public's safety, health, comfort and general welfare. Some of the specific goals of this section of the local law include:

1. To ensure that development and land-use activity along the shorelines of Lake Ontario and Black River Bay are consistent with the policies, purposes and objectives of the Sackets Harbor Local Waterfront Revitalization Program (LWRP).
2. To provide sufficient space in appropriate waterfront locations for recreational activities, certain commercial activities and other water-dependent and/or water-enhanced uses, in order to meet the recreational needs of the Village of Sackets Harbor's present and future populations.
3. To recognize the sensitivity of waterfront areas as unique environmental and recreational resources and to protect those areas from environmentally destructive uses and activities.
4. To provide for a desirable mix of water-oriented commercial uses and active and passive recreational opportunities that take advantage of the unique locations and characteristics of the Village's waterfront areas.
5. To encourage development that is appropriately designed and in harmony with the environment and that does not conflict with the preservation of the natural beauty of the Village's water areas.
6. To permit development in areas which, by virtue of their location, topography, accessibility, relationship to surrounding land uses, zoning patterns and natural utilities, are best suited for a particular purpose; and, to preserve areas that are naturally unsuited for development or that have unique historical, aesthetic or environmental significance.
7. To encourage a flexibility of design, preservation of unique environmental features, and maintenance of the aesthetic quality of waterfront areas by permitting the Village Planning Board to establish minimum dimensional requirements, and to review other pertinent design aspects of such proposed projects.

- for each additional 50 feet or portion thereof of water frontage.
10. The number of piers, docks or wharves permitted for each waterfront lot used for multi-family, homeowner's associations, condominiums, townhouses or similar uses shall not exceed those necessary to provide two (2) boat slips per residential unit. Such docks shall not be developed or configured on the site in any manner that adversely affects existing environmental conditions or natural features, or negatively impacts navigation or riparian rights of others.
 11. Setbacks
 - a. Water Structures. Every structure constructed shall have a minimum clearance or setback of twenty (20) feet from an imaginary boundary line in the water which runs perpendicular to the shoreline at shore terminus of the boundary line between separate littoral lots. The Planning Board may establish another angle, other than perpendicular for the imaginary boundary line in the water between littoral lots, if the Planning Board specifically finds that the establishment of the imaginary boundary line in the water at an angle other than perpendicular will not adversely impact on the riparian rights of other littoral landowners.
 - b. For lots on the shoreline of Lake Ontario, all principal and accessory buildings and structures, other than fences, seawalls, decks, gazebos, docks, boathouses, and storage sheds for boats and related equipment, shall be set back the average distance from the one hundred year flood line of the principal building on the immediately adjacent parcels, or thirty (30) feet, whichever is greater.
 12. During the hours of darkness structures that are one hundred (100) feet or longer must be lighted and marked in such a manner so as to not constitute a hazard to navigation. Lighting must not be confused with navigational lighting, and must meet U.S. Coast Guard standards.
 13. Lighting of the surface of any structure shall be provided in such a manner so as not to produce any offensive glare when viewed from the water or the land. The use of low-mast lighting fixtures and deflector shields to direct the light downward may be required to reduce or eliminate glare.
 14. The owner or operator of a marina or harbor may be required to furnish information concerning water quality, current patterns and intensities of boat activity, shoreline alterations, and any other conditions which may be altered by the construction of the marina or boat basin for a period of one year after completion of the facility.
 15. The approval of the installation and operation of aeration systems, bubbling systems or other ice prevention systems shall be subject to the approval of the New York State Department of Environmental Conservation. In the event that such systems are permitted to be installed, the property owner shall be responsible for installing warning signage, of a size and location to be determined by the Planning Board, on the water surface of the Village of Sackets Harbor, during the winter months.
 16. For all signs and structures, other than simple docks, to be located in or on the waters adjacent to or substantially contiguous to the Historic Preservation Overlay District as established by the Zoning Law, shall be designed, constructed and operated in conformity to and in compliance with the criteria contained in the Zoning Law relating to the Historic Preservation Overlay District. It is the intent and purpose of this subsection to require all signs and structures, other than simple docks, to comply with the Zoning Law's Historical Preservation Overlay District's criteria and requirements in the same way and manner as if those signs and structures were located on the lands within the Historic Preservation Overlay District.

B. Building Placement

1. Front facades shall be built parallel to the street with a minimum frontage setback as specified on Table 2.
2. When building a new building on a lot where there are existing buildings on one or both adjoining lots, the front setback may match one of the existing adjacent lot setbacks rather than the setback specified in Table 2.
3. Corner lots shall be deemed to have two front yards, two side yards, and no rear yard.

C. Maximum Building Footprint

No new building used for business purposes shall exceed 5,000 square feet in building footprint. The Planning Board may waive this limitation in the case of a hotel, conference center, grocery store, or place of public assembly, or other use if it determines that such use contributes significantly to the economy and/or character of the Village. In order to receive such a waiver the applicant must demonstrate that the proposed building satisfies all applicable design standards and guidelines, is consistent with the intent and purpose of this Zoning Law, and will not adversely affect the quality of public spaces, including the streetscape, public parks, and other places for public gatherings.

D. Allowable Encroachments

1. Steps and stairs may encroach up to four feet into a required side or rear setback area, provided there is adequate access without trespassing on an adjoining parcel.
2. Cornices, eaves, and other similar architectural features may encroach up to three feet into any required setback area.
3. Bay windows and other similar enclosed building elements may encroach up to 2 feet into a required setback area.
4. Where the minimum front setback is zero, building overhangs such as trellises, canopies and awnings may encroach horizontally into the public right of way up to a maximum of 6 feet, provided that such overhangs have no vertical supports and are at least 8 feet above the sidewalk grade.
5. An open or enclosed carport shall be considered a part of the building in determining compliance with setback requirements.

E. Setbacks for Accessory Structures and Uses

Any accessory structure attached to a principal building, and any detached barn, garage, stable, tennis court, or swimming pool shall comply with the setback requirements applicable to the principal building. Other detached accessory structures or uses may encroach halfway into required setback areas provided that they:

1. Are not used for human habitation;
2. Have a footprint no larger than 120 square feet;
3. Do not exceed 12 feet in height;
4. Are not used for housing animals.

F. Setback Exceptions for Fences (Including Hedges) and Walls

1. The setback requirements of this section shall not apply to retaining walls of any height, to hedges, or to permitted fences.
2. See section 4-8 for additional regulations on fences and walls.

G. Setbacks for Shoreline Lots

For lots on the shoreline of Lake Ontario, all principal and accessory buildings and structures, other than fences, seawalls, decks, gazebos, docks, boathouses, and storage sheds for boats and related equipment, shall be set back the average distance from the one hundred year flood line of the principal building on the immediately adjacent parcels, or thirty (30) feet, whichever is more. The yard along the street shall be considered the front yard. Waterfront construction shall comply with local law No. 4 of 1985 regulating flood hazard zone construction. See also §4-8.

- a. Are consistent in architectural style and detail with the structure,
 - b. Use materials appropriate for the same period and architectural style of the original structure or different materials provided that the materials are of the same style and dimensions and on a list approved by the Planning Board, and
 - c. Comply with the design guidelines of subsection F below.
- 3. Demolition: See section 4-10.
- 4. Relocation: An historic building or structure may be relocated provided that the Planning Board finds that all of the following circumstances apply:
 - a. Relocation is the only remaining alternative to demolition.
 - b. Relocation is the only means of obtaining a reasonable return on the property.
 - c. Every reasonable effort is taken to:
 - i. Relocate the structure to another property within the HP Overlay district where its historic character and architectural styles would be compatible; however, in the event there is no suitable location within the HP Overlay, the structure may be relocated to a location outside the HP Overlay, and
 - ii. Give maximum protection to important architectural features or elements as well as the structural integrity and stability of the subject building or structure during the actual moving.
- 5. New Construction in the Historic District:
New structures shall be permitted if they are consistent in architectural style and detail with surrounding structures and contribute to the historic character of the HP Overlay District as determined by the Planning Board.
- 6. Other Non-Structural Activities: The following standards shall apply to all properties within the Historic Preservation District:
 - a. Blasting, tunneling, trenching and other excavation, filling and grading shall be allowed on or adjacent to historic properties to the extent that such activities do not threaten historic buildings or structures by subjecting their foundations to heavy vibrations, leaching from poor drainage, or stress from undermining, erosion, exposure, or otherwise weakening their load bearing capability.
 - b. Paving, fencing, landscaping, and lighting on or adjacent to properties with historic structures, shall be allowed to the extent that:
 - 1. Paving is:
 - a. Limited to driveway and rear parking areas when available
 - b. Screened as much as possible by low shrubs, hedges, or other plantings whenever located in the principal view (typically the front) or any other significant view of an historic property as seen from a public property or right-of-way;
 - c. Undertaken so as to ensure positive drainage away from the foundations of historic buildings or structures;
 - d. Done in a manner that avoids removal of mature trees, hedges or other plantings, benches, walkways, or any other exterior features which contribute to the property's historic value.
 - 2. Fence height, type of construction, and growth characteristics of plantings may not block or seriously obscure the principal view (typically the front) or any other significant view of an historic property as seen from a public property or right-of-way. Fencing on or adjacent to historic properties shall be of materials that are in keeping with the historical structure, site or area and shall comply with the provisions of section 4-8.
 - 3. Light levels are no more than necessary for security and safety, avoiding intensity or glare uncharacteristic of the era from which the structure, site or area derives its historical significance. Whenever practical, lighting fixtures for historic properties should be compatible with the historic character of the surrounding area.
 - 4. Regulated signs on or adjacent to properties with historic structures, shall comply with the provisions of §4-7 of this Local Law.

§4-4 SPECIAL REGULATIONS OUTSIDE THE HP OVERLAY DISTRICT

A. Purpose

The Village of Sackets Harbor has developed over the years following a traditional growth pattern for a core business district surrounded by residential neighborhoods, and rural, open spaces. The residential neighborhoods display a variety of architectural styles including Federal, Georgian, Greek Revival, Victorian, Craftsman, and Cape Cod. This traditional growth pattern with its variety of architectural styles significantly contributes historically, educationally, culturally, and economically to the character of the Village and the general welfare of the public. It is a matter of public policy that the protection, enhancement, perpetuation and use of these two key elements is a public necessity required in the interest of the welfare and prosperity of the people of Sackets Harbor.

B. Procedures

1. The Zoning Officer shall review all applications for new construction, and applications for the demolition of principle buildings and accessory buildings greater than 120 sq. ft.
2. The Zoning Officer shall review to ensure that:
 - a. the style of the new building is substantially similar to the prevalent style of any existing buildings on the property,
 - b. the buildings are aligned on the lot in a traditional manner,
 - c. the building will be constructed and finished in a traditional manner,
 - d. the building or project overall is generally consistent to the surrounding neighborhood,
 - e. the building or project does not significantly detract from the character of the Village, and
 - f. a structure proposed to be demolished was not constructed prior to January 1, 1940.
3. If the Zoning Officer determines that the building or project fails to meet any of the above criteria, the application shall be referred to the Planning Board. If the Zoning Officer determines that a structure proposed to be demolished was constructed prior to January 1, 1940, the application shall be referred to the Planning Board and notice given to the Village Board. (See section 4-10). Minor accessory/appurtenant non-residential structures proposed to be demolished are exempt from the requirements of this section.
4. If upon initial review of the application, the Planning Board determines that the application fails to meet any of the criteria in subsection 2 above, it may require that the application be submitted for site plan review.

§4-5 GUIDELINES FOR THE RC DISTRICT – See Appendix IV. B.

§4-6 PARKING

A. Purpose

Large and highly visible parking areas represent one of the most objectionable aspects of commercial and multi-family development. Such parking lots damage the historic layout and architectural fabric of the Village, harm the natural environment and visual character of the community, interfere with pedestrian safety and accessibility, and reduce the quality of life. However, inadequate parking can diminish quality of life by creating traffic congestion, safety hazards, and inconvenience. The Village therefore seeks to balance the need for adequate parking with the need to minimize harm resulting from the provision of parking, and to avoid the negative impacts of excessive parking lot construction.

B. Required Spaces

All uses in every district shall meet the following off-street, non-municipal parking requirements. Uses may have off-street, off-site, non-municipal parking, but only within the Village Core. Non-conforming uses (with respect to parking) may change to other uses without meeting all the requirements of this section if the Planning Board grants approval under subsection E of this section.

portion of a lot to the Village for municipal parking purposes. Land dedicated for parking shall be treated as part of the original lot for purposes of calculating minimum lot size and required setbacks from property lines.

F. Relief from Parking Requirements

The number of parking spaces required may be reduced by the Planning Board based upon one or more of the following considerations, except that a reduction in the number of required spaces in the Village Core also must be approved by the Village Board. Any decision to reduce parking requirements shall include written findings indicating the basis for such reduction. Criteria to consider in reducing parking requirements shall include:

1. The maximum number of vehicles that would be driven to the use at times of peak usage.
2. If the building includes mixed uses, the potential for sharing parking spaces among the different uses in the building.
3. The size of the structure(s) and the site, and physical limitations of the site.
4. The historic importance and sensitivity of the site.
5. The availability of on-street parking.
6. The availability of municipal off-street parking within the District of the proposed use.
7. Hardship to the owner or operator in securing off-street parking.

G. Guidelines for Parking Areas for Non-Residential and Multi-family Residential Uses See Appendix V. C.

§4-7 SIGNS

A. Exempt Signs

The following types of signs may be erected and maintained without permits or fees, provided that such signs comply with subsection 4-7 C. and with all other requirements of this local law. As used in this subsection A, the term "residential uses" shall include mixed-use lots on which at least 50% of the floor area is residential. Within the Historic Preservation Overlay District, this exemption shall apply only to temporary signs and to those permanent signs listed in subsections 1(a), and 1(c) below.

1. Permanent Signs
 - a. Signs not exceeding one square foot in area and bearing information such as property numbers, postal route box numbers, or names of occupants of premises, or posting property boundaries, to include "No Trespassing" signs.
 - b. Subdivision or Multiple Dwelling Project Name Signs. One non-illuminated sign not to exceed twenty (20) square feet in area per exclusive entrance to a subdivision or Multi-family dwelling Project, such signs may identify the subdivision or Project name.
 - c. Flags and insignia of any government.
 - d. Public Information Signs. Signs providing noncommercial information to the public, whether installed by commercial or non-commercial entities, including community service information signs, public utility information signs, safety signs, danger signs, no trespassing signs, signs indicating scenic or historic points of interest by public or non-profit institutions, traffic control signs, directional parking signs, and all signs erected by a public officer in the performance of a public duty. Such public information signs shall not exceed eight (8) square feet in area.
 - e. One on-premise sign, either free-standing or attached, in connection with any residential building, for permitted professional offices or home occupations, not exceeding four (4) square feet and set back at least ten (10) feet from the highway right-of-way. Such signs may state name and occupation. Illumination shall not produce a direct glare beyond the property line.
 - f. One sign or bulletin board per street-front, not exceeding an area of twenty (20) square feet for the entire structure, setting forth the name of any public, non-commercial, charitable, or religious institution when located on the premises of such institution. The area of the sign includes the sign

utility poles, bridges, culverts, or other road or utility structures, except for signs not exceeding one (1) square foot posting property boundaries. No permanent signs shall be placed on municipally owned property without permission of the Board of Trustees.

4. All signs shall be kept in good repair. Painted surfaces shall be kept neatly painted at all times.
5. Within the VC and VR Districts there shall be no more than one (1) square foot of cumulative sign area per lineal foot of building frontage on a public street or alley. For corner lots or buildings with both alley and street frontage, each facade shall be treated separately (i.e. frontages may not be combined). The Maximum amount of total sign area per frontage shall be 50 square feet.
6. Projecting signs shall not exceed twenty (20) square feet in area. The bottom of such signs shall be no lower than ten (10) feet and no higher than sixteen (16) feet above a sidewalk or public right-of-way.
7. Signs advertising an establishment or institution that has closed permanently shall be removed within three (3) months of such closure.
8. Any sign authorized in this section may contain an alternative message constituting a form of expression in lieu of other content.
9. The Zoning Board of Appeals, after a public hearing, may grant variances from the requirements of this section.

§4-8 FENCES AND WALLS

- A. Fences and walls are permitted accessory structures in all districts, subject to any required site plan approval and the following regulations. Other regulations may apply to specific uses.
- B. Materials shall only be wood, metal, brick, and/or native fieldstone, or synthetic equivalent similar in appearance to original or natural materials and constructed in a traditional manner and style, except that:
 1. An inconspicuous wire mesh may be attached to the inside of a fence for the purpose of containing animals or children.
 2. Chain link fencing is only permitted to enclose a private or public tennis court, a public basketball court, and uses, such as pools, that require this type of fencing for safety and security.
- C. Height shall not exceed four (4) feet in a front yard or six (6) feet elsewhere, except that a fence may be higher than six (6) feet if it encloses a utility site, swimming pool, or construction site, if it separates a commercial use from a residential use, or if changes in grade between adjoining properties make a higher fence appropriate. Regardless of the foregoing, no front yard fence may exceed five (5) feet, and no other fence may exceed eight (8) feet. No fence or wall between the principal building and the lakeshore (i.e. the "lake yard") shall be greater than four (4) feet in height.
- D. All solid fences shall be installed so that the finished side shall face outward; all bracing shall be on the inside of the fence.
- E. A fence or wall located, constructed, or maintained in an easement or right-of-way, shall not be constructed in a manner that causes a safety hazard or obstructs immediate and full access.

§4-9 GENERAL ENVIRONMENTAL PERFORMANCE STANDARDS

A. Compliance with Performance Standards

No use shall hereafter be established, altered, moved, or expanded unless it complies with the performance standards set forth in this section. Continued conformance with such standards, once applicable, shall be a requirement for the continuance of any use.

B. Purpose of Performance Standards

Consistent with the general purposes of this Local Law, performance standards shall set specific controls on potentially objectionable external aspects of all uses in order to:

1. Reduce to a reasonable minimum the dissemination of smoke, gas, dust, odor, or other atmospheric pollutants outside the building in which the use is conducted.

A. Determination of Architectural Significance

If the Planning Board confirms that the structure was constructed prior to January 1, 1940, then it shall determine, after site plan review, whether it has architectural or historic significance. "Significance" includes having particular important associations within the context of the architecture, history or culture of Sackets Harbor, the region, state or nation, and may include listing as "contributing" on the State and National Registers of Historic Places. The Planning Board will refer the application, with its findings as to architectural or historical significance and recommendations as to demolition, to the Village Board.

B. Structures with No Architectural or Historic Significance

The Village Board may approve an application for demolition if it finds that the structure proposed to be demolished has no historic or architectural significance.

C. Structures with Architectural or Historic Significance

The Village Board may approve demolition of a structure determined to have historical significance, upon the recommendation of the Planning Board, if the applicant demonstrates with adequate documentation that it meets the criteria below, and the Village Board finds that its removal or demolition would not be detrimental of the public interest given its architectural or historic significance.

1. If the Planning Board has determined that structure has architectural or historical significance, the applicant must demonstrate "good cause" as to why such structure cannot be preserved, and support its application with detailed and thorough documentation as follows:

- a. The applicant shall document "best possible" efforts in seeking an alternative that will result in the preservation of the structure including consultation with the Planning Board and Village Board. "Best possible" efforts shall include exploration of all potential uses, funding sources, public programs, and outreach to all relevant private and public entities. The relocation of structures may be permitted as an alternative to demolition;
- b. The applicant shall document efforts to find a purchaser interested in acquiring and preserving the structure. Documentation shall show aggressive efforts to advertise and market the structure over a significant period of time;
- c. The applicant shall demonstrate that the structure cannot be adapted for any other permitted use, whether by the current owner or other owner, which would be economically feasible to maintain; and
- d. For structures with commercial value, 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.
- e. Application for demolition of a structure with historic or architectural significance shall include acceptable post-demolition plans for 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 proposed project.

2. The Planning Board shall hold a public hearing on an application for demolition of a structure with historic or architectural significance. If the Planning Board determines that the applicant has met the criteria for demolition sufficient to justify a recommendation for approval of the application, it shall forward the application with its recommendation to the Village Board for final decision.

approval of any and all completed improvements and submission of all final bills to the Village for its administrative expenses incurred as a result of the applicants proposed subdivision, all unused funds or proceeds from a surety bond shall be refunded to the applicant.

§5-2 REVIEW AND APPROVAL PROCEDURE

A. General

1. Minor subdivisions shall be processed in the following stages:
 - a. Sketch Plan Conference is optional at the discretion of the subdivider
 - b. Application
 - c. Public Hearing
 - d. Final Plat Approval
2. Major subdivisions shall be processed in the following stages:
 - a. Sketch Plan Conference is optional at the discretion of the subdivider
 - b. Application
 - c. Public Hearing
 - d. Preliminary Plat Approval
 - e. Second Public Hearing
 - f. Final Plat Approval

B. Pre-Application Procedure

Prior to the preparation of and the submission of a plat for approval, the subdivider should proceed to gather the necessary information and data on the existing conditions at the site. The subdivider should study the site suitability and opportunities for development, discuss financing, planning and marketing with lending institutions, and he should develop with his licensed land surveyor a preliminary layout in sketch form, which in turn should be submitted to the Planning Board for advice and assistance and should include a preliminary environmental assessment form (EAF).

C. Sketch Plan Conference

If the subdivider wishes to have a sketch plan conference, the subdivider should request an appointment with the Planning Board for the purpose of reviewing the sketch plan at least two weeks in advance of regular meeting. The Village Clerk will notify the subdivider of the time, date, and the place that the Planning Board will meet to consider and review such sketch plan and the program as they relate to the Comprehensive Plan, design standards, and improvement requirements. This meeting is intended to assist the subdivider in the planning and preparation of the preliminary or final plat to save both time and money in preparing maps and plans. The plan will be classified as a minor or major subdivision. A minor subdivision may proceed directly to preparation of a final plat without submission and approval of a preliminary plat, which shall be required for a major subdivision. This step does not require formal application, fee or filing with the Planning Board.

D. New York State Department of Health

New York State Department of Health approval is required for any subdivision containing five (5) or more lots. Early contact by the subdivider with this Department is essential to Planning Board acceptance of a subdivision application.

E. Preliminary Plat

1. Application. All major subdivisions shall be subject to the Preliminary Plat requirements, as specified herein. The subdivider shall file an application for approval of the Preliminary Plat on forms available at the Village Office accompanied by all documents specified in section 5-3 herein.
2. Review of Subdivision. Following the review of the Preliminary Plat and supplementary material submitted for conformity to this Law, and following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made the Planning Board shall hold a public hearing. This hearing shall be held within forty-five (45) days of the determination by the Planning Board that the application is

duly authorized officer of the Planning Board. Conditional approval of a final plat shall expire one hundred-eighty (180) days after the date of the resolution granting conditional approval unless all conditional requirements have been met. The Planning Board may, however, extend the expiration time not to exceed two additional periods of ninety (90) days each.

6. Filing of Plats in sections. Prior to granting conditional or final approval of a plat in final form the Village Planning Board may permit the plat to be subdivided into two or more sections and may, in its resolution granting conditional or final approval, state that such requirements as it deems necessary to insure the orderly development of the plat be completed before such sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the Board, shall be granted concurrently with conditional or final approval of the plat. In the event the owner shall file only a section of such approved plat in the Office of the County Clerk or register, the entire approved plat shall be filed within thirty (30) days of the filing of such sections with the Village Clerk. Such section shall encompass at least ten (10) percent of the total number of lots contained in the approved plat and shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of section 7-728 of NYS Village Law.

§5-3 DOCUMENTS TO BE SUBMITTED

A. Information Required for all Plat Submissions

1. Name and address of the owner, agents, and professional advisers, including license numbers.
2. Map of property drawn to scale, at a scale of one (1) inch to fifty (50) feet, or one (1) inch to one hundred (100) feet, displaying the following information:
 - a. Subdivision name, linear scale, north arrow and date, and any revisions.
 - b. Subdivision boundaries.
 - c. Property boundaries and names of owners within 150 feet.
 - d. Existing and proposed street, utilities, structures, and proposed demolitions.
 - e. Water courses, marshes, wooded areas, public facilities and other significant physical features on or near the site.
 - f. Proposed pattern of lots, including lot widths and depths, street layout, open space, drainage, water supply, and sewage disposal facilities.
 - g. Land contours, existing and proposed, at one (1) foot intervals, or as required by the Planning Board in consultation with Village Engineer.
 - h. Subsurface conditions on the tract, if required by the Board: Location and results of tests made to ascertain subsurface soil; rock and ground water conditions; depth to ground water unless test pits are dry at a depth of five (5) feet; location and results of solid percolation tests if individual sewage disposal systems are contemplated.
3. Copy of tax map(s).
4. Existing restrictions on the use of land including easements, covenants and zoning.
5. Total acreage of subdivision and number of lots proposed.
6. Building types, approximate size and cost at time of application.
7. All applications shall be submitted in paper and digital format acceptable to the Planning Board.
8. All plans shall be stamped and signed by an appropriate professional, licensed in New York State.

B. Minor Subdivisions

The following shall be submitted with all applications for approval of a Final Plat for a minor subdivision:

1. One (1) copy of the plat to be submitted to the County clerk, drawn with ink on appropriate material, plus two (2) paper copies.
2. Information specified under section 5-3 A, updated and accurate.
3. Sufficient data acceptable to the Planning Board to readily determine the location, bearing and length of every street line, lot line and boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.

certificate of approval of the Village Attorney as to their legal sufficiency.

7. Permanent reference monuments shall be shown and constructed in accordance with Planning Board specifications.
8. Approval of the NYS Department of Health of water supply systems and sewage disposal systems proposed or installed; and approval of the NYS Department of Environmental Conservation of sanitary main extensions and water main extensions.
9. An approved EIS or EAF, as required.
10. Construction drawings including plans, profiles, and typical cross sections, as required, showing the proposed location, size and type of street, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewer or septic systems, storm drains or ditches, completed SWPPP with NOI, pavements, and sub-base and other facilities in conformance with Village standards.
11. Evidence of legal ownership of the real property which is subject of the final plat.
12. Deed restrictions, existing and proposed in form for recording.
13. A certificate by the Village Subdivision Inspector certifying that the subdivider has complied with one of the following alternatives:
 - a. All improvements have been installed in accord with requirements of this Law and with the action of the Planning Board giving approval of the preliminary plat, or
 - b. A performance bond or certified check has been posted in sufficient amount to assure such completion of all required improvement.
14. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in enforcement of this Law.

E. Waiver of Submission Requirements

When an application concerns a subdivision of uncomplicated nature, such as a small subdivision along an existing street that requires no installation of public facilities, the planning Board may waive certain submission requirements it deems appropriate.

§5-4 DESIGN, STANDARDS AND REQUIRED IMPROVEMENTS

A. Street Design Standards

1. Conformity with the Comprehensive Plan. The arrangement, width, location and extent of all major streets and minor streets shall conform and be in harmony with any official map adopted pursuant to Article 7 of the Village Law, and the Comprehensive Plan. The intent of this Local Law, the Village of Sackets Harbor Zoning Law, any other relevant Local Laws of the Village and any officially adopted map of the Village are collectively referred to herein as the Comprehensive Plan. Streets not in the Comprehensive Plan shall conform to the recommendation of the Planning Board based on existing and planned streets, topography, public safety, convenience and proposed uses of land. The Superintendent of the Department of Public Works and Village Engineer shall be consulted by the Planning Board for an advisory opinion before the approval of any new street.
2. Location. When a proposed subdivision is adjacent to or contains a State Highway, the Planning Board may seek information from the New York State Department of Transportation as to the status of said highway in reference to right-of-way and direction. The Planning Board may require a marginal street approximately parallel to and on each side of such right-of-way at a distance suitable for an appropriate use of the intervening land as for park purposes in residential districts, or for commercial or industrial purposes. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separation.
3. Intersections. Streets shall intersect one another at angles as near to a right angle as possible, and no intersections of streets at angles less than eighty (80) degrees shall be approved. Street intersections shall be rounded with a minimum radius of thirty-four (34) feet measured at right-of-way line when said intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of radius acceptable to the Planning Board. Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall be prohibited.

§5-7 UTILITIES

Public utilities will be required and shall be installed at the expense of the development as follows:

1. Fire Protection: All hydrants shall be constructed in a manner and with materials approved by the Village Engineer or the Village Board to ensure consistency with existing systems.
2. Street Lighting: Poles, brackets and lights to be of size, type and locations approved by the Planning Board and the local power company. Developer shall contact the local power company to ascertain location of poles, lights and transformers, wiring, and any other requirements mandated by the power company.
3. Electricity: Power lines shall be placed underground and shall be approved by the Planning Board and the local power company. Developer shall contact the local power company for locations and other requirements of transformers and other equipment.
4. Utility Service: The local power company shall be contacted for verification and location of power transformers and contractor requirements for individual dwelling services.
5. Cable Television: Cable television lines shall be placed underground. Developer shall contact the local cable company for locations of other requirements (telephone).

§5-8 WATER SUPPLY

Potable water for domestic, commercial and fire protection use will be required and shall be installed at the expense of the development as follows:

1. All water mains and lines, as shown on the preliminary plan shall be installed from each lot to the municipal supply. Where no municipal supply is available, it must be furnished by the subdivider on a project or individual lot basis. All water lines, shall be buried not less than five (5) feet underground.
2. All piping required for transmission and distribution must, conform to current AWWA Standards and Specifications and must conform to New York State Department of Health regulations.
3. All water mains and service laterals shall be constructed in a manner and with materials specified by the Village Engineer or Village Board.
4. Curb stops shall be provided for each residence and each residence shall be metered at the developer's expense, with meter specified by the Planning Board upon the advice of the Superintendent of Public Works.
5. Except where noted above, all provisions from Recommended Standards for Water Works, Part Eight (8) "10 States Standards" shall prevail.
6. All water supply systems shall be approved and built in accordance with any other specification or requirement set forth by the Village Engineer and approved by the Planning Board. The mains and service laterals to the curb stop will be dedicated to the Village for ownership and maintenance. The sanitary lateral from the clean-out to the structure is the responsibility of the property owner.

§5-9 SEWER

1. All necessary mains and laterals for connection from the lots to public sewage system as shown on the preliminary plan shall be installed by the subdivider at his expense. All gravity sewers and force mains shall be constructed in a manner and with materials specified by the Village Engineer or Village Board.
2. If public disposal is not available (for whatever reason), such private facilities must be installed by the subdivider in accordance with all prevailing New York State Department of Health and Department of Environmental Conservation rules and regulations. Any and all local regulations must also be adhered to.
3. Dry sewers may be required in those parts of the Village deemed to have sufficient population density or potential to merit community sanitary sewer systems in the future. Such requirements shall be in harmony with the Comprehensive Plan for the Village.
4. Sanitary and storm sewers shall be separated.
5. All provisions of Article 20 "Design of Sewers" from the text "Recommended Standards for Sewage Works" shall prevail.
6. Where feasible, and subject to Village Board approval, all proposed storm sewers shall tie to existing Village infrastructure.
7. Any other details or specifications suggested by the Village Engineer and approved by the Planning Board shall be complied with.
8. The sanitary mains and laterals up to the clean-out at right-of-way will be dedicated to the Village for ownership

design and development of land in order to promote its most appropriate use and to preserve important natural features and resources, wildlife habitat, water resources, ecological systems, and scenic areas for the benefit of present and future residents as permanent open space. A cluster subdivision plan involves grouping development on one or more portions of a parcel and modifying the minimum lot, area, setback or frontage requirements in order to achieve one or more of the goals stated in the criteria in subsection C.

C. General Criteria for Cluster Subdivisions

The planning board may allow, or require, cluster development when the proposed development will:

1. Be in harmony with the general purpose, goals, objectives, standards of the comprehensive plan and this law,
2. Provide long-term protection of natural and man-made resources identified in the Comprehensive Plan, as well as for facilities and amenities that would benefit the community,
3. Provide for the more economical and efficient provision of municipal utilities and road services, including the provision of road right-of-ways or for the protection of future road and trail right-of-ways.
4. Preserve open space where the preserved lands border active agricultural land or land which is suitable for agricultural use.
5. Not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance, and
6. Not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare,
7. Be served adequately by, or provide for, essential public facilities and services such as roads, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, schools, parks and recreation areas;
8. Be construed, arranged, and operated so as not to significantly interfere with the development and use of neighboring property; and
9. Complies with all applicable provisions of the zoning law, except as modified pursuant to the authority of this law.

D. Procedures.

1. Initiation

A cluster subdivision may be initiated at the request of the applicant or by requirement of the Planning Board. The use of a cluster subdivision plan is specifically encouraged when the parcel contains constrained land as described in subsection D(3) below or the site otherwise meets the criteria in subsection C above. The decision to permit a cluster subdivision is within the sole discretion of the Planning Board. The Planning Board shall consider requiring cluster development when necessary to achieve the planning goals or to preserve significant resources of the type described in subsections C(2-4) above.

2. Required Plans.

An application for cluster development shall include all plans and materials required for approval of a conventional subdivision as set forth in this Article. This will include a sketch plat showing a conventional, non-clustered subdivision, which complies with all provisions of the zoning district in which it is located. The purpose of this sketch plat shall be to aid the Planning Board in determining the maximum number of dwelling units permissible, the overall development density, on the parcel under the zoning law. All lots on the sketch plat shall be buildable lots or dedicated open space.

3. Determination of Overall Development Density

The maximum number of residential lots that may be approved for a cluster development shall not exceed the maximum number of lots capable of being developed within a conventional subdivision layout of the same property, prior to the application of any incentive densities that may be granted by the Planning Board pursuant to subsection H below. Lots shown on the conventional layout shall be fully consistent with the lot, area and other requirements for the zoning district in which the land is located and all applicable requirements of this Article. The Planning Board shall review the proposed plan and shall determine the number of building lots (BL) or dwelling units that could be practically created pursuant to said plan. The Planning Board shall determine the minimum lot area and yard setbacks for each lot created as part of a cluster subdivision. Any

location, type of development, or cost of development or maintenance of such open space, or the visibility of public open space, would make public use undesirable or unnecessary. The Planning Board may require that the cluster subdivision layout include sidewalks and trails for pedestrian circulation.

I. Open Space Preservation Requirements.

1. All lands identified as having one or more of the features or characteristics identified in Subsection C that are not included in a cluster development plat as building lots, roads or parkland areas shall be set aside as permanent open space. The creation, preservation and management of open space to be protected as part of a cluster subdivision development shall be as follows:
2. Ownership. The preserved open space area may be:
 - a. Created as a separate parcel owned in common by the residents of the cluster subdivision through a homeowners' association (HOA) formed in accordance with state law and approved by the office of the State Attorney General; or
 - b. Created as a separate parcel owned in fee by the Village of Sackets Harbor or by a qualified not-for-profit conservation organization acceptable to the Village Board.
3. Prohibited use. No portion of the open space shall be used for roads, building lots, utility structures, driveways, or any principal or accessory structure, except for utility lines and connections installed underground. In addition, no part of the open space shall be used for residential, industrial, or commercial purposes except in connection with active agricultural and forestry use.
4. Preservation and enforcement. Open space set aside in a cluster subdivision shall be permanently preserved as required by this section. Each lot created as part of the cluster subdivision shall be granted individual rights to enforce the covenants and restrictions of the conservation easement(s) protecting and preserving the open space, and the Planning Board may require that the right of enforcement also be granted to the Village or to a qualified conservation organization.
5. Plat notations. Open space created by a cluster subdivision must be clearly labeled on the final plat as to its use, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land. The plat shall clearly show that the open space land is permanently reserved for open space purposes and shall contain a notation indicating the liber and page of any conservation easements or deed restrictions required to be filed to implement such reservations or restrictions.
6. Permanent protection of open space. Open space shall be protected by a perpetual conservation easement restricting development of the open space land and allowing use only for active agriculture, forestry, active or passive recreation or protection of natural resources, pursuant to § 247 of the General Municipal Law and/or §§ 49-0301 through 49-0311 of the Environmental Conservation Law. Said conservation easement may be granted to the Village with the approval of the Village Board or to a qualified not-for-profit conservation organization acceptable to the Village Board. Such conservation easement shall be reviewed and approved by the Planning Board and be required as a condition of plat approval hereunder.
7. Recording. The conservation easement shall be recorded in the County Clerk's office prior to or simultaneously with the filing of the cluster subdivision final plat in the County Clerk's office.

J. Undedicated

If cluster open space is not dedicated to public use, it shall be protected by legal arrangements, satisfactory to the planning board, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space by a homeowner association or other appropriate organization, method of maintenance, responsibility for maintenance, maintenance taxes and insurance, compulsory assessment provisions, guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the planning board, and any other specifications deemed necessary by the planning board.

K. Density Transfer (Transfer of Development Rights)

The Village of Sackets Harbor Comprehensive Plan calls for the preservation of certain areas of privately owned land from development for the benefit of the public. The land to be preserved is described in the Comprehensive Plan and subsection C above, including the Greenbelt and environmentally sensitive areas. In order to compensate owners of such land for limiting its development, this Local Law allows, in addition to the

Village of a sum to be determined by the Village Board, which sum shall constitute a trust fund to be used by the Village exclusively for neighborhood park, playground or recreational purposes including the acquisition of property. The Planning Board may require the reservation of such other areas or sites of a character, extent and location suitable to the needs of the Village as water plants, sewage treatment plant and other community purposes not anticipated in the comprehensive plan.

§5-15 UNSUITABLE LAND FOR SUBDIVISIONS

As a safety measure for the protection of the health and welfare of the people of the Village, that portion of a proposed lot which is found to be unsuitable for subdivision due to harmful features (e.g., drainage problems), shall not be subdivided until adequate methods are formulated by the subdivider and approved by the Planning Board. Before final approval, the subdivider shall in lieu of the improvements, furnish a surety bond or certified check covering the cost of the required improvements.

§5-16 INSTALLATION GUARANTEES

In order that the Village has the assurance that the construction and installation of such improvements as storm sewer, water supply, sewage disposal, landscaping, road signs, sidewalks, parking, access facilities, and road surfacing will be constructed, the Planning Board shall require that the applicant complete said improvements before final approval is granted or that the applicant shall enter into one of the following agreements with the Village:

1. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Planning Board. Such bond shall require the approval of the Board and the Village Attorney as to form, sufficiency, manner of execution and surety.
2. In lieu of the bond, the applicant may deposit cash, certified check, an irrevocable bank letter of credit, a certificate of deposit, or other forms of financial security acceptable to the Village. Acceptable substitutes, if furnished, shall be filed with Village Treasurer and kept on deposit with the Village for the duration of the bond period. The Village Treasurer shall make monthly reports to the Village Board and Planning board as to the status of financial securities.

Occupancy or use of any new structure or development shall not be permitted until all improvements shown on the Subdivision Plan are installed and accepted by the Village, or a sufficient performance guarantee has been posted for improvements not yet completed. The performance guarantee shall be posted in accordance with the procedures specified in §7-730 of the Village Law relating to subdivisions. The amount and sufficiency of such performance guarantee shall be determined by the Village Board after consultation with the Planning Board, Village Attorney, Zoning Officer, other local officials, and its consultants. At least 120 days prior to the expiration, the Village Treasurer shall provide written notice of the expiration of such performance guarantees to the Village Board and Planning Board. No lots may be offered for sale for any project, in which the Subdivision Plat requires the construction and transfer of infrastructure to the Village, before such infrastructure is accepted by the Village.

§5-17 MAINTENANCE GUARANTEES

In order that the Village has the assurance that the improvements mentioned above function properly for a reasonable period, the applicant shall enter into an agreement with the Village upon completion of the work required under the installation guarantee so that:

1. Such work is guaranteed for a minimum of two (2) years after it is completed and inspected;
2. Such work is guaranteed for a minimum of ten (10) percent of the total improvement costs or \$5,000, whichever is greater.
3. The method of providing the maintenance guarantee shall meet the approval of the Village Board and the Village Attorney.

§5-18 CONDITIONS

Installation and maintenance guarantees to the Village shall provide that the subdivider, his heirs, successors, and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of this law; will faithfully perform and complete the work of constructing and installing such facilities or improvements

ARTICLE VI NON-CONFORMING USES, STRUCTURES, AND LOTS

§6-1 GENERAL

The purpose of this Article VI is to establish rules that apply to uses and structures initiated legally under previous land use regulations but that no longer comply with this Local Law, as it has been amended. There are three types of nonconformity: nonconforming uses, nonconforming structures, and nonconforming lots. In any given situation, more than one of these types of nonconformity may apply to a particular land use or structure, in which case the applicable rules for each type of nonconformity must all be followed. As used in this Local Law, the three types of nonconformity are (these are also defined in Article XI):

1. Nonconforming Use: Any use lawfully existing at the time of the adoption or amendment of this Local Law or any preceding zoning law or ordinance, which use has continued but is not permitted by or does not conform with the permitted use provisions of this Local Law for the district in which it is located.
2. Nonconforming Structure: A structure which does not satisfy the dimensional requirements of this Local Law for the district in which it is located, but which was not in violation of applicable requirements when constructed.
3. Nonconforming Lot: A lot of record which does not comply with the area, shape, frontage, or locational provisions of this Local Law for the district in which it is located.

A. Continuation

Any use, any building or other structure, or any lot, which existed lawfully (including by variance), on the effective date of this Local Law or any amendment thereto, and which fails to conform to one or more of the provisions of this Local Law or such amendment thereto may be continued, subject to the provisions and limitations hereinafter specified.

B. Enlargement

Nonconforming uses of land shall not be enlarged or extended and conforming or nonconforming buildings or other structures or parts thereof devoted to a nonconforming use shall not be enlarged or extended, except to change to a permitted use or to reduce or eliminate the nonconformity, or as provided in section 6-5. Nonconforming uses located in a building or other structure shall not be extended to occupy land outside such building or other structure. Nonconforming buildings or other structures shall not be enlarged, extended, or structurally altered, except where the enlargement or extension does not increase the nonconformity.

C. Moving

Nonconforming uses of land shall not be moved to another part of a lot where such uses would also be nonconforming. Nonconforming uses of a building or other structure shall not be moved or extended to any part of the building or other structure not manifestly designed and arranged for such use at the time the use became nonconforming. Nonconforming buildings or other structures shall not be moved unless the result of such move is to eliminate the nonconformity.

D. Change in use

Nonconforming uses of land, buildings, or other structures shall not be changed to any use which is substantially different in nature and purpose from the existing use unless the new use is permitted by this Local Law and any required permits are obtained. Any nonconformity that has been reduced or eliminated shall not be increased or reestablished.

E. Discontinuance and Resumption

Nonconforming uses of land, buildings, or other structures which have been discontinued or inactive for a continuous period of two years or more from the time such uses became nonconforming shall not thereafter be resumed. Uses that were discontinued or that became inactive before zoning changes made them nonconforming may resume within two years of their discontinuance or within one year of the zoning change that made them

D. Special use permits and site plans

The lack of an approved special use permit or site plan, if required for particular uses under this Local Law, shall not make such uses nonconforming if they were lawfully existing uses established prior to the effective date of this Local Law. Such uses shall be treated as conforming and their expansion shall be permitted with special permit or site plan approval as required by this Local Law.

§6-4 NONCONFORMING LOTS

- A. Any lot of record created prior to the effective date of this law, which does not comply with the area, density, or dimensional requirements of this Local Law shall be deemed to comply with such requirements, and no variance shall be required for its development or for any addition to or other alteration of a structure, provided that:
 1. The following minimum setbacks are maintained:

Front Setback:	One-half of district setback
Side Setback:	One-half of district setback
Rear Setback:	One-half of district setback
 2. All Health Department regulations are satisfied.
- B. A non-conforming lot may be subdivided only if the subdivision plat shows that every subdivided portion of such lot will be merged with adjoining properties to increase the area of such properties, thereby eliminating the non-conforming lot.
- C. Notwithstanding the foregoing provisions, any undeveloped lot in a subdivision which was not properly approved by the Planning Board or not filed in the Office of the County Clerk, and whose area or dimensions do not comply with the requirements of this Local Law, shall be considered a violation of this Local Law and shall not be protected under this Article VI.

§6-5 APPROVAL STANDARDS FOR NONCONFORMING USES OR STRUCTURES

The Planning Board may grant Site plan approval for the construction, reconstruction, enlargement, extension, moving and/or structural alteration of buildings and structures on a lot having existing site development which fails to conform to the standards of this Local Law if the Planning Board finds that the following standards are met:

- A. The proposed construction will result in a general improvement of the lot with regard to safe access, sight lines along the street, suitable drainage, architectural quality, and adequate landscaping.
- B. Nonconforming signs and lighting will be brought into compliance or more nearly comply with current Zoning Law.
- C. Landscaping will be improved within the required setback area adjoining a boundary line.
- D. There will be no increase in any nonconformity.

Review Board, the Planning Board shall:

1. Review and evaluate the historic and architectural compatibility of all regulated activities within the Historic Preservation Overlay District in accordance with the site plan review standards set forth in Article VIII, section 8-6;
2. Exercise reasonable and responsible judgment of historic, aesthetic, and architectural considerations in carrying out its authority and duties as the Historic Review Board;
3. Retain or employ professional consultants, secretaries, clerks or other necessary personnel to carry out its duties, subject to the approval of the Village Board of Trustees;
4. Conduct surveys of buildings, structures, and/or architectural significance, and other pertinent facts;
5. Cooperate and advise with the Village Board of Trustees and other public and private agencies in matters involving historic preservation;
6. At the owners request advise and assist owners of landmarks, property or structures within the historic district on physical and financial aspects of preservation, renovation, rehabilitation, reuse, and procedures for inclusion on Federal, State, and local historic registers;
7. Inform and educate the community concerning the historic and architectural heritage of the Village, including recommendations on the preparation of maps, brochures, and historic markers for selected historic buildings, structures, sites or areas;
8. Investigate and recommend to the Village Board of Trustees additions to the existing historic district (properties, structures, buildings or areas having special historic, community or architectural value as historic landmarks or districts.)

§7-3 ZONING PERMITS

A. General Requirement

No building or structure shall be erected, enlarged or demolished, no use shall be instituted, changed, or enlarged, and no other action governed by this Local Law shall be initiated until a zoning permit has been issued, or unless a permit is not required. When establishing measurements to meet the required front yards and structure setbacks, the measurements shall be taken from the street line, lot line, or nearest high water elevation to the furthestmost protruding part of the structure. This includes projecting facilities such as cornices, eaves, porches, carports, and attached garages.

B. Invalid Approval

No zoning permit shall be issued for any construction, addition, exterior expansion, or use would be in violation of any of the provisions of this law. No zoning permit shall be valid unless it complies with all provisions of this Local Law. Any permit approved in violation of this Local Law shall be void.

C. Expiration of Zoning Permit

1. An approved zoning permit shall expire and become void if there is no commencement of the permitted project within twelve (12) months of the date of approval, except for special permits (see subsection 2 below). If a zoning permit has been issued and it expires without commencement of the use, any subsequent renewal of such zoning permit or any resubmission of a zoning permit application must comply with the zoning in effect at the time of renewal or resubmission.
2. A Special Permit shall expire if the Special Permit use or uses do not commence or cease for more than twelve (12) consecutive months for any reason, if the applicant fails to obtain any necessary Building Permits or fails to comply with the conditions of the Special Permit within twelve (12) months of its issuance, or if its time limit expires without renewal. The Planning Board may grant an extension upon request by the applicant for good cause shown.

§7-4 PERMIT PROCESS

A. Submitting Application

Any person intending to undertake new construction, structural alteration, or change in the use of a building or lot shall apply to the Zoning Officer for a zoning permit by submitting the appropriate application form and paying the required fee. If a building permit is required, application shall be made to Jefferson County and the required

C. Abatement of Violations

The Zoning Officer or the Village Board may issue a stop-work or cease-and-desist order and/or institute an appropriate legal action or proceeding to prevent, restrain, correct, or abate any violation of this Local Law to prevent the occupancy of premises, or to prevent any activity, business, or use that violates this Local Law. Such legal action may include the issuance of an Appearance Ticket pursuant to the Criminal Procedure Law, Paragraph 150.20.

D. Penalties

1. A violation of this Local Law is an offense punishable by fine not exceeding \$350.00, or imprisonment for a period not to exceed 15 days, or both for conviction of a first offense. Conviction of a second offense, committed within five years of the first offense, is punishable by a fine not less than \$350.00 nor more than \$700.00 or imprisonment for a period not to exceed 15 days, or both. Conviction of a third or subsequent offense committed within a period of five years is punishable by a fine of not less than \$700.00 nor more than \$1,000.00, or imprisonment for a period not to exceed 15 days, or both. Each week's continued violation shall constitute a separate additional violation. A violation which creates an imminent hazard to health and safety shall be punishable by the same fine as above, as well as by imprisonment for a period not to exceed six months per violation.
2. In addition, any person who violates any provision of this Local Law or who fails to do any act required thereby shall, for each and every such violation, pay a civil penalty of not more than \$100.00. When a violation of any of the provisions is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to an additional penalty.
3. The imposition of penalties for any violation of this Local Law shall not excuse the violation nor permit it to continue. The application of the above penalties or prosecution for a violation of any provision of this Local Law shall not prevent the abatement of a violation pursuant to subsection C. The expenses of the Village in enforcing such removal, including legal fees, may be chargeable (in addition to the criminal and civil penalties) to the offender, and may be recovered in a civil court of appropriate jurisdiction.

E. Complaints of Violations

Whenever a suspected violation of this Local Law occurs, any person may file a signed written complaint reporting such violation to the Zoning Officer. The Zoning Officer may also investigate any oral complaint, to include anonymous complaints, made to his/her office. All complaints, written or oral, shall be properly recorded, filed, and promptly investigated by the Zoning Officer, and reported to the Village Board.

F. Accountability

For every violation of the provisions of this Local Law, the owner, agent, contractor, lessee, ground lessee, tenant, licensee, or any other person who commits, takes part, or assists in such violation or who maintains any structures or premises in which any such violation exists, shall be punishable according to the provisions of this Local Law.

§7-6 ESCROW DEPOSITS FOR REVIEW AND INSPECTION COSTS

A. Deposits in Escrow

1. All applications for any permit, approval or variance shall be accompanied by a cash deposit, certified check or surety bond payable to the Village of Sackets Harbor in an amount determined by:
 - a. Mayor for all applications requiring Village Board of Trustees final approval or other action;
 - b. Chairperson of the Planning Board, for all applications requiring the Planning Board's final action;
 - c. Chairman of the Zoning Board of Appeals for all applications requiring that board's approval; or
 - d. Zoning Officer for matters requiring his final approval or action.

If an application involves more than one board, the Mayor and the Chairpersons of the involved boards shall collectively determine the amount required. Said sum shall be based on the estimated cost to the Village of reviewing the particular type of application before it. When determining the sum, the reviewing board may consider the professional review expenses incurred by it and neighboring municipalities in reviewing similar applications.

2. Use of funds.

1. In the event the applicant fails to deposit the requested review fees into an escrow account, any application review, approval, permit or certificates of occupancy may be withheld or suspended by the reviewing board, officer or employee of the Village until such monies are deposited.
2. The owner(s) of the subject real property, if different from the applicant, shall be jointly and severally responsible to reimburse the Village of Sackets Harbor for funds expended to compensate for services rendered to the Village under this section by private engineers, attorneys or other consultants. In order for a land use application to be deemed complete, the applicant shall provide the written consent of all owners of the subject real property acknowledging potential landowner responsibility, under this section, for engineering, legal and other consulting fees incurred by the Village. In the event that insufficient funds have been deposited in escrow and the applicant or owners fail to reimburse the Village for such fees, the following shall apply:
3. The Village may seek recovery of unreimbursed engineering, legal and consulting fees by action in a court of appropriate jurisdiction, and the defendant(s) shall be responsible for the reasonable and necessary attorney's fees expended by the Village in prosecuting such action.
4. Alternatively, and at the sole discretion of the Village, a default in reimbursement of such engineering, legal and consulting fees expended by the Village shall be remedied by charging such sums against the real property which is the subject of the land development application, by adding that charge to, and making it a part of, the next annual real property tax assessment roll of the Village. Such charges shall be levied and collected at the same time and in the same manner as Village-assessed taxes and shall be applied in reimbursing the fund from which the costs were defrayed for the engineering, legal and consulting fees. Prior to charging such assessments, the owners of the real property shall be provided written notice to their last known address of record, by certified mail, return receipt requested, of an opportunity to be heard and object before the Village Board to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than 30 days after its mailing.

§7-7 ZONING BOARD OF APPEALS

A. Composition

Pursuant to the provisions of §7-712 of the Village Law, there is hereby established a Zoning Board of Appeals consisting of five members, who shall be U. S. citizens and residents of the Village, appointed by the Mayor with the approval of the Village Board. The Village Board may appoint alternate members for terms specified by resolution, for purposes of substituting as needed for a regular member in the event such member is unable to participate in a particular matter or matters because of a conflict of interest or because of an expected extended absence. The chairperson of the Zoning Board of Appeals may designate one of the duly appointed alternate members to substitute for a regular member where a regular member has a conflict of interest or expects to have an absence. Such designation of an alternate member shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made. To the extent that the preceding three sentences may be inconsistent with section 7-712(11) of the Village Law, the Village Board hereby expresses its intention to supersede the Village Law in accordance with Municipal Home Rule Law, Article 2, §10, et seq. The Zoning Board of Appeals shall have all the powers and duties prescribed by law and this Local Law in connection with appeals to review any order, requirement, decision, interpretation, or determination made by an administrative official charged with the enforcement of this Local Law, generally the Zoning Officer. An appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Village.

B. Appeals of Orders, Requirements, Decisions, Interpretations, or Determinations

The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation, or determination appealed from, and shall make such order, requirement, decision, interpretation, or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of this Local Law. In so doing, the Zoning Board of Appeals shall have all the powers of the administrative official from whose order, requirement, decision, interpretation, or determination the appeal is taken.

C. Appeals for Variance

- c. Whether the requested area variance or sign variance is substantial;
 - d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - e. Whether the alleged difficulty was self-created, which shall be relevant to the decision of the Board, but which shall not necessarily preclude the granting of the area variance or sign variance.
3. The Zoning Board of Appeals, in the granting of area variances or sign variances, shall grant the minimum variance that it deems necessary and adequate, while preserving and protecting the character of the neighborhood and the health, safety, and welfare of the community.

F. Imposition of Conditions

The Zoning Board of Appeals shall, in granting use variances and area variances, impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Local Law, and shall be imposed for the purpose of minimizing any adverse impact the variance may have on the neighborhood or community.

G. Procedures

- 1. Application
- 2. Appeals shall be taken by filing a written notice of appeal and any required plans with the Zoning Officer and the Zoning Board of Appeals, within 60 days after the filing of the order, requirement, decision, interpretation, or determination that is being appealed. Such application shall refer to the specific provision of this Local Law involved and shall specify the grounds for the variance requested, the interpretation claimed, or for the reversal of an order, requirement, decision, or determination of an administrative official. The applicant shall pay an administrative fee, according to the schedule of fees adopted by the Village Board, upon filing a written notice of appeal. The Zoning Officer shall forthwith transmit all the papers constituting the record of the appeal to the Zoning Board of Appeals.
- 3. Referral to County Planning Board
 - a. Requests for variances that require referral to the County Planning Board shall be so referred pursuant to General Municipal Law, Article 12-B, §§ 239-l and 239-m, as amended. The following actions have been deemed of local interest only and have been exempted from referral by the Village Board:
 - 1. Area Variance - meeting the following criteria:
 - i. All area variances for lot size or lot width, if the required lot line setbacks can still be maintained.
 - ii. All single and two-family residential set-back variances (including those for mobile homes, modular homes) unless the requested setback is adjacent to either a State or County property line, exclusive of State or County highways.
 - iii. All front, rear and side lot line set back variances for accessory structures (i.e. garages, sheds, decks, etc.) unless the requested setback is adjacent to either a State or County property line, exclusive of State or County highways.
 - 2. Use Variance - meeting the following criteria:
 - i. All use variances for single and two-family residences (including mobile and manufactured homes).
 - ii. All use variances for home occupations
 - b. No action shall be taken on variances referred to the County Planning Board until its recommendation has been received, or 30 days have elapsed after its receipt of the full statement of the proposed variance, unless the County and Village agree to an extension beyond the 30-day requirement for the County Planning Board's review.
 - c. County Disapproval

A majority-plus-one vote shall be required to approve any variance which receives a recommendation of disapproval from the County Planning Board because of the referral process specified above, along with a resolution setting forth the reasons for such contrary action.

H. Hearing and Public Notice

- 1. If an agricultural data statement has been submitted, the Secretary of the Zoning Board of Appeals shall,

ARTICLE VIII SPECIAL PERMITS AND SITE PLAN REVIEW

§8-1 PURPOSE AND APPLICABILITY

- A. It is the policy of the Village of Sackets Harbor to allow a variety of uses of land, provided that such uses do not adversely affect neighboring properties, the natural environment, or the historic character of the Village. Many uses are therefore permitted only upon issuance of a Special Permit by the Planning Board, in order to ensure that these uses are appropriate to their surroundings and consistent with the purposes of this Local Law. Some uses are allowed by right, subject only to Site Plan approval (see Use Table in §3-1). Adult uses, mobile home parks, and uses not listed on the Use Table (if not prohibited by §3-1C) require a Special Permit issued by the Village Board. In reviewing Special Permit applications, the Village Board shall follow the procedures and standards established for the Planning Board in this Article VIII.
- B. Accessory uses or structures used in connection with a Special Permit or Site Plan use shall be subject to the same approval requirements as the principal structure or use.

§8-2 REQUIRED SUBMISSIONS FOR SPECIAL PERMIT APPLICATIONS

Because the impact of Special Permit uses varies, the information required to be submitted for a Special Permit varies depending upon the specific circumstances of each application. The numbers of copies of materials to be submitted shall be as required under the procedural policies of the Planning Board.

A. Special Permit Application Information

An applicant for a Special Permit shall submit the following:

1. A Special Permit application form.
2. A Site Plan, containing the information listed in §8-6B unless submission of certain information has been waived at a pre-application meeting.
3. A narrative report describing how the proposed use will satisfy the criteria set forth in §8-4, as well as any other applicable requirements relating to the specific use proposed.
4. Appropriate SEQRA review form as determined by the Planning Board.
5. An agricultural data statement as defined in § 11-2, if required by §3-8C.
6. The Special Permit application fee, as established by the Village Board, and any required escrow deposit for review costs, as required by the Planning Board.
7. A letter from the Zoning Officer stating that there are no outstanding zoning violations on the property.

§8-3 PROCEDURE FOR SPECIAL PERMITS

A. Pre-application Meetings

Before filing an application, the applicant may request a preliminary conference with the Planning Board to discuss the nature of the proposed use and to determine the information that will need to be submitted in the Site Plan.

B. Application

1. Applications for a Special Permit shall be made to the Planning Board in a digital format prescribed by the Planning Board, except that the Chairperson may permit submission in another format to avoid hardship to the applicant. The Planning Board's consultant or the Zoning Officer shall make the initial determination as to whether or not the application is complete for the purpose of accepting it for review.
2. If an application is for a parcel or parcels on which more than one use requiring a Special Permit is proposed, the applicant may submit a single application for all such uses. The Planning Board may grant the application with respect to some proposed uses and not others. For purposes of determining SEQRA compliance, all proposed uses on a single parcel or on contiguous or related parcels under single or related ownership shall be considered together.
3. Application for Area Variance.
4. Notwithstanding any provision of law to the contrary, where a proposed Special Permit contains one or more features which do not comply with the dimensional requirements of this Local Law, application may be made to the Zoning Board of Appeals for an area variance pursuant to §7-7E without a decision or determination by

project and its location. The cost of mailing the notice shall be borne by the applicant.

2. The Planning Board shall hold a public hearing on a Special Permit application within sixty-two (62) days of the completion of the SEQRA review. The Board shall publish notice of such hearing in the official newspaper at least five days prior to the date thereof. The Board shall also send notices of the hearing by regular mail to owners of properties within 200 feet of the property boundary. If the application is for a property located within 500 feet of the boundary of an adjacent municipality, notice of the hearing shall be sent to the clerk of the adjacent municipality by mail or electronic transmission at least 10 days prior to such hearing, and such adjacent municipality may appear and be heard. The cost of giving all notices shall be charged to the applicant.

F. Action

1. The Planning Board shall grant, deny, or grant subject to conditions the application for a Special Permit within 62 days after the hearing. Any decision on a Special Permit application shall contain written findings explaining the rationale for the decision in light of the standards contained in §8-4 below. The time periods above may be extended by the Planning Board with the applicant's consent.
2. In granting a Special Permit, the Planning Board may impose any restrictive conditions which it considers necessary to fulfill the purposes of this Local Law. These conditions may include increasing minimum or decreasing maximum dimensional or area requirements, requiring the set-aside of perpetual open space land pursuant to §5-12, specifying location, character, and number of vehicle access points, requiring landscaping, planting, and screening, requiring clustering of structures and uses in order to preserve environmental resources and minimize the burden on public services and facilities, and requiring action by the applicant, including the posting of performance bonds and furnishing of guarantees to insure the completion of the project in accordance with the conditions imposed.
3. Every decision on a Special Permit shall be filed in the office of the Village Clerk within five business days after the decision is rendered and shall be a public record. A copy thereof shall be placed in the permanent file of the property and shall also be mailed to the applicant within the same five-day period.
4. The Special Permit and accompanying Site Plan shall be implemented as provided in §8-9.

G. Expiration, Revocation, and Enforcement

5. A Special Permit shall expire if the Special Permit use or uses do not commence or cease for more than twelve (12) consecutive months for any reason, if the applicant fails to obtain any necessary Building Permits or fails to comply with the conditions of the Special Permit within 12 months of its issuance, or if its time limit expires without renewal. The Planning Board may grant an extension upon request by the applicant for good cause shown.
6. A Special Permit may be revoked by the Planning Board if the permittee violates the conditions of the Special Permit or engages in any construction or alteration not authorized by the Special Permit.
7. Any violation of the conditions of a Special Permit shall be deemed a violation of this Local Law, and shall be subject to enforcement action as provided in §7-5.

§8-4 FINDINGS REQUIRED

A. General Considerations.

In granting or denying Special Permits, the Planning Board shall take into consideration any proposed conservation easements, architectural restrictions, or other measures that would tend to mitigate potential adverse impacts and preserve or enhance the scenic and historic character of the Village. The Planning Board shall ensure that the application is consistent with the Village Comprehensive Plan and complies with all applicable Local Waterfront Revitalization policies. No special permit shall be granted for any property on which there exists a violation of this Local Law, including a violation of any condition of a previous municipal approval, unless the Planning Board finds that the applicant has no legal right or ability to remedy the violation or that the grant of a special permit is necessary to remedy a condition that poses a risk to public health or safety.

B. Review Criteria

Before granting or denying Special Permit, the Planning Board shall make specific written findings establishing whether or not the proposed Project:

officials with jurisdiction. The Zoning Officer shall make the initial determination as to whether or not the application is complete for the purpose of accepting it for review. Site Plans shall be stamped and signed by a licensed professional engineer, architect, surveyor, or landscape architect, unless waived by the PB, and shall include the following information (except those items specifically waived by the Planning Board):

1. A location map drawn at the scale of 2,000 feet to the inch or larger (or other convenient scale acceptable to the Planning Board) that shows the relationship of the proposal to existing community facilities which affect or serve it, such as roads, shopping areas, schools, etc. A vicinity map shall also be submitted that shows all properties, subdivisions, streets, and easements within 500 feet of the property. Such maps may be superimposed on a United States Geological Survey or New York State Department of Transportation map of the area.
2. An existing conditions map, showing existing buildings, streets, utilities, and other man-made features, as well as topography and all existing natural land features that may influence the design of the proposed use such as rock outcrops, single trees eight or more inches in diameter located within any area where clearing will occur, forest cover, soils (including prime and statewide important agricultural soils), and ponds, lakes, wetlands and watercourses, floodplains, and drainage retention areas.
3. A Site Plan, drawn at a scale and on a sheet size appropriate to the project. The information listed below shall be shown on the Site Plan and continuation sheets.
4. Name of the project, boundaries, date, north arrow, and scale of the plan. Name and address of the owner of record, developer, and seal of the engineer, architect, surveyor, and/or landscape architect. If the applicant is not the record owner, a letter of authorization shall be required from the owner.
5. The location and use of all existing and proposed structures within the property, including all dimensions of height and floor area, all exterior entrances, and all anticipated future additions and alterations.
6. The location of all present and proposed public and private ways, off-street parking areas, driveways, outdoor storage areas, sidewalks, ramps, curbs, paths, landscaping, walls, and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
7. The location, height, intensity, and bulb type (sodium, incandescent, etc.) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
8. The location, height, size, materials, and design of all proposed signs.
9. The location of all present and proposed utility systems including:
 - a. Sewage or septic system;
 - b. Water supply system;
 - c. Telephone, cable, and electrical systems; and
 - d. Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.
10. Erosion and sedimentation control plan and SWPPP to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
11. Existing and proposed topography at one-foot contour intervals, or such other contour interval as the Board shall specify. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100-year floodplain, the area will be shown, and base flood elevations given. Areas shall be indicated within the proposed site and within 50 feet of the proposed site where soil removal or filling is required, showing the approximate volume in cubic yards.
12. A landscape, planting, and grading plan showing proposed changes to existing features.
13. Zoning District boundaries on the site and within 200 feet of the site's perimeter shall be drawn and identified on the Site Plan, including any Overlay Districts that apply to the property.
14. Traffic flow patterns within the site, entrances and exits, and loading and unloading areas, as well as curb cuts on the site and within 100 feet of the site. The Planning Board may, at its discretion, require a detailed traffic study for large developments or for those in heavy traffic areas.
15. For new construction or alterations to any structure, a table containing the following information shall be included:
 - a. Estimated area of structure currently used and intended to be used for particular uses such as retail operation, office, storage, etc.;
 - b. Estimated maximum number of current and future employees;
 - c. Maximum seating capacity, where applicable; and

F. Criteria

In reviewing Site Plans, the Planning Board shall ensure that the application complies with all applicable provisions of this Local Law, including the environmental performance standards in §4-9. The Planning Board shall also ensure that the application is consistent with the Village Comprehensive Plan and complies with all applicable Local Waterfront Revitalization policies. The Planning Board shall also consider the criteria set forth below. In applying the criteria contained in this subsection and §4-3, the Planning Board shall take into consideration the location, character, and context of proposed development and adapt these criteria to the setting as appropriate.

1. Layout and Design

- a. To the maximum extent practicable, development shall be located to preserve the natural features of the site and to avoid wetland areas, steep slopes, significant wildlife habitats, and other areas of environmental sensitivity. The placement and design of buildings and parking facilities shall take advantage of the site's topography, existing vegetation, and other pertinent natural features. In the RC and VR districts, the Planning Board may require that an applicant comply with section 5-12 of this Local Law.
- b. Within the Historic Preservation Overlay District, the Planning Board shall apply the Historic District design criteria contained in §4-3.
- c. All structures shall be integrated with each other and with adjacent structures and shall have convenient access between adjacent uses.
- d. Newly installed utility service systems and service modifications necessitated by exterior alterations shall be installed underground. It is preferred that, when feasible, existing aboveground utility service systems will be placed underground.

2. Landscaping

- a. Landscaping shall be an integral part of the entire project area and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate.
- b. Landscape plantings of shrubs, ground cover, and shade trees, as well as perennials and annuals and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture, shall be encouraged to create pedestrian spaces and to maintain landscape continuity within the community. All landscaping within the site shall be designed to facilitate conservation of the environment and preservation of community aesthetic character. This shall be accomplished through the use of native plant material and the retention of existing natural vegetation, thereby reducing or eliminating the need for irrigation, pesticides, herbicides, and fertilizers.
- c. Existing native tree stock eight or more inches in diameter at breast height shall be protected and preserved to the extent possible to retain valuable community natural resources and promote energy conservation by maximizing the cooling and shading effects of trees. The preservation of mature plant species, hedge rows, wetlands, and woodlots shall be encouraged and included as a design element in the development of the site.
- d. Landscape buffers shall be provided between uses that may be incompatible, such as large-scale commercial uses and residences. Such buffers may include planted trees and shrubs, hedgerows, berms, existing forestland, or forest created through natural succession. The width of such buffer areas will depend upon the topography, scale of the project, and the location of improvements on the property.
- e. If deemed appropriate for the site by the Planning Board, shade trees at least six feet tall and two-inch caliper shall be planted and maintained at 20- to 40-foot intervals along streets at a setback distance acceptable to the DPW Superintendent.
- f. For landscaping parking lots, see Appendix V.

3. Parking, Circulation, and Loading

- a. Roads, driveways, sidewalks, off-street parking, and loading space shall be safe, and shall encourage pedestrian movement.
- b. Vehicular and pedestrian connections between adjacent sites shall be provided to encourage pedestrian use and to minimize a potential increase in vehicular traffic entering existing roads. The construction of connected parking lots, service roads, alleys, footpaths, bike paths, and new public streets to connect adjoining properties shall be required where appropriate.
- c. Off-street parking and loading standards in §4-6 shall be satisfied.
- d. Access from and egress to public highways shall be approved by the appropriate highway

as provided in section 7-6.

D. Site Plan Amendments

An approved Site Plan may be amended by filing an application with the Planning Board for a Site Plan amendment.

1. If the Planning Board finds that such proposed amendment is consistent with the terms of any applicable Special Permit approval (or if no Special Permit is required) and does not represent a substantial change from the approved Site Plan, it shall grant the amendment without a hearing.
2. If the Planning Board determines that the proposed amendment is consistent with the terms of the applicable Special Permit approval (or if no Special Permit is required), but is a substantial change from the approved Site Plan, it shall follow the procedures for Site Plan approval contained in §8-7F and hold a public hearing if the amendment would be considered to be a Major Project.
3. If the Planning Board determines that the proposed amendment is inconsistent with the terms of any Special Permit approval, it shall consider the application to be one for a Special Permit amendment and proceed pursuant to §8-3.

E. Expiration, Revocation, and Enforcement

1. Site Plan approval shall expire if the applicant fails to obtain any necessary Zoning Permits or Building Permits, fails to comply with the conditions of the Site Plan approval, or fails to initiate the use within 12 months of its issuance, or if the Special Permit with which it is associated expires. The Zoning Officer may grant a one-time six-month extension, upon a showing of hardship or extenuating circumstances. The Planning Board may grant additional extensions as it deems appropriate.
2. A Site Plan approval may be revoked by the Planning Board if the permittee violates the conditions of the Site Plan approval or engages in any construction or alteration not authorized by the Site Plan approval.
3. Any violation of the conditions of a Site Plan approval shall be deemed a violation of this Local Law, and shall be subject to enforcement action as provided herein.

hearing. Representatives of neighboring municipalities receiving notification of a proposed amendment shall have the right to appear and be heard at the public hearing thereon, but shall not have the right to review by a court.

§ 9-4 ADOPTION

A. The Village Board may adopt amendments to this Local Law by a majority vote of its membership, except in the case of local protest or disapproval by the County Planning Board as noted below.

B. County Disapproval

A majority-plus-one vote of the entire Village Board shall be required to pass any proposal which receives a recommendation of disapproval from the County Planning Board prior to Village Board action, along with a resolution setting forth the reasons for such contrary action.

§ 9-5 EFFECTIVE DATE

Unless the amendment provides for a different effective date, each amendment adopted by the Village Board shall take effect when filed with the Secretary of State of the State of New York pursuant to the Municipal Home Rule Law of the State of New York.

ARTICLE XI DEFINITIONS

§ 11-1 USE OF WORDS

- A. Except where specifically defined herein, all words used in this Local Law shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary. The word shall is always mandatory. The word may is permissive. Building or structure includes any part thereof. The word lot includes the word plot or parcel. The word person includes an individual person, a firm, a corporation, a partnership, and any other agency of voluntary action. The word he shall include she or they. The phrase used for includes arranged for, designed for, intended for, maintained for, and occupied for.
- B. In §11-2, where two words are separated by a slash mark (/), they have the same meaning.
- C. Wherever a use may fit within both a general and a specific definition, the use shall be deemed to be described by the more specific definition.

§ 11-2 DEFINITIONS OF TERMS

Accessory Apartment: A dwelling unit occupying the lesser of 1,000 square feet or 30% of the floor area of an owner-occupied structure containing a principal use that is single-family residential or non-residential, or a dwelling unit no larger than 1,000 square feet located in an accessory structure on an owner-occupied property.

Accessory Structure: A structure detached from and subordinate to a principal building on the same lot and used for purposes customarily incidental to those of the principal building or use, including accessory apartments.

Accessory Use: A use customarily incidental and subordinate to the principal use or building, and located on the same lot with such principal use or building.

Administrative Expenses: All actual expenses and liabilities incurred by the Village or any of its officers or agencies in processing and reviewing applications hereunder and insuring compliance with this Law and all other applicable laws or regulations, including but not limited to engineering fees and disbursements, legal fees and disbursements, publication expenses, administrative expenses and any other actual expenditure incurred or accrued by the Village.

Adult Use: A bookstore, video store, nightclub, movie theatre, retail store, or other establishment which prominently features entertainment or materials depicting or related to specified sexual activity or specific anatomical areas as defined below.

a. Specified sexual activity include:

- 1. Human genitals in a state of sexual stimulation or arousal,
- 2. Acts of human masturbation, sexual intercourse or sodomy,
- 3. Fondling or other erotic touch of human genitals, pubic region, buttock or female breast.

b. Specific anatomical areas include:

- 1. Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola, or
- 2. Human male genitals in a discernibly turgid state, whether or not covered.

Agriculture: The commercial use of land and structures for the production, preservation, nonindustrial processing, storage and sale of agricultural commodities such as crops, plants, flowers, vines, trees, sod, shrubs, livestock, honey, Christmas trees, compost, poultry or dairy products, not including agricultural industry or farms primarily for the disposal of offal or garbage. Commercial horse boarding operations, as defined herein, and the raising or breeding of horses are agricultural uses, distinguished from the business use of teaching or training people to ride a horse. (See "Riding Academy.") A produce sales facility not exceeding 800 square feet in footprint area and a riding academy operated in conjunction with a farm operation (as defined herein) shall be deemed to be agricultural accessory uses. Agricultural activities on residential parcels of less than seven acres shall be deemed to be not agriculture, but a residential accessory use.

Agriculture Data Statement: an identification of farm operations within an agricultural district within five hundred feet of the boundary of property for which an application has been made under this Zoning Law. (See NYS AG & Mar Law 301 and 305-a).

Alley: A vehicular way at the rear or between two lots provided for service and/or parking access.

but not limited to education, social welfare, environmental conservation, scientific research, cultural enrichment, and the arts.

Common Driveway: A driveway serving no more than four lots, owned in common or created by reciprocal easements.

Complete Application: An application for a Special Permit, Site Plan, or subdivision approval, zoning amendment, or variance, found by the reviewing board to satisfy all information requirements of this Local Law and of the New York State Environmental Quality Review Act (unless it is a Type II Action under SEQRA), for which either a Negative Declaration has been issued or a Draft Environmental Impact Statement has been accepted as satisfactory pursuant to 6 NYCRR § 617.8(b)(1).

Comprehensive Plan: The Comprehensive Plan, Master Plan, or Local Waterfront Revitalization Plan (LWRP) adopted by the Village Board for the future preservation and development of the Village of Sackets Harbor, including any part of such plan separately adopted and any update or amendment to such plan.

Condominium: A system of ownership of dwelling units, either attached or detached, established pursuant to the Condominium Act of the State of New York (Art. 9-B of the Real Property Law), in which the apartments or dwelling units are individually owned and certain other portions of the premises are in common ownership.

Conformity/Conforming: Complying with the use, density, dimensional, and other standards of this Local Law, or permitted to deviate therefrom by Special Permit, Site Plan approval, or variance.

Conservation Easement: A perpetual restriction on the use of land, created in accordance with the provisions of Article 49, Title 3 of the Environmental Conservation Law or § 247 of the General Municipal Law, for the purposes of conservation of open space, agricultural land, and natural, cultural, historic, and scenic resources.

Conventional Subdivision: A land subdivision that does not set aside land as permanently protected open space.

Construction Trailer: A mobile home unit used for non-residential purposes associated with on-site construction.

Corner Lot: See *Lot, Corner*.

Craft Workshop: A place where artists, artisans, craftsmen, and other skilled tradespeople produce custom-made art or craft products including but not limited to baskets, cabinets, ceramics, clothing, flower arrangements, jewelry, metalwork, musical instruments, paintings, pottery, sculpture, toys, and weaving.

Curb: The edge of the vehicular pavement within a street right-of-way that may be raised to separate it from non-vehicular areas or may be flush with the pavement to drain into a swale. A curb usually channels stormwater and is part of the street drainage system.

Day Care Center: A service business for the care of pre-school children and/or for before-school and after-school care of school-age children, or for daytime care of adults. A day care center does not provide overnight occupancy for such children or adults. When such a facility is operated by a public or private not-for-profit school or institutional use, it shall be deemed to be an educational use rather than a service business. (See also "Home Occupation.")

Demolition: Tearing down of a building or structure or a significant part of a building or structure.

Development: Any man-made change to improved or unimproved real estate, including but not limited to construction or alteration of buildings or other structures, as well as clear-cutting mining, dredging, filling, paving, excavations, or drilling operations.

Driveway: A private way providing vehicular access from a public or private road to a residence or to a commercial or non-commercial establishment.

Dwelling: A building designed or used primarily as living quarters for one or more families.

Dwelling, Multi-family: A building containing separate living units for three or more families, including apartment buildings, rowhouses, townhouses, regardless of the form of ownership (condominium, fee simple, rental).

Dwelling, Single-family: A detached building designed for the use of one family, in which not more than three boarders are sheltered and/or fed for compensation.

Dwelling, Two-family: A detached building containing two dwelling units, including apartment buildings, rowhouses, townhouses, regardless of the form of ownership (condominium, fee simple, rental).

Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family.

Educational Use: A use of land for the primary purpose of providing educational services to children or adults, including but not limited to primary and secondary schools, nursery schools, colleges and universities, vocational schools, and facilities designed to provide instruction in any recognized skill or vocation.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

Facade: An exterior wall of a building that is visible from a street.

Family: One or more persons living together as a single nonprofit housekeeping unit, using all rooms and housekeeping facilities of a dwelling unit in common and doing their cooking on the premises, as

Frontage Line: The boundary line between a building lot and the public street right-of-way.

Frontage Type: A principal building's private frontage. See Frontage Type Descriptions, Table 3.

Garage: A building designed and used primarily for storage of automobiles and other motor vehicles.

Gazebo: An unenclosed structure not exceeding 12 feet in height without solid walls, screens, electricity, or plumbing, and not used as a dwelling.

Glare: Spillover of artificial light beyond the area intended for illumination in a manner which either impairs vision or beams light onto adjoining properties or toward the sky.

Grading: Any excavation, alteration of land contours, grubbing, filling, or stockpiling of earth materials.

Hazardous Waste: All materials or chemicals listed as hazardous wastes pursuant to article twenty-seven of the Environmental Conservation Law (ECL), and all toxic pollutants as defined in subdivision nineteen of § 17-0105 of the ECL.

Health Care Facility: A hospital, nursing home, medical clinic, or office building in which four or more doctors, dentists and/or other health care professionals attend to patients.

Heavy Industry: Manufacture, assembly, treatment, processing, or packaging of products in a manner that emits or is likely to emit objectionable levels of smoke, noise, dust, odor, glare, water pollution, or vibration beyond the property boundaries.

Height: A limit to the vertical extent of a building that is measured in number of stories, except where otherwise specified in this Local Law.

Historic Structure/Building Site: Any building, structure, or parcel of property listed on the National Register of Historic Places or eligible for such listing, including properties that possess special character or historic or aesthetic interest or values as part of the cultural, political economic or social history of the locality, region, state or nation, or which is identified with historic personages, or which embodies a particular architectural style or the work of a significant architect, or which is visually singular to a neighborhood due to location or physical character.

Home Occupation: An occupation, trade, profession, or other business activity resulting in a product or service for compensation, conducted wholly or partly in a dwelling unit or accessory structure. For purposes of this definition, a home-based family day care operation caring for no more than six children shall be deemed to be a home occupation.

Hotel: See *Lodging Facility*.

Impervious/Impervious Surface: Any roofed or other solid structure or material covering the ground through which water does not readily penetrate, including, but not limited to concrete, oil and stone, tar or asphalt pavement, or compacted soil or gravel. Regardless of the construction materials, any area which is used for driveway or parking purposes, including disturbed grass, ground cover, or dirt, shall be considered impervious. A deck with spaced boards at least 1/8 inch apart, a swimming pool surface, and a patio with a permeable paving system shall not be considered impervious.

Impervious Surface Coverage: The ratio between impervious surface and total land area of a lot expressed as the percentage of land covered by impervious surfaces.

Junk: Any worn-out, cast-off, discarded, or neglected article or material which is ready for destruction or has been collected or stored for salvage, sale, or conversion to another use. Junk does not include any article or material which unaltered or unchanged and without further reconditioning can be used for its original purposes as readily as when new, or any article stored for restoration or display as part of a bona fide hobby (such as antique automobiles, antique farm machinery, antique engines, special interest automobiles, etc.).

Junk Vehicle: Any vehicle not registered and /or operable for its intended purpose, unless such vehicle is an antique or special interest automobile stored for restoration and/or display as part of a bona fide hobby.

Junkyard: The use of land outside a fully enclosed structure for the storage or collection of junk or junk vehicles.

Kennel: Any establishment, including cages, dog runs and structures wherein dogs, which are over six months of age, are harbored, bred or boarded as a business.

Light Industry: Manufacture, assembly, treatment, processing, or packaging of products that does not emit objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries.

Lodging Facility: Any hotel, motel, inn, or other establishment providing sleeping accommodations for transient occupants, with or without a dining room or restaurant, excluding bed and breakfast establishments.

Lot/Parcel: An area of land with definite boundaries, all parts of which are owned by the same person(s) or entities, the

meeting hall. This definition is intended to cover places that do not fall under the definition of “municipal,” “educational,” or “religious.”

Plat: A map or plan submitted to the Planning Board as part of an application for subdivision approval (see Sackets Harbor Subdivision Control Law).

Plat – Final: Means a drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by this law to be presented to the Planning Board for approval, and which if approved, may be duly filed or recorded by the applicant in the Office of the County Clerk.

Plat - Preliminary: Means a drawing or drawings clearly marked “preliminary plat” showing the layout of a proposed subdivision, submitted to the Planning Board for approval prior to submission of the plat in final form, and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

Plat - Undeveloped: Those plats where twenty (20) percent or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

Plot Plan: A map or plan showing the boundaries of a parcel and all structures and important physical features on it, drawn to scale with accurate dimensions, and submitted with an application for a Minor Project Special Permit or a variance.

Premises: A lot, together with all the structures and uses thereon.

Principal Building: See *Building, Principal*.

Principal Entrance: the main point of access for pedestrians into a building.

Private Frontage: the area between the building line and the front lot line of a lot, whether owned by a private landowner, a charitable organization, or a governmental entity. See *Illustration above under “Frontage.”*

Private Road: A privately owned road held in common ownership or easement by a homeowners' association.

Public Frontage: the area of a public right-of-way lying between the traveled way of a street and a front lot line. See *Illustration above under “Frontage.”*

Public Utility Facility: An installation used by a public agency or franchised public utility to supply or transmit electric, gas, water, cable television, telephone, or other utility service, excluding electric power plants and gas wells. Included are such facilities as electric substations, high voltage transmission lines, pump stations, water supply wells, water towers, and telephone substations. Utility distribution facilities serving customers directly are considered customary accessory uses, not public utility facilities.

Publicly Accessible Place: Any land or structure that is open to the general public, such as a public road, park, public school, recreation area, conservation area, or place of public accommodation such as a restaurant or hotel, excluding private retail and service businesses, offices, and other private property which is open to the public.

Radioactive Material: Any material in any form that emits radiation spontaneously, excluding those radioactive materials or devices containing radioactive materials whose receipt, possession, use and transfer are exempt from licensing and regulatory control pursuant to regulations of the New York State Department of Labor or United States Nuclear Regulatory Commission.

Radiation: Ionizing radiation; that is, any alpha particle, beta particle, gamma ray, x-ray, neutron, high-speed proton, and any other atomic particle producing ionization, but shall not mean any sound or radio wave, or visible, infrared, or ultraviolet light.

Recreational Business: A business which, for compensation or financial gain, offers recreational services including but not limited to fishing preserves, golf courses and driving ranges, miniature golf, movie theaters, and other places of public or private entertainment.

Recreation, Non-commercial: Recreational use of property for other than business or financial gain.

Religious Institution: A church, synagogue, mosque, temple or other place of religious worship, as well as a monastery or other place of religious retreat.

Residential Care Facility: Any building used as a group residence or extended care facility for the care of persons, including assisted living facilities and nursing homes, where compensation and/or reimbursement of costs is paid to an operator, pursuant to State or Federal standards, licensing requirements, or programs funding residential care services.

Residential Unit: See *Dwelling Unit*.

Retail Business: An establishment selling goods to the general public for personal and household consumption, including but not limited to an appliance store, bakery, delicatessen, drug store, florist, grocer, hardware store, liquor

curbs, sidewalks, driveways, and other paved surfaces.

Subdivision: Division of any parcel of land into two (2) or more lots, blocks, or sites for the purpose of conveyance, transfer of ownership, improvement, building development sale. The term subdivision shall include resubdivision. A tract of land shall constitute a subdivision upon the sale, rental, offer for sale or lease, or building development of the second lot thereof.

Subdivision Inspector: The Zoning Enforcement Officer, Village Engineer, and any other person appointed, designated, or otherwise retained by the Village Board to carry out the functions assigned to such person according to this law.

Subdivision - Major: A subdivision containing five (5) or more lots, or any subdivision requiring a new street.

Subdivision -, Minor: A subdivision containing two (2) three (3) or four (4) lots, fronting on an existing street.

This Local Law: See *Zoning Law*.

Two-family Dwelling: See *Dwelling, Two-family*.

Use: The purpose for which any premises may be arranged, designed, intended, maintained, or occupied, or any occupation, activity, or operation conducted or intended to be conducted on a premises.

Use, Accessory: A use which is customarily incidental to and subordinate to the principal use of a lot or structure, located on the same lot as the principal use or structure.

Use, Change of: See *Change of Use*.

Variance, Area: The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the development regulations in Article IV.

Variance, Use: The authorization by the Zoning Board of Appeals for a use of land which is prohibited by Article III in a particular zoning district.

Veterinary Hospital: A facility in which long-term, emergency or non-emergency care is provided to animals.

Village Law: The Village Law of the State of New York.

Visible/Visibility: Able to be seen by a person of average height and with normal vision on a clear day.

Warehouse: A structure or structures in which materials, goods, or equipment are stored, including mini-storage and self-storage facilities.

Waste: All putrescent and non-putrescent materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludge from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal but not including sewage and other highly diluted water carried materials or substances and those in gaseous form, and being those wastes defined as solid waste in 6 NYCRR Part 360- 1.2. Any solid waste which receives a Beneficial Use Determination (BUD) from the NYS DEC is still considered a solid waste for the purposes of these regulations.

Waste Disposal Facility, Hazardous or Radioactive: A facility for the disposal of hazardous or radioactive waste as defined by applicable state or federal laws and regulations.

Waste Management Facility: Any facility employed to manage or process ~~solid~~ waste beyond the initial waste collection process including, but not limited to, transfer stations, bailing facilities, rail haul or barge haul facilities, processing systems, including resource recovery facilities or other facilities for reducing ~~solid~~ waste volume, sanitary landfills, facilities for the disposal of construction and demolition debris, plants and facilities for compacting, composting or pyrolysis of ~~solid~~ wastes, incinerators and other ~~solid~~ waste disposal, reduction or conversion facilities, as defined in 6 NYCRR Part 360-1.2.

Watercourse: Any stream, pond, lake, drainage channel, or other area of land that is normally or seasonally filled with water. Road ditches and shallow land depressions generally referred to as grassed waterways, swales, etc. that carry water only immediately (a few to several hours) after a runoff producing event are not considered a watercourse.

Wetland: An area of land greater than 10,000 square feet that is characterized by hydrophytic vegetation, saturated soils, or periodic inundation which is classified as a wetland by either the New York State Department of Environmental Conservation or the U.S. Army Corps of Engineers, or which would be so classified if it met size thresholds established by these agencies.

Wholesale Business: An establishment selling goods in quantity to retailers or distributors and not selling directly to the ultimate customer.

Wind Energy Conversion System: A mechanized system which converts wind energy into electrical or

APPENDICES

I. HISTORIC REVIEW GUIDELINES

II. LOCAL WATERFRONT REVITALIZATION POLICIES

III. SIGN DESIGN GUIDELINES

IV. GENERAL GUIDELINES

Preface

This manual is intended to serve as an informational and operating guide for the Village of Sackets Harbor Planning Board in their role as review board for the Historic Overlay District. This manual includes references to previous book and studies by others as credited and it is strongly recommended that original sources be used for full understanding of the subjects noted. Funding for this manual was provided in part by the New York State Office of Parks, Recreation and Historic Preservation, Certified Local government program (CLG), whose assistance is gratefully acknowledged.

Crawford & Stearns, Architects & Preservation Planners, Syracuse, New York

Historical Background

The Sackets Harbor Historic Preservation District provides an excellent representation of a predominantly residential northern New York village whose development was greatly influenced by its geographic attributes, natural beauty, unique history and a long term military presence. Today, the community's nineteenth century residential form and character are still readily apparent in its wide tree-lined streets and gracious nineteenth century homes; the military presence is exemplified by the Sackets Harbor Battlefield site and Madison Barracks. While recent growth has taken place on three exit routes from the village, only very few modern day structures interrupt the integrity of the Historic Preservation District.

Because of its deep, natural harbor, the village was selected in the early nineteenth century as a strategic military base and lake port. Sackets Harbor's greatest economic and demographic development occurred from initial settlement in 1801 to the 1850's. After the 1850's, international tensions with Canada subsided and the railroad competed with shipping activity, resulting in a period of slower growth. However, the presence of Madison Barracks provided a fairly stable economic base for the community for 130 years.

A large percentage of the buildings in the village exhibit a Greek Revival influence, in addition to several outstanding Federal style structures. The predominance of these two styles reflects Sackets Harbor's greatest period of growth prior to the railroad era of the 1850's and 1860's. However, architectural styles from other periods, including Italianate, Queen Anne, Colonial Revival, and Bungalow, are also interlaced among numerous vernacular structures.

The commercial district on West Main Street displays a wider range of building styles, uses and materials. Commercial Federal and Italianate structures are punctuated with a railroad terminal complex and the Sackets Harbor Bank Building, a limestone structure exhibiting both Federal and Greek Revival elements.

Madison Barracks encompasses over 100 acres in the northeastern corner of the historic district. Structures within the former U.S. military complex span its 130 year occupation. From remnants of earthworks (c. 1812) to a brick barracks building constructed in 1934, the life of the military post is documented in its physical structures. Three major building periods are evident -- 1816-1819, 1892-96, and the 1920's -- with several secondary periods of building activity. All major buildings face one of the two centrally located parade grounds. Mature trees encircle the expansive lawns.

Introduction

When evaluating the appropriateness of work proposed for buildings of known significance it is first important to address the process of the review before discussing guidelines or standards for design.

Commission members must first learn how to look at a building and to evaluate its significance knowledgeably before they will be able to assess the impact of work proposed by the applicant. This process may be followed privately by individual members during the Design Review hearing or the Chairman may consciously lead the Commission through the process step by step in order to confirm that the review process is itself orderly, consistent, and based on defensible guidelines. Although many proposals will affect only certain aspects of the property it is always recommended that the building is considered in its entirety during the Design Review.

I. BUILDING IDENTIFICATION

A. Use

The first stage in the identification process is the determination of type by use. For the purposes of your review this manual will address buildings by the two most common forms of use, commercial and residential. A third, simplified category would be monumental, however most alterations proposed for this type could be safely addressed using the guidelines for the first two, or else they would be so specific or unusual as to require a more detailed review, possibly requiring the advice of outside consultants. This category could include buildings of varied size and character such as railroad stations, courthouses, churches, or mausoleums.

The New York State Office of Parks, Recreation & Historic Preservation, Division for Historic Preservation also utilizes a list of building types based on common use themes for properties being recorded on Building/Structure Inventory Forms HP-1 ("blue forms"), Historic and Natural Districts Inventory Forms HP-2 ("yellow forms") or Archeological Site Inventory Forms HP-3. These are noted below for reference and general identification during Commission Review:

Agricultural - including barns, farmhouses, sheds, minor buildings, fences.

Commercial including stores, office buildings, banks, restaurants, taverns, markets, warehouses, hotels, spas, utility company buildings.

Educational including schools, academies, colleges, universities, museums, libraries, theaters, concert halls, opera houses, zoos.

Governmental including courthouses, city halls, town halls, civic centers, jails, post offices, customs houses, firehouses, police stations, water systems.

Industrial including mills, factories, foundries, furnaces, breweries, tanneries, ropewalks, mines, quarries, kilns, windmills, watermills.

Landscape architecture including commons, squares, parks, gardens, greens, cemeteries, gazebos, monuments, pavilions, fences, fountains, paving, and

7. Is it an architectural curiosity or picturesque work of particular artistic merit?
8. Does it evidence original materials and/or workmanship which can be valued in themselves?

b. Integrity:

1. Has the integrity of the original design been retained or has it been altered?
2. Do the added architectural elements or other changes detract from or complement the original design?
3. Have significant elements and design features been covered up or somehow concealed?
4. Have significant elements been removed?
5. Is the structure on its original site or has it been moved?

2. Historic Significance- consideration of important people or events associated with the building or representing trends in city development, growth, or history.

- a. Is the structure associated with the life or activities of a major historic person (more than the "slept here" type of association)?
- b. Is it associated with a major group or organization in the history of the nation, state, or community (including significant ethnic groups)?
- c. Is it associated with a major historic event (whether cultural, economic, military, social, or political)?
- d. Is the building associated with a major recurring event in the history of the community (such as an annual celebration)?
- e. Is it associated with a past or continuing institution which has contributed substantially to the life of the community?
- f. Are additions to the structure or other alterations to it indicative of the community's development patterns?
- g. Are changes in the structure's use related to broad patterns of community development?

3. Contextual Significance-consideration of the building in context relative to the immediate site and to the city as a whole.

- a. Is the structure generally visible to the public?
- b. Is it, or could it be, an important element in the character of the community?
- c. Is it, or could it be, an important element in the character of the neighborhood (either alone or in conjunction with similar structures in the vicinity)?
- d. Does it contribute to the architectural continuity of the street?
- e. Does the structure maintain its historic associations to its site and surroundings?
- f. Is its present setting (yards, trees, fences, walls, paving treatment, outbuildings, and so forth) appropriate?
- g. Are these elements of the setting of historic or architectural importance in themselves?

GREEK REVIVAL STYLE

At the turn of the nineteenth century, the idea of Greece as the seedbed of democratic ideals dominated much of American thinking. Attempts were made in architecture to imitate Greek temples. Buildings were turned so that their narrow, gable ends faced the street, giving them a more temple-like appearance. Freestanding columns supporting triangular pediments (porches) took on an important role in the overall design of a structure. Greek Revival houses are generally framed, with low-pitched roofs.

In a simpler, but very popular version, no columns or front porches are used. Instead, the pediment form is adapted for the gable end, with the cornice edges turned inward for a few feet to suggest the lower section of a full pediment. Doors are often framed by a casing resembling a miniature entablature supported by pilasters at either side of the door.

Numerous variations of the Greek Revival style dating from 1820 to the 1850's remain in Sackets Harbor.

ITALIANATE STYLE

Around the period of the Civil War, American architects borrowed from the rural architecture of northern Italy to create a new architectural style. In Sackets Harbor, the Italianate style is represented in both residential and commercial structures, in both frame and brick. The residential structures have a square shape with a low-pitched pyramidal roof and bracketed eaves. Commercial structures exhibit a shed roof, with bracketed cornices on the front facades. This style was popular in Sackets Harbor from the 1850's to 1900.

QUEEN ANNE STYLE

Following the 1876 Philadelphia Exposition, the Queen Anne style became popular in America. This style emphasizes an irregular plan and a variety of surface materials. Roof gables are common, windows appear in a variety of sizes, and often there is a corner tower. This style, popular from the 1880's to around 1900, is rare in Sackets Harbor with only a very few examples in the Village core and Madison Barracks.

STICK STYLE

A Queen Anne variation is found in the Stick style, so named because of its characteristic use of decorative wooden strips, or "sticks" which create the image of the building's unseen structural frame. These buildings often have tall, vertical proportions, steeply pitched roofs, and porches with square or turned posts and diagonal braces. A few variations of this style exist in Sackets Harbor's residential structures.

SHINGLE STYLE

The Shingle style borrows from early New England architecture and was predominantly a New England phenomenon. The distinguishing feature of the style is the use of shingles on the surface of the building. Roofs are often gambrel, and dormers and bays are common. Although popular from the 1880's to around 1910, Sackets Harbor has only one Shingle style structure, located on General Smith Drive.

II. BUILDING EVALUATION

A. Process Overview

1. Focus In evaluating a specific property or Application for Review the Commission must be concerned with two conditions:

- a. The **appropriateness of the design** of building forms and elements as they relate to themselves, to each other, to the building *as a whole*, to the site, and to the environment.
- b. The **appropriateness of diverse technologies** being applied to the building or site under the headings of renovation, restoration, adaptive reuse, etc.

2. Stages – Six Questions

The evaluation process can be described in stages, with the following six questions to be addressed in sequence and with reference to both the *Design Review Guidelines* and other guidance provided.

a. What Was There Originally?

What did the original building, detail, or site look like, based on historic drawings, photos, physical evidence, perhaps memory or oral tradition, etc? "Originally" is taken to mean approximately the time of initial construction, but must also consider periods of alteration similar to those described in item 4 below.

b. Why Was It Significant? Review the Architectural, Historical, and Contextual Significance of the building, element, or site relative to the Design Review Guidelines attached. Identify points of significance and their relative degrees of importance.

c. What is There Now?

What is the current condition of the building, element, or site? What has been damaged or altered, lost or added, and when?

d. Have The Alterations or Additions Gained Significance in Their Own Right?

Have they been present for a great part of the property's life (usually more than 50%), are they directly related to a person or incident of specific significance, do they represent an important period in the property or district's development, or have they sufficient character, quality, or distinctiveness to be considered significant separately from the building?

e. What is Being Proposed to Be Done?

Determine precisely what work is being done to the building, element, or site, including related work often not stated such as site damage caused by construction material delivery trucks or the effect on vegetation when masonry cleaning chemicals are washed off a building. Complete, detailed applications, with all necessary submissions, must be available for such a review.

f. How Will This Work Affect the Architectural or Historical Significance Determined Above?

Consider the obvious and direct impact of this work based on the discussions of Appropriateness of Design and Appropriateness of

adjacent buildings. The height of new construction should be no lower than the average height of all buildings on both face blocks. Measurements should be made from street level to the highest point of the roofs.

2. Width The width of proposed buildings or additions shall be compatible with adjacent buildings and reflect the characteristic rhythm of facades along the street.
3. Window Proportions, Size and Placement The window proportions (height versus width) shall be visually compatible with those of other windows in the same building and in other adjacent historic buildings. Also, the ratio of window area to solid wall should be similar to those on surrounding facades.
4. Rhythm. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible to others prevailing in the area. Rhythms which carry throughout the block should be incorporated into new facades.
5. Directional Emphasis Alterations shall respect the directional emphasis of the original building, and new construction shall be related harmoniously to its immediate neighbors. "Directional emphasis" refers to the basic vertical, horizontal or non-directional design of a building.
6. Materials Materials and textures visually compatible with the existing building or adjacent buildings should be used. Many different materials on a single structure or closely-related group of structures can lead to visual confusion and a chaotic appearance. Alterations and new buildings should not stand out if the harmony of a streetscape is to be maintained. Materials which imitate natural materials should be avoided. Imitative materials such as asphalt siding, wood-textured metal siding or artificial stone should not be used. Diagonal and vertical siding is generally unacceptable. Narrow lap metal or vinyl siding, when well installed and carefully detailed, may be acceptable in some cases.
7. Roof Forms The roof pitch employed on a new building or addition should be similar to those found on adjacent buildings. If a gable-type roof, its orientation to the street should be the same as in neighboring buildings. Roofing materials should be harmonious with existing roofing materials in the District, and roof colors should not dominate (dark neutral colors and materials are preferred).
8. Fences Traditional fencing materials such as painted picket fences, wrought iron fences, low hedges, or limestone retaining walls are preferred. Chain link fences and high opaque fences should be avoided in front yards and side yards visible from a public right-of-way. Tall foundation plantings which obscure a building's features should also be avoided.

B. Determination of Appropriateness

1. Appropriateness of Design - In reviewing proposed work relative to design

3. Ornamental Elements: site furniture, fencing, treillage, statuary, fountains, walls, etc.
4. Contours and Grading
5. Mechanicals: power poles, wiring, lights, transformers, etc.
6. Landscaping: trees, grasses, plantings, etc.

e. Archeological Sensitivity: refer to section on current issues of concern

2. Appropriateness of Technology

This is an area of specialty that must usually be addressed by staff or other professionals specifically trained in the technology of historic preservation. Contractors, materials suppliers, and most architects rarely have the appropriate knowledge and experience, though they often believe otherwise. Technical Preservation Briefs and other periodicals offer valuable information, however field investigation by trained personnel is always necessary to correctly diagnose problems and weigh the advisability of possible solutions. Conditions can vary greatly and technology is changing rapidly. Inappropriate treatments or procedures can have severe and permanent effects on buildings, elements, or sites, and can result in substantial loss of historic or architectural significance. Consequently, it is highly recommended that the Commission secure the services of recognized professional preservation consultants as needed and also solicit assistance from the State Historic Preservation Office.

Conclusion

It is extremely difficult to determine precise boundaries for good taste, even on a local basis, since we, as people and as society, are too distinctly individualistic. Since even individual experts within a field sometimes disagree, we must learn to educate ourselves enough to be able to understand the principal issues and then evaluate them based on the best commonly accepted standards available, at the time. These standards may change periodically, but for the moment they represent the most carefully constructed consensus of experienced opinions applied to the given subject.

high quality wood composite or cement board products should be considered over vinyl, PVC, and other artificial materials.

Economic Potential - Some applicants will attempt to utilize designs or construction techniques that minimize costs and maximize income at the expense of the property and its significance. When considering economic impact the Commission must consider the project itself and not the owner's personal finances, and must evaluate it on the basis of a "reasonable" return on investment rather than the maximum. Projects which are eligible for public funding assistance or investment tax credits, but which decline to seek them are ignoring substantial incentives and almost certainly will not be able to justify a plea of economic hardship.

Technology - A common argument raised by developers, builders, and sometimes architects is "You can't do that." or "They don't make that anymore." Currently, almost any building element or detail in existence can be repaired in place or reproduced in the same or an equivalent material. This is sometimes quite expensive and sometimes far less than feared. The point here is that it can be done and this approach must be correctly addressed before decisions are made regarding costs or optional methods.

Skilled Labor - A similar condition exists with the assumption that many of the skills necessary for appropriate renovation have been lost forever. On the contrary, many skilled mechanics and craftsmen exist yet are never asked to perform quality work anymore. It is also possible for the restoration architect to teach a person skilled in contemporary crafts the additional knowledge that he needs for the specific work in question.

Archeology - Archeology has become an issue of increasing concern for many years and has relatively recently been sub-divided or even plagiarized to include other forms of concern for our history and social development. Listed here are the five most common forms though their relationship may be questioned by some. They are issues of immediate concern and must be considered when evaluating work proposed of almost every sort.

1. Prehistoric Archeology - the most conventional and easily understood form, addressing evidence from before the beginnings of recorded history.
2. Classical Archeology - similar concerns, addressing evidence from the beginnings of recorded history to the period of the modern age which is somewhat in dispute, perhaps ending with the Renaissance.
3. Historic Archeology - of increasing importance and seeking information from the remains of the more recent period, including working in and around buildings still existing as an aid to restoration efforts.
4. Industrial Archeology - a relatively new form which attempts to record, research and sometimes preserve the physical remains of technological development, generally of the Eighteenth, Nineteenth, and Twentieth centuries.
5. Commercial Archeology - the most recent and unusual form this philosophy promotes awareness, of relatively recent elements of popular culture such as neon signage, fast-food restaurant forms, and recent vintage automobiles, and is a serious attempt to recognize and preserve significant social forms before they are lost for lack of concern.

Religious Properties - The courts have determined that existing laws allow for the designation

GLOSSARY OF TECHNICAL TERMS

The following technical terms are excerpted from the references noted in the bibliography and other generally accepted standards. They are intended to assist Commission members in discussing building and building elements which are subject to CAUD review.

ARCHITRAVE.... The lowest part of an entablature (see Order) or, as more commonly used in connection with houses, the molded trim around a door or window opening.

ASHLAR.... Squared and faced building stone. If the sizes of the blocks vary it is called random ashlar.

BALUSTER.... An upright support of a handrail. "Banister" is a colloquial form of "baluster".

BALUSTRADE.... A row of balusters carrying a rail.

BARGEBOARD.... A projecting board, often decorated, that acts as trim to cover the ends of the structure where a pitched roof overhangs a gable.

BATTEN.... A board fastened across two or more others to hold them together.

BAY.... Divisions of a building facade marked by windows or other vertical element placement.

BAY WINDOW.... A projecting bay with windows that forms an extension to the floor space of the internal rooms. On the outside the bay should extend right down to ground level.

BEAD.... A convex, rounded molding, usually semicircular in section.

BELT COURSE.... A horizontal "belt" formed by a projecting course (or courses) in a masonry wall for decorative purposes.

BLINDS.... In old houses the term is used to denote an external or internal louvered wooden shutter that excludes direct sunlight but admits light through a window. The external blind, by intercepting the sun's heat before it passes through the glass of the window, is still one of the best ways of keeping the interior of a house cool. Internal blinds can also be quite effective and attractive: in some houses they fold back into the wood paneling around the window to become almost invisible, and so any mysterious knobs on the paneling should be investigated.

Now the term "blind" is generally applied to the roll-up or Venetian variety and the wooden hinged types are incorrectly referred to as "shutters" (which do not have louvers).

BOLECTION.... A molding which projects beyond the general surface of a panel or connects two surface levels.

BOND.... The method used to hold thick brick walls together. English bond is an arrangement which alternates one row of bricks placed end out with another row of bricks placed side out. Flemish bond is an arrangement which alternates a brick placed sideward with a brick placed lengthwise within the same row. Common bond uses staggered rows of brick, each row with all bricks side out.

BRACKET.... A small projection, usually carved decoration which supports or appears to support a projecting cornice or lintel.

CAPITAL.... The head of a column (see Order).

CLAPBOARDS.... Narrow, horizontal, overlapping wooden boards that form the outer skin of the wall of many wood frame buildings. These boards are generally 4"- 6" wide.

CLASSICAL.... A term used to describe the architecture of ancient Greece and Rome and also, more loosely, the later styles based on it (see also Order). These later styles would include all the work of the Renaissance period in Europe and its later offshoots such as Georgian, Federal, Greek Revival, Renaissance Revival, Italianate, French Second Empire, and so forth.

HALF-TIMBERED FRAME....A house frame constructed of heavy timbers divided horizontally to form spaces which are filled with bricks, plaster, etc. constituting exterior walls.

HEADER....A brick laid so that its shorter face, or head, shows in the surface of a wall.

HIP ROOF....Also Hipped Roof (see Roof Types).

IONIC....See Orders.

JAMB....The vertical sides of an opening - usually for a door or window.

JOIST....Any small timber laid horizontally to support a floor or ceiling.

KEystone.... The wedge-shaped piece at the top of an arch.

LEADER.... See Rain Leader.

LIGHTS....Openings between the mullions of a window, usually glazed.

LINTEL....A horizontal beam over an opening. May be decorative or may carry load of the structure above.

MANSARD ROOF....See Roof Types.

MASONRY.... Exterior wall material, such as brick or stone, which *is* laid up in small units.

MOLDING....A decorative band or strip of material with a profile. Generally used on cornices and as trim around window and door openings.

MULLION....A vertical bar or pier between windows.

MUNTIN....A small, slender mullion forming a sash bar to hold the glass in a window.

ORDER....In classical architecture an order consists of a Column or shaft (with or without a base) its Capital, or head, and the horizontal Entablature. These were proportioned and decorated according to certain modes - the most common ones were established by the ancient Greeks - the Doric, Ionic and Corinthian. The Romans later modified these orders slightly. Most of the "classical" details found in nineteenth century buildings are modifications of the Roman details.

ORIEL WINDOW....A projecting bay with windows, which emerges from the building at a point above ground level. It is often confused with a bay window (see Bay Window).

PALLADIAN WINDOW....A group of three windows, the center one being higher and having a rounded top, named after its inventor Andrea Palladio, 16th-Century architect.

PANE....See Window Parts.

PEDIMENT.... The triangular space formed by the two slopes of a gable roof. Also, a triangular cap sometimes used as decoration over a door or a window.

PILASTER....A flat-faced or half round column which appears as if embedded in the surrounding wall and which projects slightly from it.

PITCH....The angle of slope of a roof, i.e., a 3Q⁰ pitched roof, a low-pitched roof, a high-pitched roof, and so forth.

PLAN....A drawing representing a downward view of an object or, more commonly, a horizontal section of it. In the case of a floor of a house, it will show the disposition of the walls, partitions, rooms, doors, windows.

PLATE....The horizontal wooden members that lie on top of-a wall or form the topmost horizontal members of a braced frame that support the roof rafters.

POINTING.... The outer, and visible, finish of the mortar between the bricks or stones of a masonry wall.

PORCH.... (a) Covered entrance either inside *or* outside the front door of a house; (b) Any covered enclosure or veranda attached to the house.

PROPORTION....The ratio of two or more dimensions. This can refer to the ratio of the width to

BIBLIOGRAPHY

The following list includes only a few of the many hundreds of books and periodicals available relating to the field of historic preservation. It is provided as a highly recommended selective reading list to assist Commission members in understanding the basic history, principles, and techniques necessary for knowledgeable participation in the design review process.

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APPENDIX III- SIGN DESIGN GUIDELINES

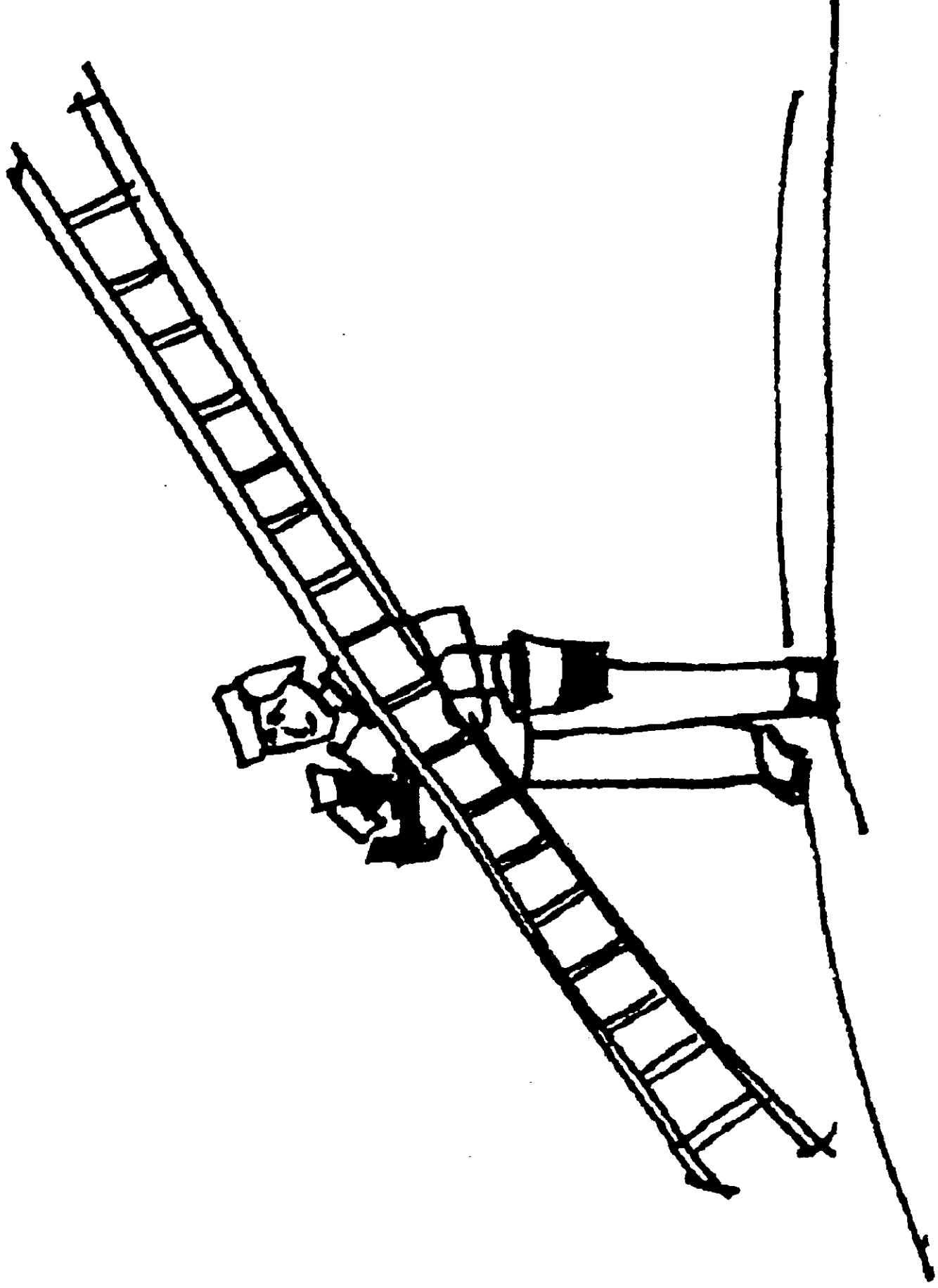
(Current, approved Sackets Harbor Sign Guidelines)

GETTING STARTED

Introduction

It's hard to overestimate the impact that signs can have on the image people have of a place. Signs are deliberately designed to attract attention, and by doing so they become a prominent component of a street or neighborhood. Even if your building is beautiful and the neighborhood is inviting the overall impression people have of your business may be due in large part to the image created by signs.

This manual is provided to help you design signs that will be a positive addition to the Sackets Harbor Historic District, signs that will effectively promote your business - and effectively promote the district as an attractive and desirable place for residents, visitors, and potential customers!



Where do I Go? Applying for a Sign in the Sackets Harbor Historic District

All commercial signs within the Historic District are governed by the village of Sackets Harbor Zoning Law. Anyone wishing to erect a sign in the district must obtain a zoning permit. Applicants must submit a facsimile of the proposed sign for review by the Village Planning Board. Submission should be a measured drawing indicating proposed color, materials, shape, and design of the proposed sign. The sign application will be evaluated according to the criteria set out in the zoning law and this manual. Signs that do not conform to zoning requirements will be denied a permit, and the applicant must re-apply once necessary changes to the proposal are made.

PART 1: UNDERSTANDING THE SITE

Site Context:

Where do I Fit In?

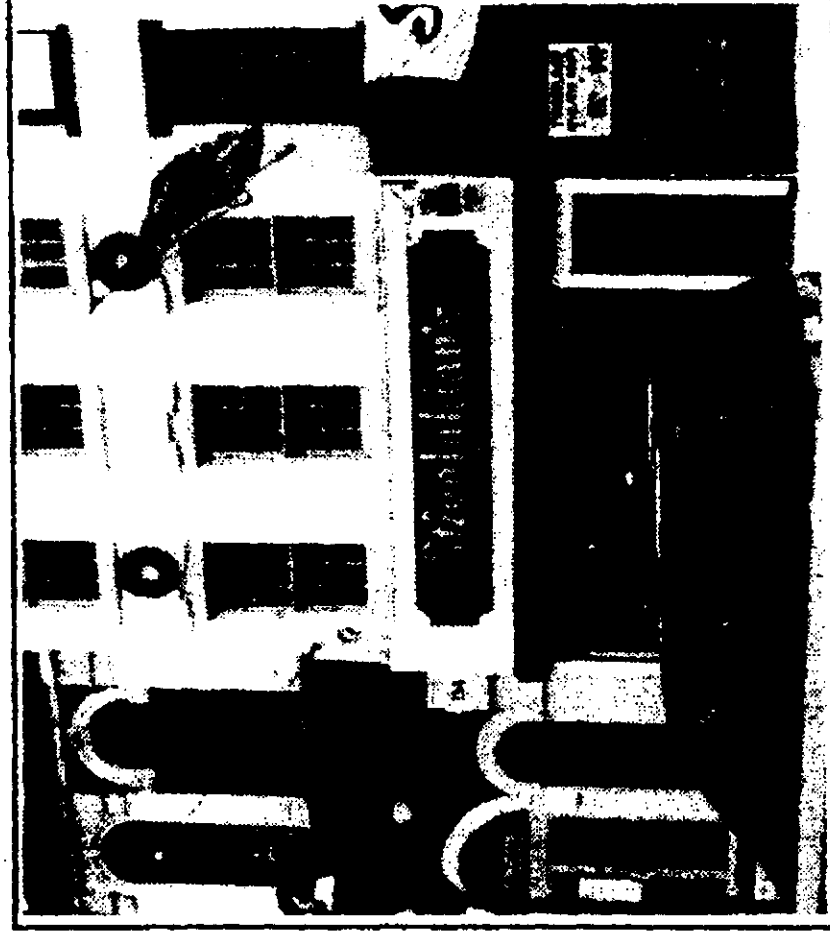
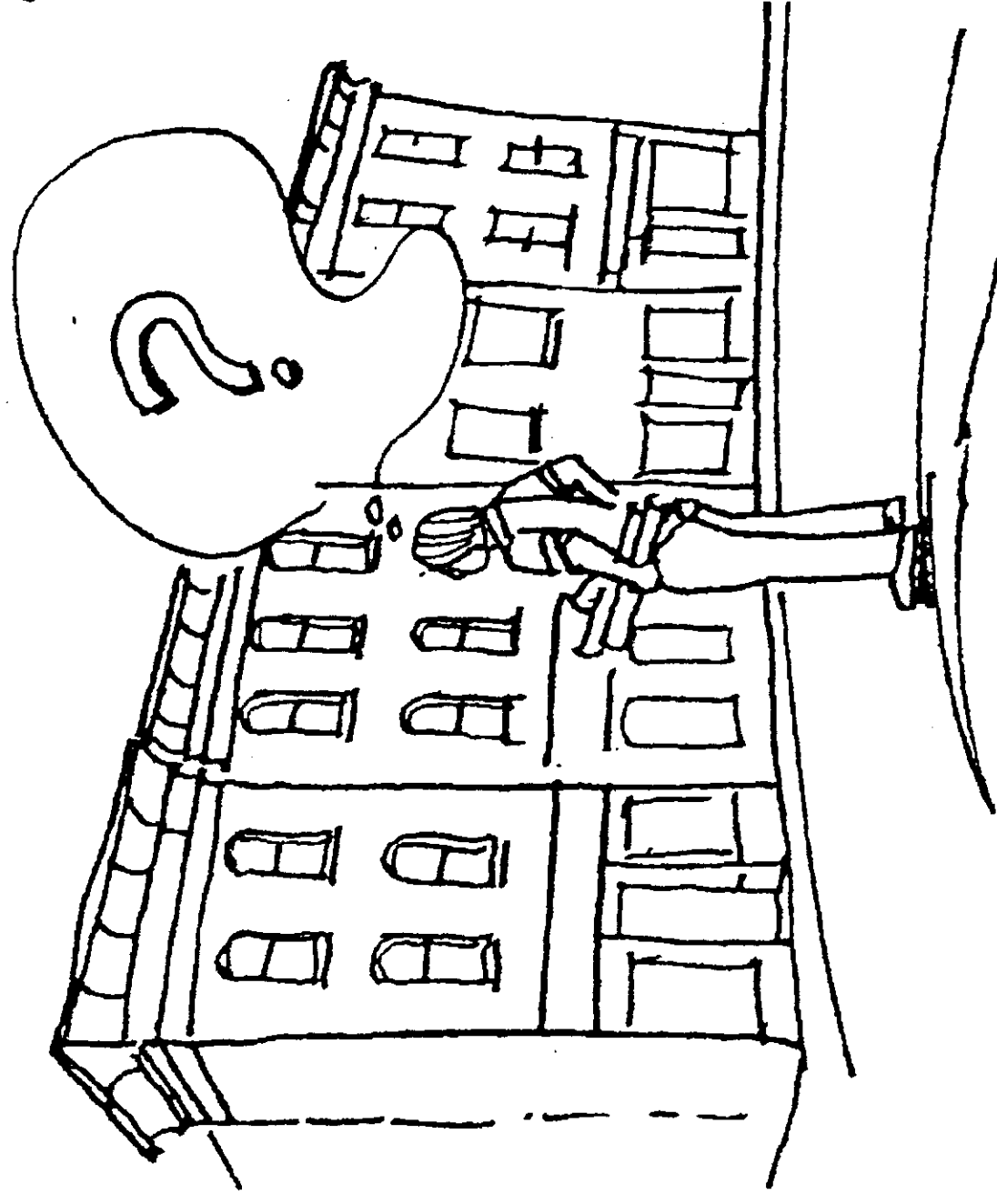
The purpose of signage is to attract and inform people. For the sign to be effective it must **communicate a clear message**, telling people where you are, what you are, and why they should come in and see for themselves.

But for a sign to attract people into your establishment, you first need them to come into the district. The historic character of Sackets Harbor is one thing that sets it

apart from countless other places - it is what makes it unique. Preserving this character benefits everybody - and it is everybody's responsibility to see that it is preserved.

Your sign is just one element in a whole streetscape full of things to look at. For your sign to work you must think about how it will fit into that streetscape. You must consider the overall setting in which the sign will be placed - the **physical context** of the street and surrounding neighborhood. Signs that look "out of place" usually don't succeed, they only help create a cluttered landscape in which no clear message is communicated.

In the Historic District, attention to context is especially important. The Historic District is special because it has a unique character or "feel." If signs disrupt or detract from the special character of the historic district, everyone in the district suffers, because it becomes a less attractive and less meaningful place to be.



Signs that fit the setting add to the historic character of the district.

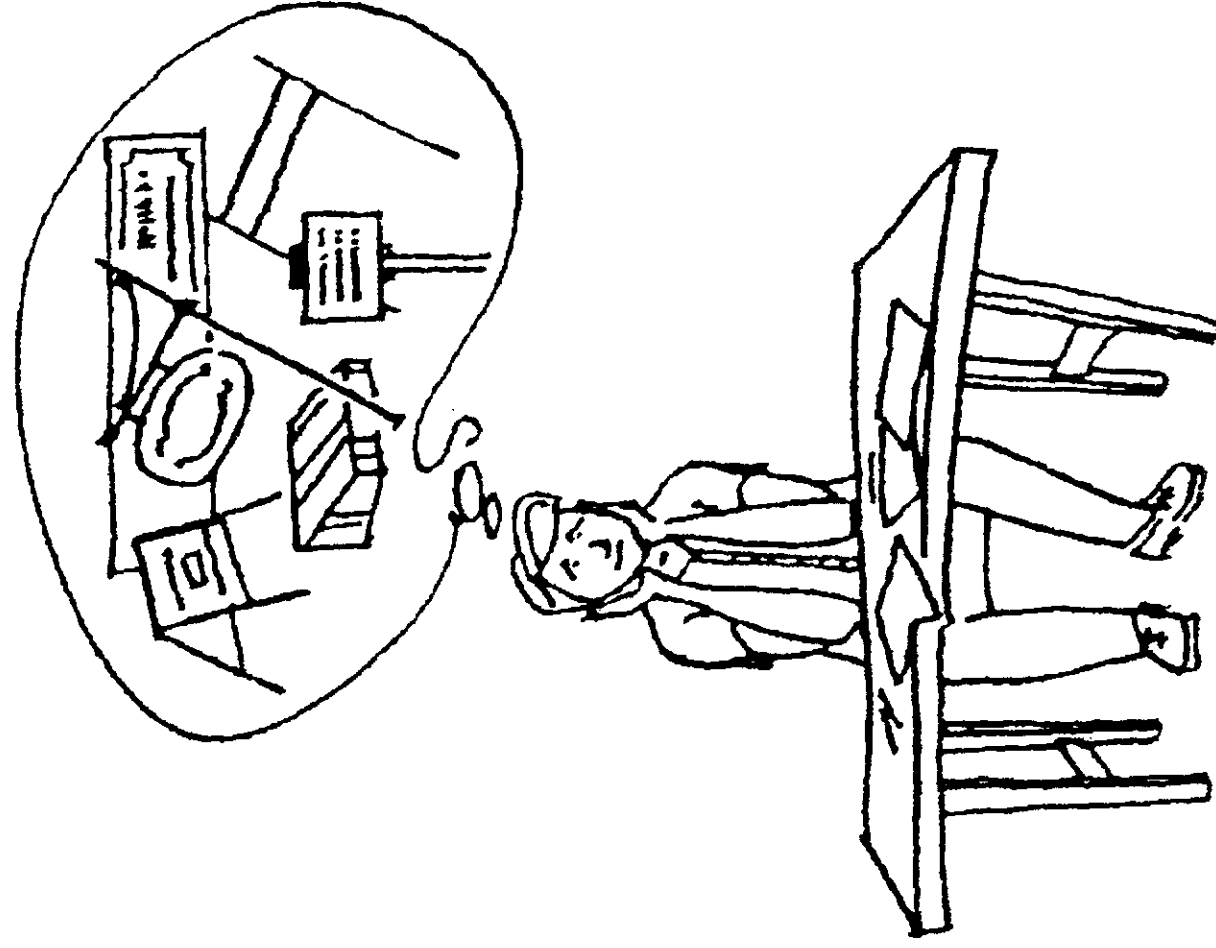


Signs that do not fit the setting detract from the district's historic character.

PART 2: DETERMINING SIGN TYPE AND PLACEMENT

Sign Placement: What Kind of Sign Should I Use?

There are many types of signs, each best suited to a particular situation. A good sign always fits into its setting well - it appears to belong as part of the building and street. The following pages outline several basic types of signs and discuss the situations when each type is most effective.

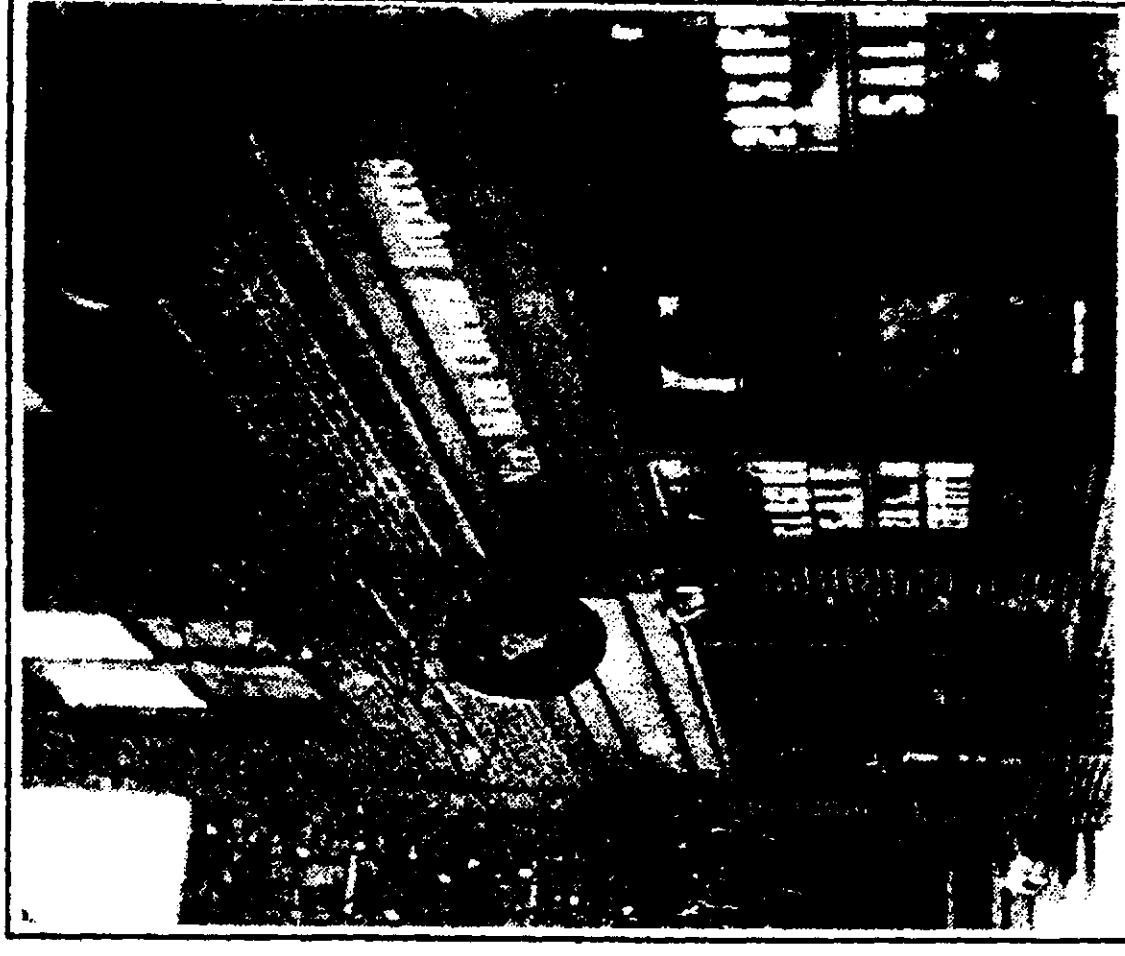


In selecting the right type of sign, and placing it appropriately, it is helpful to remember these three considerations:

1. Consider the Viewer: A sign should be placed so that the person you want to see it can see it easily. In the Sackets Harbor Historic District your potential customers are pedestrians and people in slow-moving cars. This means that signs should be placed close to eye level, and should not be excessively tall or large.

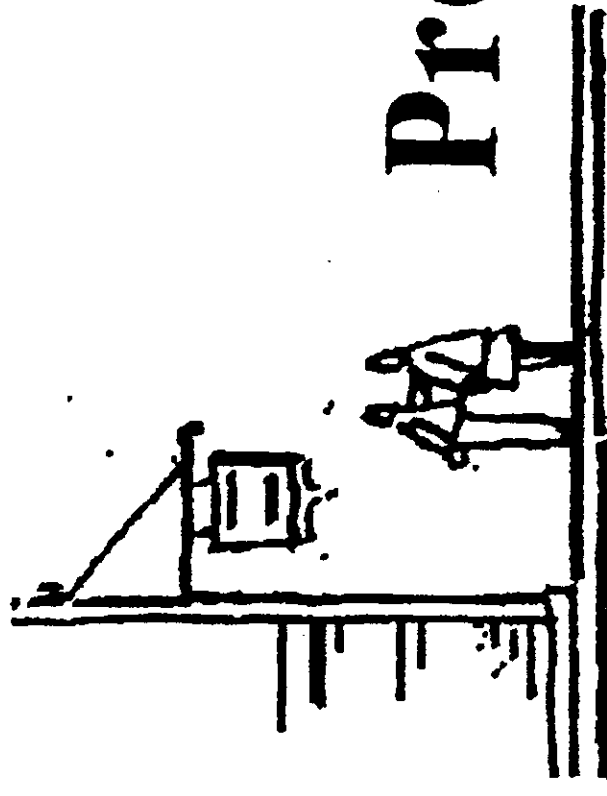
2. Consider the Street: Your sign should be coordinated with neighboring signs, so that viewers get a single clear overall "image" of the district. No sign should overtly compete for attention or dominate the overall view.

3. Consider Your Building: Your sign should look like it's a logical component of your building's design. One sign does not fit all. A sign which works perfectly well on one building may look terribly out of place on another. Most commercial build-



Signs that are coordinated contribute to an overall image for a district.

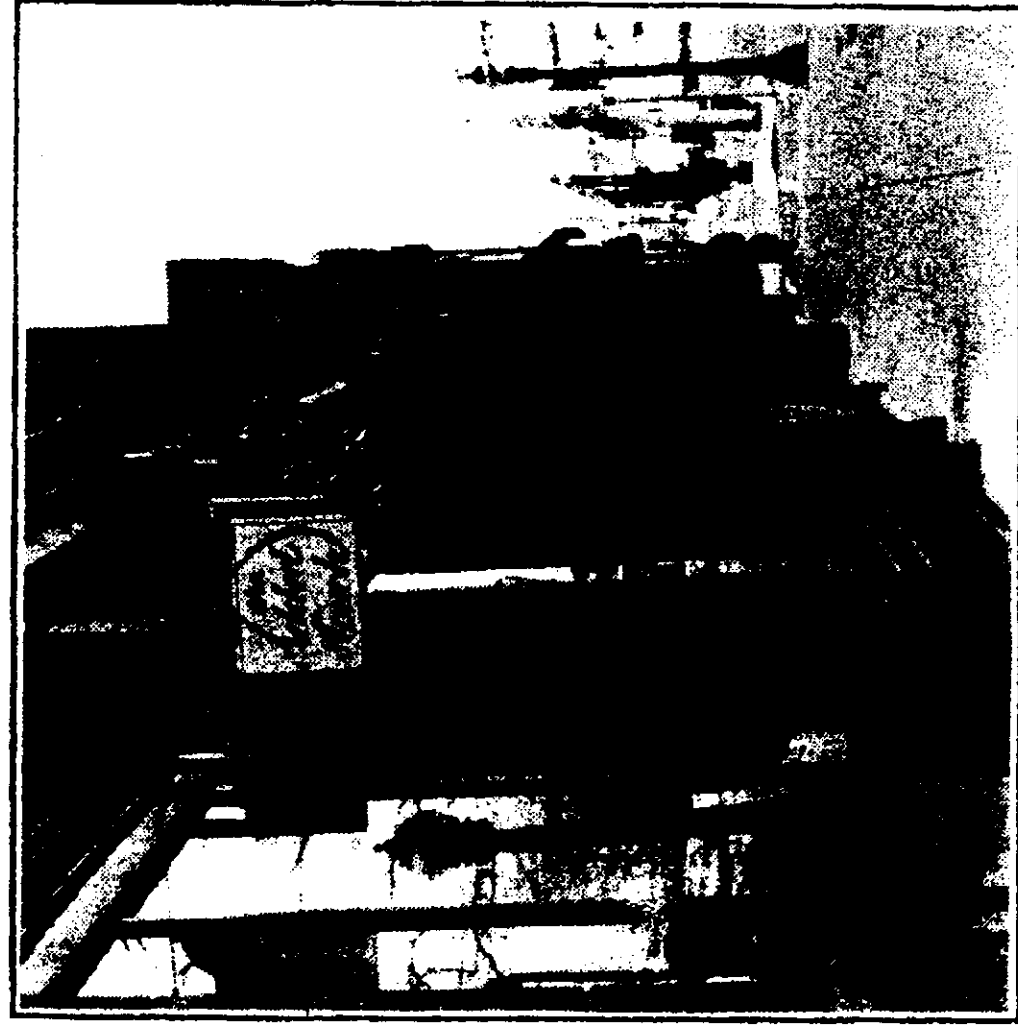
ings have a "signable area" - a continuous flat wall surface where a sign can be placed without interfering with doors, windows, or other architectural features of the building. If possible, your sign should be designed to fit this signable area.



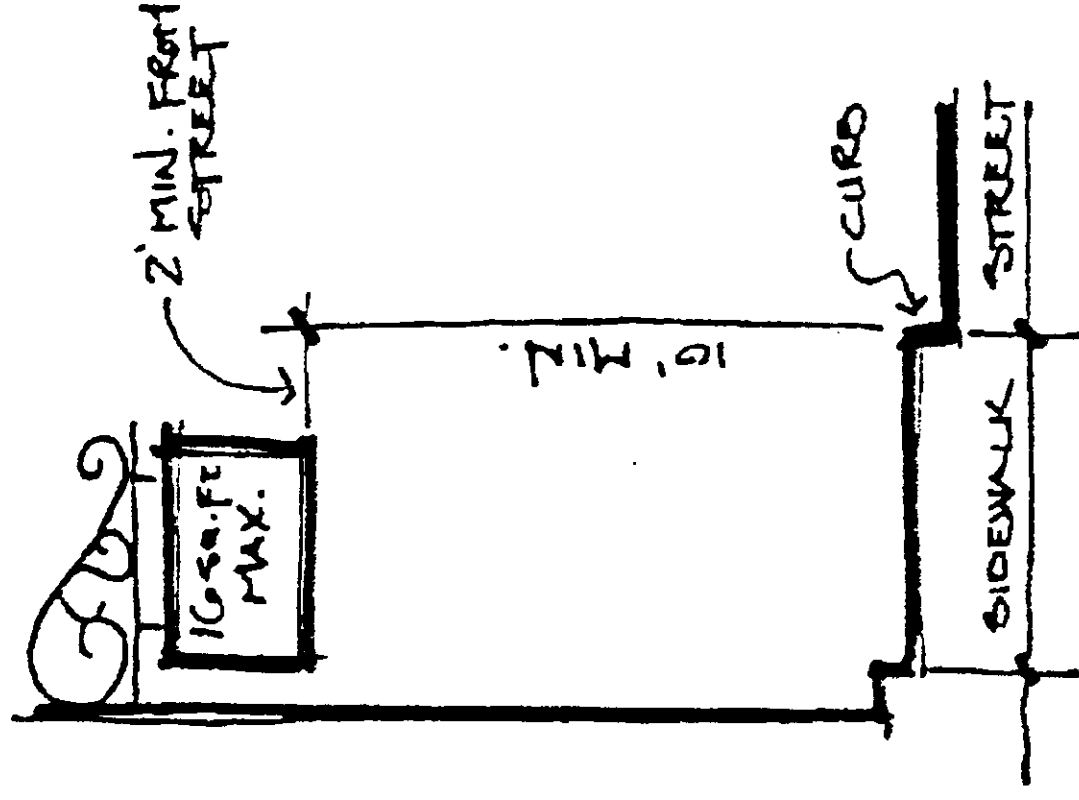
Projecting Signs

When Should I Use a Projecting Sign?

Projecting signs are a suitable choice when the attention of slow-moving cars and pedestrians is desired, or when your building doesn't have a good place to put a flush-mounted sign. Since projecting signs are meant to be read from close up, more detail can be used in their design. They are especially effective when coordinated with adjacent signs to form a unified street of similarly styled and proportioned projecting signs.

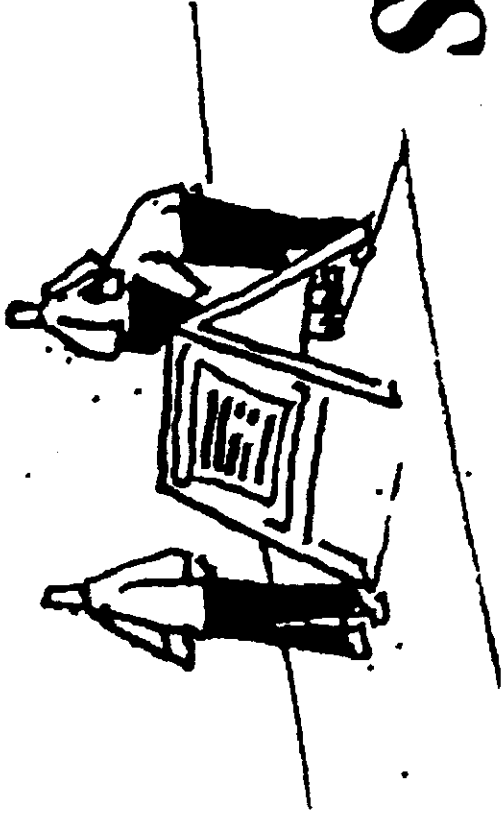


Shape and design style of projecting signs can vary while still maintaining the rhythm of a harmonious street.



Guidelines for the Placement of Projecting Signs:

- Must project no more than 5' from building face and extend no closer than 2' from the curbline.
- Must not extend into vehicle traffic areas, such as parking lots or driveways.
- Must be at least 10' above pedestrian traffic areas at their lowest point.
- The total surface area must not exceed 16 sq. ft. (each side).
- Typically only one (1) projecting sign is allowed per business. Exceptions can be made where a business has more than one customer entrance or faces onto more than one public right-of-way.



Sidewalk Signs



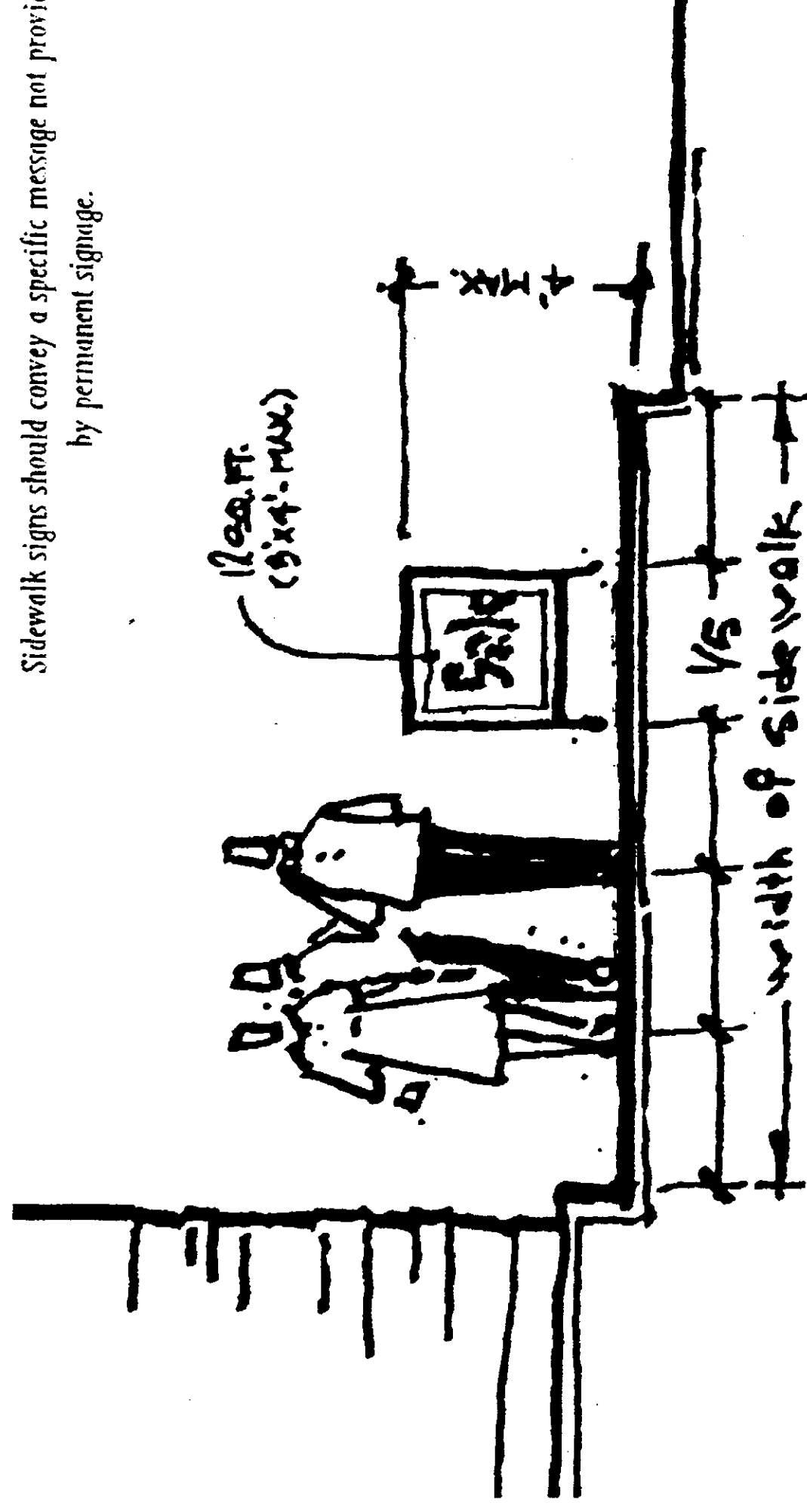
When Should I Use a Sidewalk Sign?

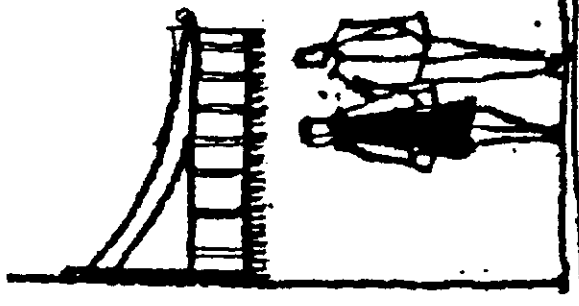
A business which relies primarily on spontaneous pedestrian traffic, such as a restaurant or tavern, may consider using a sidewalk sign. Sidewalk signs can be an effective supplement to permanent signage and can be an exciting addition to an historic district's streetscape. Sidewalk signs are most effective when they communicate a specific message or information that is not found in permanent signage. Lunch menus, special sales, or promotional events are examples of information which can be effectively conveyed with a sidewalk sign. Businesses wishing to use this type of signage should coordinate with each other. Too many sidewalk signs in one area tends to cancel each other out, and diminish the effectiveness of any one sign.

Guidelines for the Placement of Sidewalk Signs:

- ☐ Must stand no higher than 4' off the ground, and must have a surface area no greater than 12 sq. ft. (per side).
- ☐ Must be removed from the street after business hours.
- ☐ Must not obstruct pedestrian traffic more than 20% of the width of any pedestrian right-of-way.
- ☐ Wheels on signs are not permitted.

Sidewalk signs should convey a specific message not provided by permanent signage.





Awning Signs

When Should I Use an Awning Sign?

Awning signs can be a welcome addition to any streetscape. As well as providing an opportunity for signage, awnings provide shade and shelter and add to the diversity and visual texture of the street. They can also be an important component of a building's overall color scheme

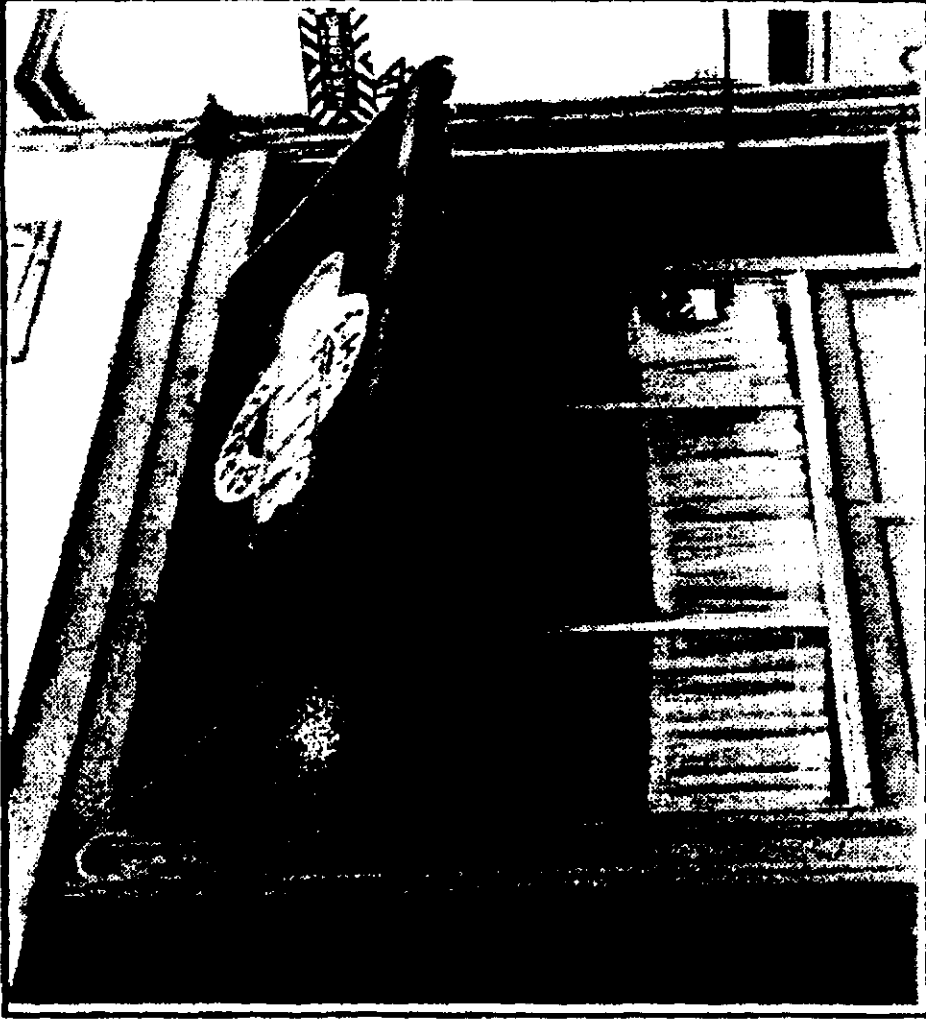
Awning signs can be effectively used in conjunction other types of signs, such as flush-mounted or window signs, or they can be used alone. In all cases the information conveyed on awning signs should be simple, brief and should include no more than two of the following items: name of business, slogan, and street address.

Guidelines for the Placement of Awning Signs:

- ✦ The bottom of the awning must be at least 7'-6" above the sidewalk.
- ✦ The awning should be placed with a direct relationship to windows and/or doors on the building facade.
- ✦ Lettering should only appear on the valence of the awning, as lettering on the canopy is sometimes hard to read from pedestrian eye-level.

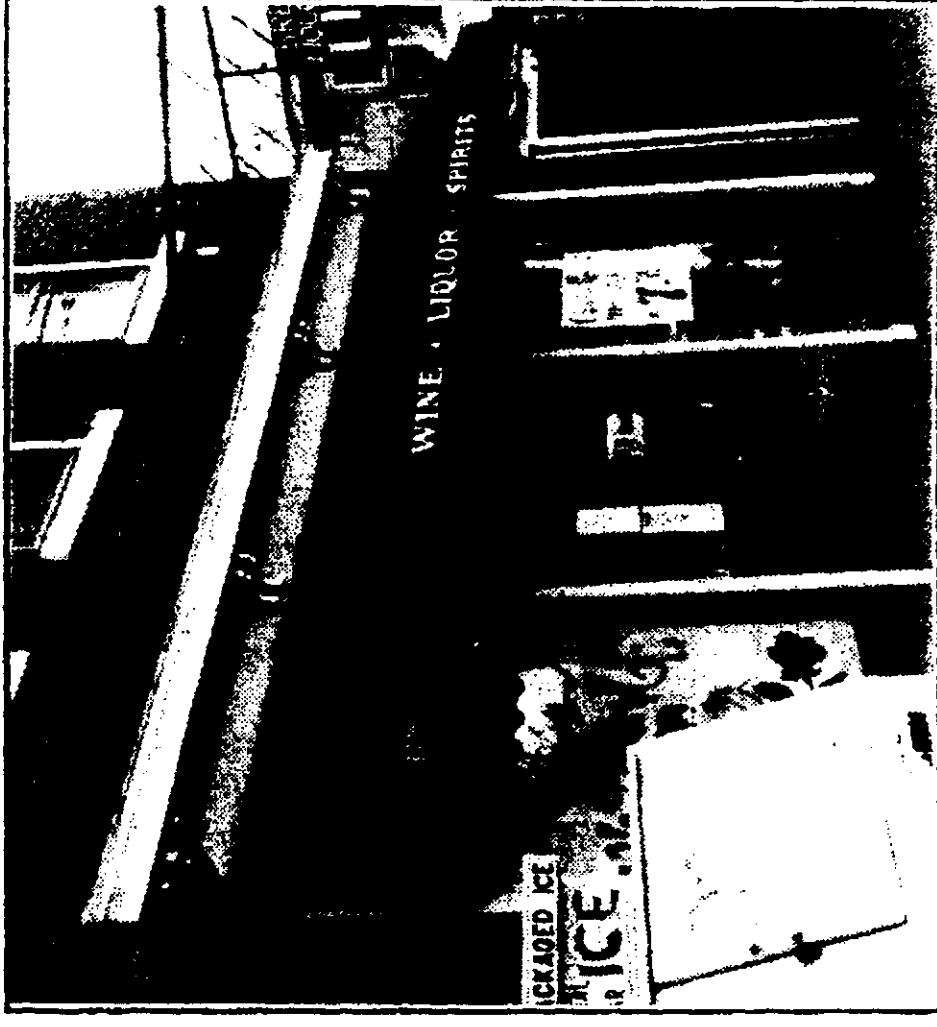


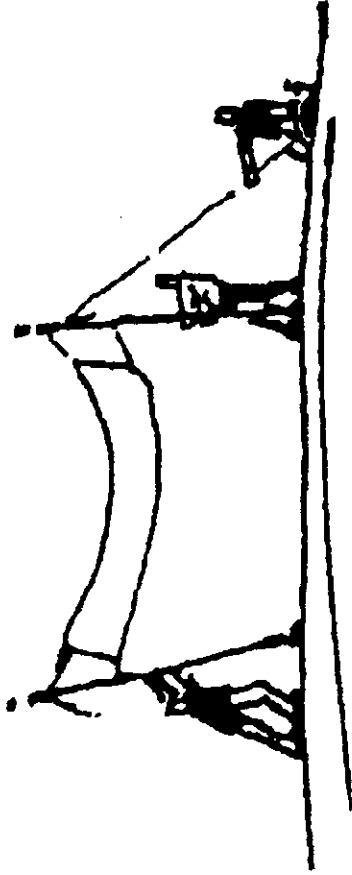
Contemporary-style awnings often look out of place in the historic district.



Top: Words and graphics printed on the awning canopy are sometimes hard to read from eye level.

Bottom: Words should be printed on the valence of the awning. Awning does not interfere with architectural detail.





Temporary Signs

When Should I Use a Temporary Sign?

Temporary signs can be used to advertise sales and promotional events or as part of seasonal holiday displays. If designed thoughtfully they can become an exciting part of the visual environment, adding interest to the streetscape and symbolizing a district's activity and vitality.

Because they are not intended to remain in place for long periods of time, the choice of materials and design style of temporary signage is more flexible. Paper, cloth, and even plastic may be suitable. But temporary signs must maintain the same compatibility with its setting that permanent signage exhibits. Temporary signage, because it is new and special, will by its nature attract attention, and will contribute in a large way to the image a district - and your business - projects.



This temporary sign works well - it doesn't obscure permanent signs or views into the store.

Guidelines for the Placement of Temporary Signs:

- must not impair pedestrian or vehicle traffic or visibility in any way.
- should not exceed 10 sq. ft. in area
- should not obstruct views into store.
- should not obscure permanent signs.

Landmark Signs

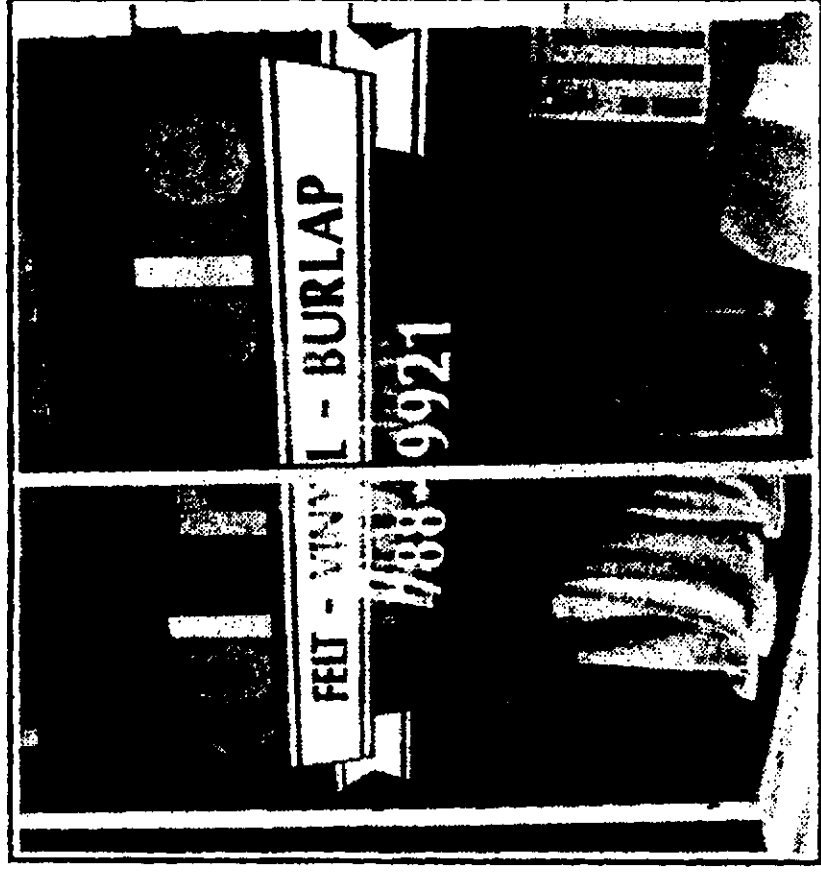


Thoughtful common sense should be used when applying modern guidelines to historic signage. Historic signs which do not conform to modern parameters may be permitted to remain, especially if they form an integral part of an historic district's identity.

Historic signage is every bit as important to the historic integrity of a district as architecture. Signs can be landmarks, taking on their own particular historic significance by being a prominent contributor to the character and identity of an entire district. Wherever historic signage exists it should be preserved in its original condition, or restored.

Period Signs: Should my Sign Look "Historic"?

One approach to designing signs for the historic district is to follow historic precedents. It may be desirable to re-create signs which originally existed on site in the past, or to use historic signs as clues to what type of sign may be most compatible. Even if the use of a building has changed, it may be possible to use the same style of sign which was used historically.



Both contemporary-style and period-style signs can be appropriate for the historic district.

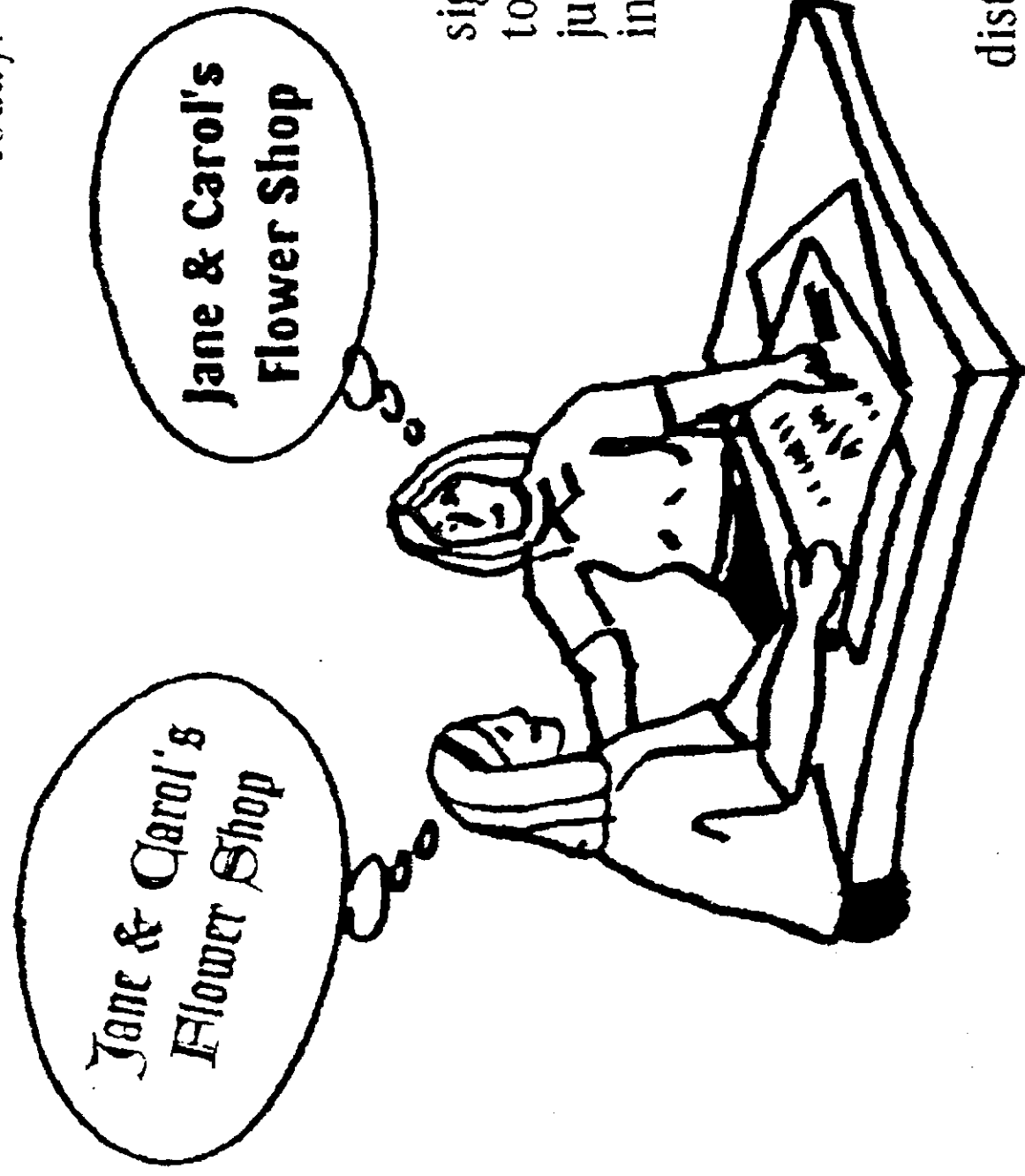
It is important to remember, however, that not all historic signs may be appropriate today. While respecting the value of historical authenticity, signage in historic districts must also respect today's aesthetic standards - standards which in many ways are different from the aesthetic standards prevalent in earlier times. Huge and crudely-made signs were not uncommon in historic American downtowns. Good judgement must prevail in determining which historic precedents we follow, and which we are wise to leave behind.

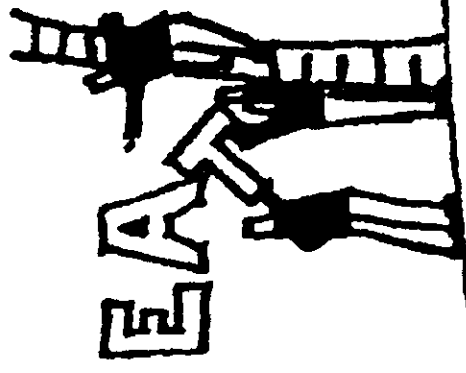
While "period-style" signs can fit wonderfully in an historic district, it is also possible to create

contemporary-style signs which are equally appropriate. Part of the success and appeal of Sackets Harbor is the modern adaptation of old places to new uses - adding a new layer of history on top of earlier layers of history. Creativity and diversity in sign design is encouraged since it reflects the uniqueness of each business in the district, as long as all signs are compatible with the historic setting.

Guidelines for Good Design






There are many aspects to designing a good sign. Guidelines for sign design here are discussed in terms of several common issues: size, lettering, message, color, lighting, and materials.

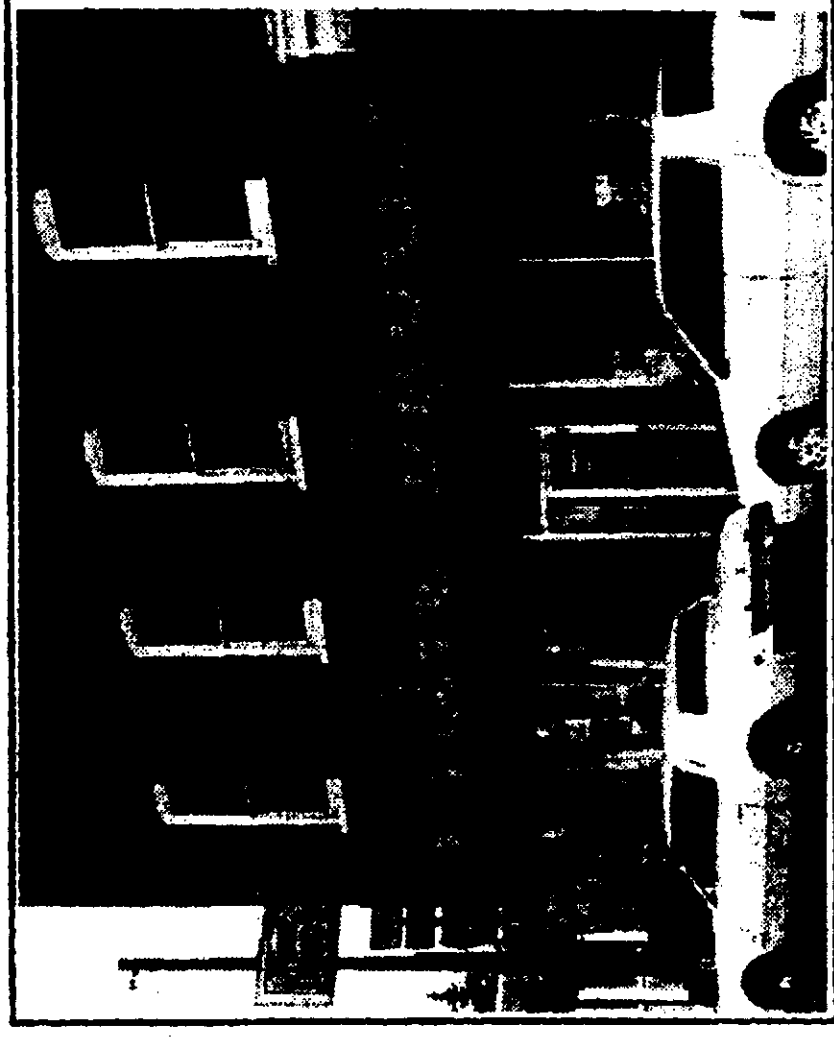




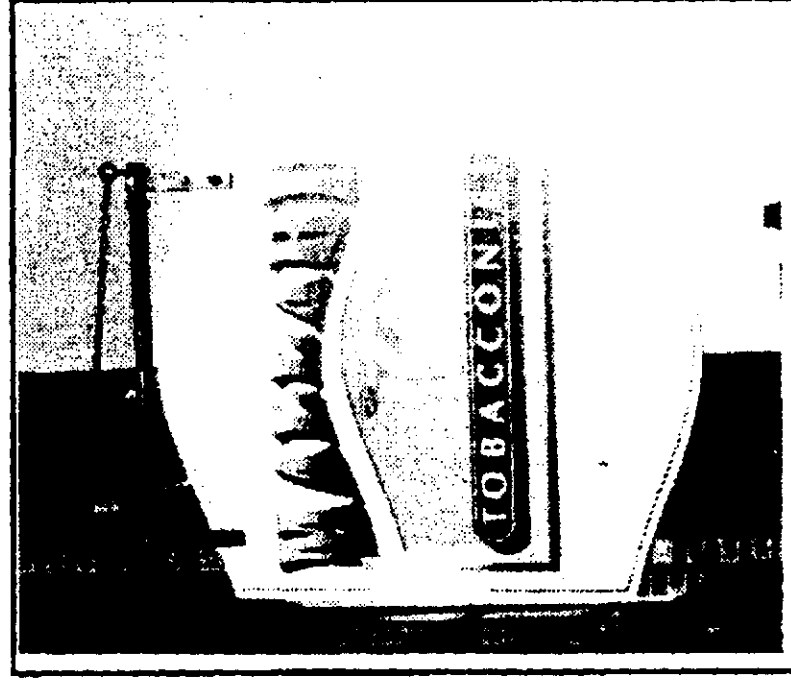
Lettering

What Should I Know About Sign Lettering?

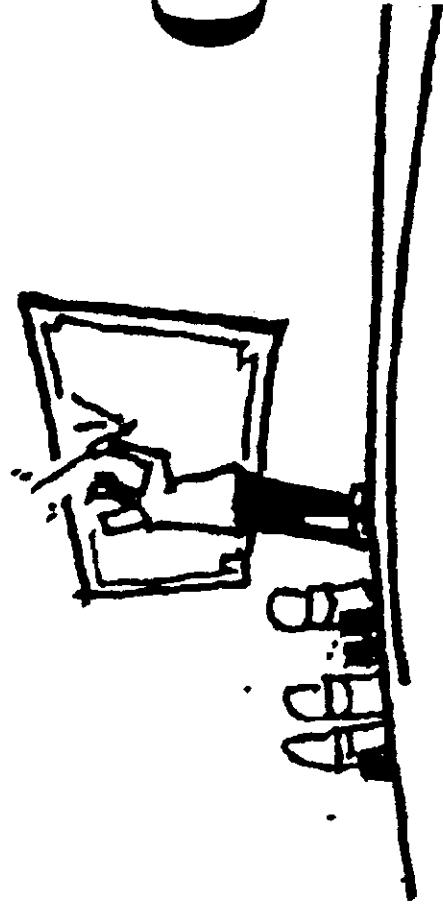
-  Lettering should be clear and easy to read.
-  Be sure that the lettering style chosen is in character with the product or service offered. A poor choice of style can detract from the image of your business.
-  The style of the lettering should complement the style and period of the building on which they appear. On buildings which feature fine architectural detailing, for instance, lettering should not be big and blocky.
-  No more than two different lettering styles should be used on the same sign.
-  Leave white space. No more than 60% of the total area of the sign should be occupied by lettering.



Multi-colored lettering is often hard to read. For best legibility maintain an even contrast between letters and background.



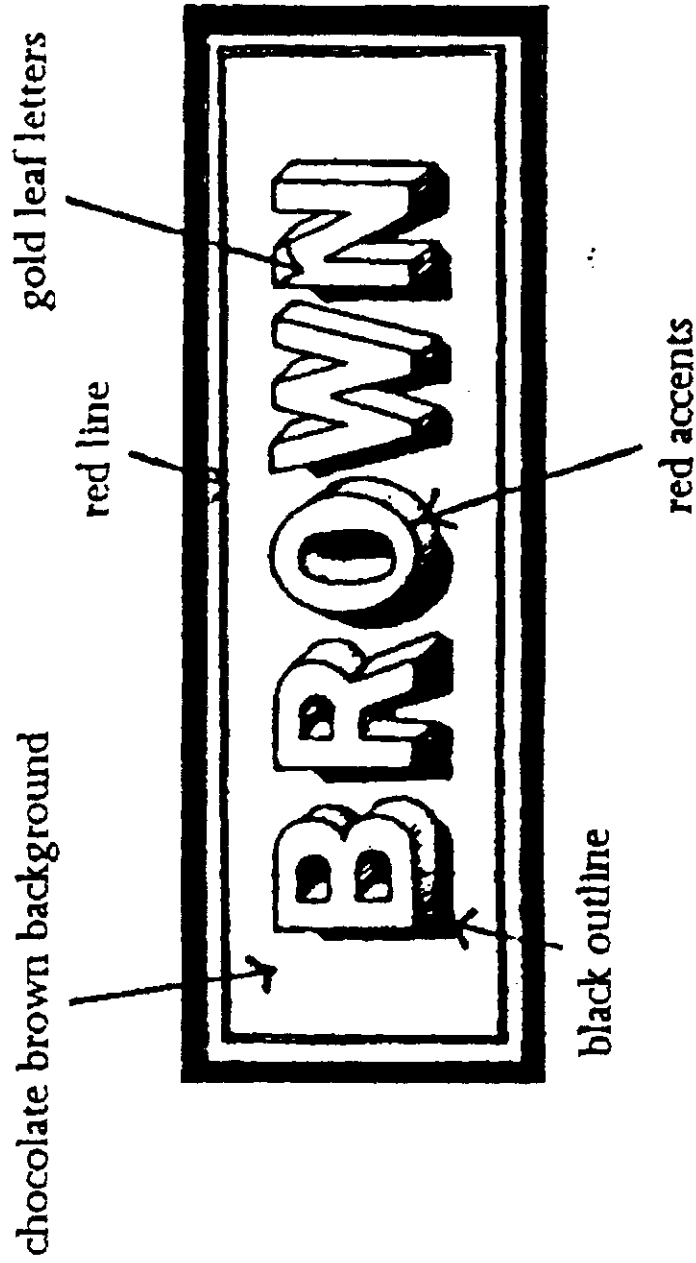
The style of lettering should be in character with the product or service offered, and should reinforce the image of your business that you would like the public to have.



Color

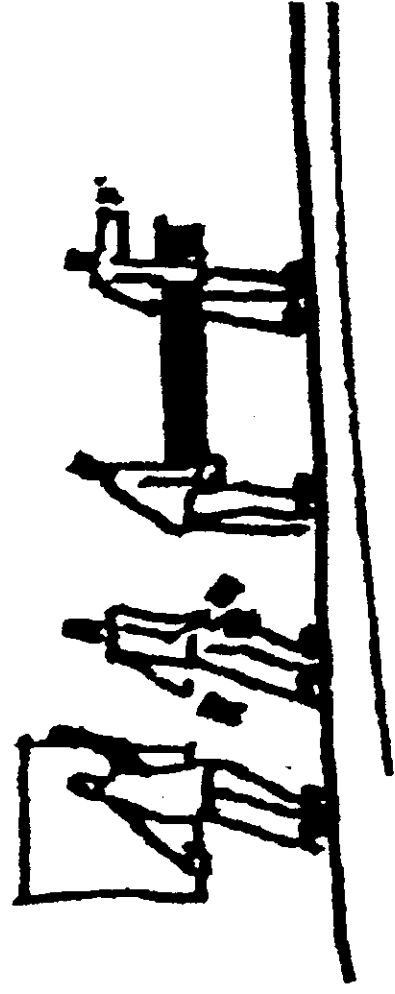
What Should I Know About Sign Color?

- The colors used in signs should complement the colors of the building and the style of architecture. Colors should contrast without clashing.
- Generally no more than three colors should be used on any one sign - one color for the background, one for the lettering, and a third for accents and highlights. More colors can be used when they are part of an illustration.
- As a guideline for choosing colors, ty signs in an historic district often have a dark background with light letters. Examples of traditional background colors include burgundy red, forest green, chocolate brown, black, charcoal, and navy blue. Traditional colors for lettering include white, ivory, and gold.
- Fluorescent colors are prohibited.



Sample Color Schemes for Historic Signs		
Background	Lettering	Accent Colors
Black	Gold leaf, white red, blue, green, cream, straw yellow	White, red, green, gold leaf, blue, dark yellow
Navy blue	White, red	Black, white, straw yellow, gold leaf
Gray	Navy blue, black	White, red
Emerald Green	Gold leaf, white, red	White, gold leaf, black
Brown	Gold leaf, light blue	Red, white
Cream	Navy blue, red	Black
Red	Gold leaf, white, mustard yellow	Black
Mustard Yellow	Navy blue, red	Red, black

(chart and diagram at left from the Lowell Sign Book)



Materials

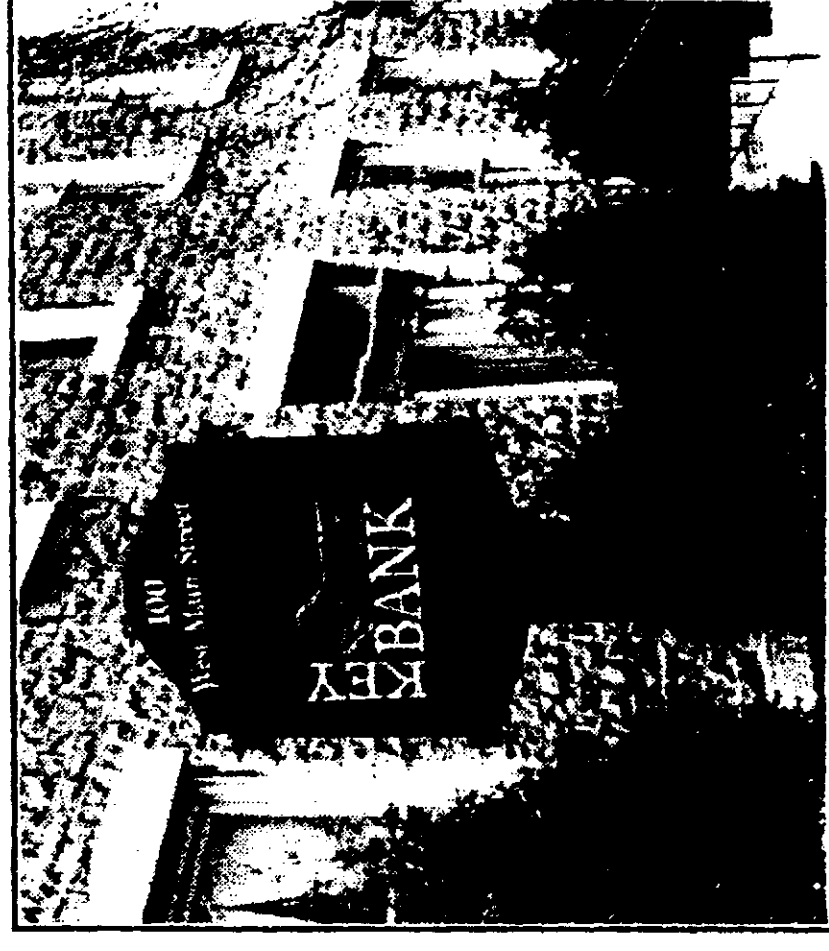
What Should I Know About Sign Materials?

Sign materials should complement the original construction materials and style of the building facade on which they appear. For this reason, wood and metal are generally more appropriate than plastic or vinyl. Internally lit plastic signs are out of context with the period and style of historic buildings and are often the most offensive kinds of signage in historic districts.

Neon signs can be acceptable if carefully designed with shapes and colors that complement the architecture of the building and site context. No more than one neon sign is allowed per business. Maximum size for neon signs is three square feet.

Signs should be attached to a building's facade only in a manner which does not cause permanent damage to historic materials.

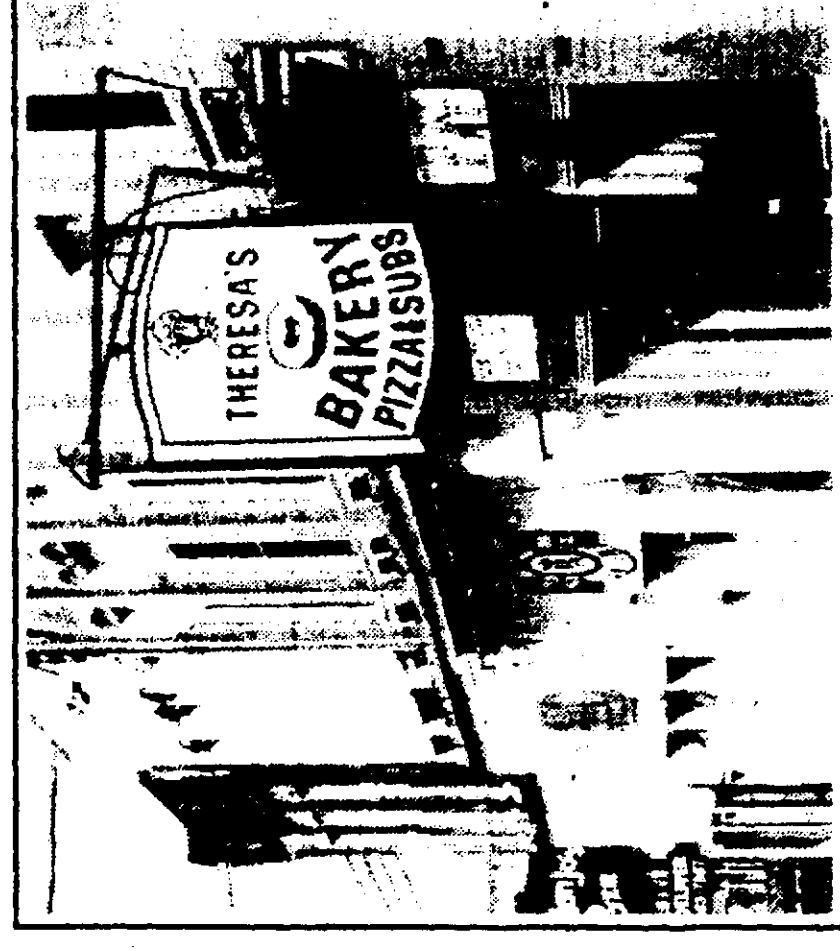
Signs must be kept in good repair at all times. Materials should have finishes that are durable and weatherproof and require as little maintenance as possible.



Wood and metal are the most appropriate materials for signs in the historic district.



Neon signs are acceptable.



Internally-lit plastic signs are not.

Part 2: Determining Sign Type and Placement

Choosing the most appropriate type of sign and the best location for the sign are essential first steps. The relationship between the architecture and the sign is very important. The best way to determine the most appropriate type or types of signs and their placement is to begin with an examination of the building. A sign should look like it is a logical component of the building's design. Compatibility with surrounding signs is also important. When more than one sign type can be used on a building it is desirable to look at the signs on surrounding buildings to determine the most appropriate sign type and location. Common scenarios are suggested below, and recommended sign types are provided for each. Typically a building will fall into several of these categories, and you will be able to choose from several types of signs which may be appropriate.

1. Does your building have a clear "signable area" (a continuous flat wall surface where a sign can be placed without interfering with doors, windows, or other architectural features)?

_____ yes _____ Where? _____

Recommendation: Use wall sign (p. 6)

_____ no

Recommendation: Use projecting sign (p. 7), window sign (p. 8), or awning sign (p. 11).

2. Where is the building in relationship to the street?

_____ Building is located along sidewalk, can be easily seen from street.

Recommendation: Use wall sign (p. 6), projecting sign (p. 7), window sign (p. 8), or awning sign (p. 11)

_____ Building is set back from the street.

Recommendation- Use freestanding (p. 10) or sidewalk sign (p. 9)

3. Does the building accommodate multiple businesses?

_____ yes _____ *Recommendation: Consider using a multiple sign (p. 12), or coordinating with other businesses in location and design of other sign types.*

_____ no

4. What type(s) of sign have you decided to select?

_____ wall sign _____ window/door sign

_____ projecting sign _____ awning sign

_____ freestanding sign _____ sidewalk sign

Why? (check all that apply)

_____ fits signable area of the building

_____ building lacks a signable area

_____ building is set back from the street

_____ coordinates with other buildings on the street

_____ to be visible to pedestrians and slow moving cars

_____ to be visible to fast-moving cars

_____ other (specify) _____

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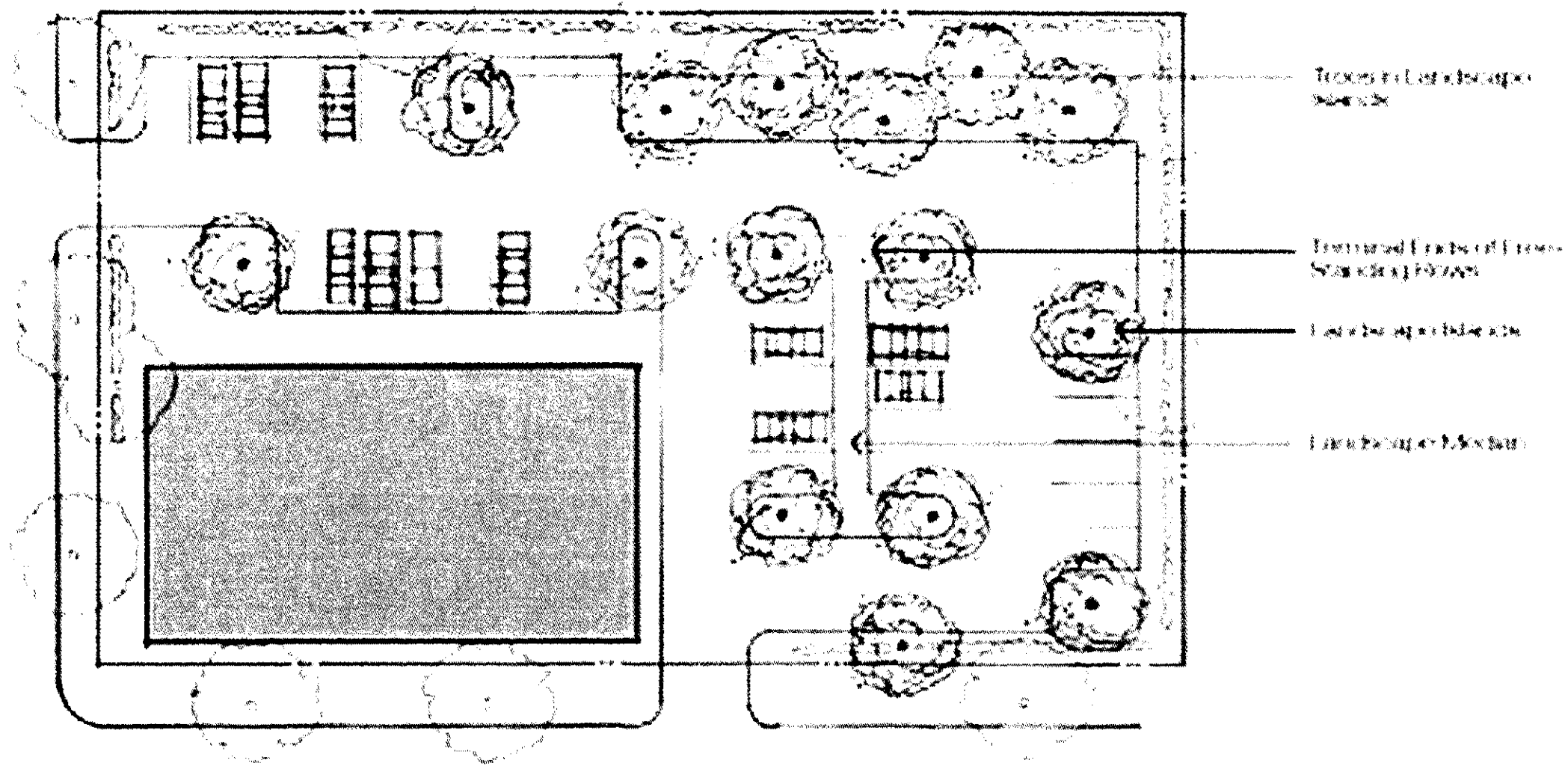
- c. Existing lots that do not comply with the requirements for the RC District in Table 2 are subject to the nonconforming lot provisions in section 6-4.

2. Rural Design Guidelines

In the RC District, the following guidelines shall apply to the extent practical.

- a. Wherever feasible, retain and reuse existing old farm roads and lanes rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls. (This is not appropriate where reuse of a road would require widening in a manner that destroys trees or stone walls.)
- b. Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.
- c. Avoid placing buildings in the middle of open fields. Place them either at the edges of fields or in wooded areas.
- d. Use existing vegetation and topography to buffer and screen new buildings if possible, unless they are designed and located close to the road in the manner historically found in the Village. Group buildings in clusters or tuck them behind treelines or knolls rather than spreading them out across the landscape in a "sprawl" pattern.
- e. Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings.
- f. Site buildings so that they do not protrude above treetops and crestlines of hills as seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees.
- g. Minimize crossing of steep slopes with roads and driveways. When building on slopes, take advantage of the topography by building multi-level structures with entrances on more than one level (e.g., walkout basements, garages under buildings), rather than grading the entire site flat.
- h. Septic systems and leach fields are prohibited.

ILLUSTRATION 2: RECOMMENDED PARKING LOT LANDSCAPING



3. Non-conforming parking lots shall be brought into conformity with this subsection G to the extent practical whenever a Site Plan or Special Permit application is filed for an expansion or change of the use.