

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.)

FILED
STATE RECORDS

of Sackets Harbor

NOV 02 2021

DEPARTMENT OF STATE

Local Law No. 2 of the year 2021

A local law to amend the Village of Sackets Harbor Zoning
(Insert Title)

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

County City Town Village
(Select one.)

of Sackets Harbor as follows:

SEE ATTACHED

(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 2021 of the (County)(City)(Town)(Village) of Sackets Harbor was duly passed by the Village Board on September 14 2021, in accordance with the applicable provisions of law.

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) (repassed after disapproval) by the _____ and was deemed duly adopted 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) (repassed after disapproval) by the _____ on _____ 20____.

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) (repassed after disapproval) by the _____ on _____ 20____. Such local 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.

Maureen E. Kelly
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 10/20/2021

(Seal)



**VILLAGE of SACKETS HARBOR
PROPOSED AMENDMENTS TO ZONING LAW**

The existing Local Law shall be amended by the repeal of the identified provision and replacement as follows

Section 2-2 add the following

-Change the Village of Sackets Harbor Zoning Map to add the Solar Overlay District as shown on the attached map

- Table 1 – Use Table -Change section to read as follows (with deletions and insertions made):

-Under the row entitled “Single-family Dwelling”, insert a new row:

Tiny House Dwelling	Special Permit (PB)	Special Permit (PB)	Special Permit (PB)	§4-2 I
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-Under the row entitled “Mobil Home Park”, change the row to read:

Alternative Energy Systems Except Solar Energy	<u>Special Permit</u> (VB)	<u>Special Permit</u> (VB)	<u>Special Permit</u> (VB)	<u>§3-13</u>
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-Under the row entitled “Alternative Energy Systems Except Solar Energy Systems”, insert a new row:

Alternative Energy Systems Roof Solar Energy	<u>Site Plan Review</u> (PB)	<u>Site Plan Review</u> (PB)	<u>Site Plan Review</u> (PB)	§3-13 B.2
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SECTION 3.3
REPEAL and REPLACE

§3-3 ACCESSORY APARTMENTS

One accessory apartment per single-family dwelling, which complies with all other requirements of this Zoning Law, may be approved as a use of an accessory structure as provided in the Use Table. An accessory apartment may be allowed by Special Permit granted by the Planning Board subject to the following conditions:

1. The lot containing the accessory apartment must contain the minimum area required by the Dimensional Table, unless it is located in the RC district or in an approved Conservation Subdivision,
2. The exterior appearance of the accessory structure and lot cannot be noticeably changed to develop the accessory apartment,
3. The accessory apartment shall not adversely impact the character of the neighborhood.

4. The accessory apartment must have a separate water meter in accordance with Village water law,
5. There must be adequate off-street parking allocated for the occupants of the accessory apartment, and
6. The accessory apartment use complies with all applicable laws and regulations of New York State and Jefferson County.

The accessory apartment shall not be counted as a residential unit for purposes of determining density. No special permit or zoning permit shall be granted for an accessory apartment without all other required permits and approvals.

SECTION 3.6
REPEAL AND REPLACE with

§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 7,000 pounds gross vehicle weight or 20 feet in box length shall be parked overnight in the VR or RC districts where it is visible from adjoining other properties or public streets. The Planning Board may allow larger vehicles by Special Permit. This provision shall not apply to trucks used in connection with commercial agriculture, provided that parked trucks are set back at least 100 feet from property lines of adjacent residential landowners.

C. Equipment and Materials

Any construction materials, unused equipment, supplies, fixtures, and furnishings shall not be stored longer than one month, unless enclosed by a structure or fence and not visible from any other lot or public way. Construction equipment and other heavy equipment, exceeding 7,000 pounds gross vehicle weight, may not be stored, maintained, or parked in any location visible from adjoining other properties or public roads, except for purposes of loading and unloading.

D. Temporary Storage Devices and Containers

Shipping containers, railroad cars, truck trailers, Portable On Demand Storage (PODS) units, portable garages/carports and other similar temporary storage devices are allowed in all districts for a maximum 30 days within a twelve month period. Only one temporary storage device may be placed at any residential property at one time. Portable storage devices shall not be converted to permanent structures.

SECTION 3.7
REPEAL AND REPLACE WITH

§3-7 KEEPING OF ANIMALS

A. Commonly Accepted Pets

1. Keeping commonly accepted pets is allowed as an accessory use on any lot provided such pets are for personal enjoyment, not commercial purpose. Commonly accepted pets include: domestic rabbits; hamsters; ferrets; gerbils; guinea pigs; pet mice/rats; turtles; fish; dogs; cats; domestic chickens, ducks and geese; birds such as canaries, parakeets, doves and parrots; worm/ant farms; non-poisonous spiders/snakes; chameleons and similar lizards. Other pets may be permitted, with a special permit, by the Planning Board in accordance with the provisions of Article VIII. There shall be no more than five (5) pets on a parcel, except that there is no limit for pets that are continuously housed indoors and confined in cages, tanks, or by other restrictive means. No dog shall be left outside unattended, regardless of whether it is fenced or otherwise restrained. No owner shall allow its dog to bark excessively or continuously for more than five minutes.

2. Housing and other structures for pets and bee hives must be located in accordance with the setback requirements of this Zoning Ordinance.

B. Exotic Pets

The keeping of wild, exotic, or vicious animals shall not be allowed. Prohibited animals include, but are not limited to: any live monkey, ape, raccoon, skunk, wolf, squirrel, fox, leopard, panther, bear, tiger, lion, lynx, poisonous snake or spider, crocodile or alligator, caiman or gaval.

C. Poultry and Fowl As An Accessory Use

1. In addition to the five animal total in section A(1) above, hens may be kept in accordance with the limitations of Table 2 and the development standards below. See section 3-8 regarding keeping animals as part of commercial agriculture.

2. Development standards for hen keeping. All hen-keeping shall be in compliance with all of the following development standards and requirements.

- a. Roosters are prohibited.
- b. Hens shall be kept in a securely fenced area within the rear yard of the residential property. A coop and pen are required. Hens shall not be allowed to roam outside of the fenced area.
- c. The coop and pen shall comply with the following development standards:
 - i. Setbacks. For keeping of six or fewer hens, the coop and any other buildings used for housing animals shall be set back as required by

that district, but in no event less than ten feet from side or rear property lines. For all hen keeping, the coop shall be located a minimum of 20 feet from habitable structures on adjacent properties; greater distances are encouraged where practicable.

- ii. Coop height. Coops shall be no taller than eight feet in height.
- iii. Coop and pen design and maintenance. The coop and pen shall be designed, constructed, and maintained such that the hens are securely contained.
- iv. Ongoing maintenance and care. The coop and pen shall be maintained in a clean and sanitary condition. Provision must be made for a regular, viable method of weekly disposal of manure so as to prevent obnoxious odors and the accumulation of flies from intruding into adjacent properties. All enclosures shall be constructed and maintained to prevent rats or other rodents from being harbored underneath, within, or within the walls of the enclosure. All feed and other items associated with hen keeping shall be managed to minimize contact with rodents.

Table 2 *Number of Hens Allowed*

<i>Lots 5,000 sq ft or less</i>	<i>Lots 5,001—10,000 sq ft</i>	<i>Lots greater than 10,000 sq ft</i>
<i>0</i>	<i>6</i>	<i>10</i>

D. Livestock As An Accessory Use

- 1. For purposes of this section, “livestock” is defined as any animal other than poultry or fowl raised for domestic use. See section 3-8 regarding keeping animals as part of commercial agriculture.
- 2. Livestock keeping shall be limited to the raising, feeding, maintaining, and breeding of livestock, subject to a minimum two acres gross lot area and the following cumulative limitations and conditions:
 - a. One hog or pig per each two acres of gross lot area; or
 - b. One horse or mule or cow or steer per each two acres of gross lot area; or
 - c. Three goats or sheep or similar livestock per each two acres of gross lot area; or
 - d. Ten rabbits or similar livestock per each two acres of gross lot area.
- 3. The development standards for hen keeping are not applicable to livestock farming. The lot area used to justify permit one class of animals shall not be used concurrently to justify another class of animals.
- 4. Buildings, runs, pens, enclosures, stables, and corrals (not perimeter fencing) housing agricultural animals or their tack, feed, or equipment shall be set back at least thirty feet (30') from any property line(s) and shall be at least fifty feet (50') from any adjacent residential structures, and may not be located within any required front yard setback.

5. Provision must be made for a regular, viable method of weekly disposal of manure so as to prevent obnoxious odors and the accumulation of flies from intruding into adjacent properties.

E. Honeybees:

Beehives shall be allowed only in the Rural Conservation District, by Special Permit. The minimum setback for beehives or any structure in which bees are kept, shall be 100 feet from all property lines.

F. Kennels

1. A kennel may be allowed only in the Rural Conservation District by special permit provided it complies with the requirements of this subsection.
2. No kennel shall be established within 200 feet of a property line.
3. The minimum lot area required to establish a kennel shall be four (4) acres.

SECTION 3-13

REPEAL AND REPLACE with

§3-13 ALTERNATIVE ENERGY GENERATING SYSTEMS

A. Energy Systems

All alternative energy systems may be allowed by Special Permit of the Village Board, except as otherwise provided in this section. Solar Energy Systems may be allowed by Site Plan Review or Special Permit as particularly provided in subsection B below. 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. Solar Energy Systems

1. Applicability

This section applies to all Solar Energy Systems that convert sunlight into electricity, which are installed or modified after its effective date, excluding general maintenance and repair and Building-Integrated Photovoltaic Systems.

2. Roof-Mounted Solar Energy Systems

- A. Roof-Mounted Solar Energy Systems are permitted as an accessory use to any lawfully permitted building or structure in all zoning districts, subject to Site Plan review by the Planning Board.
- B. Roof-mounted solar energy systems require a building permit from Jefferson County Code Enforcement Department. All work shall be completed in accordance with the NYS Building Code and National Electric Code.
- C. Height. Roof-mounted Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located.
- D. Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate, the following design requirements:

- a. Panels must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of the system.
 - b. Roof mounted solar structures shall be color coordinated to harmonize with roof material and other colors of the structure to the greatest extent practicable.
 - c. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties, or roadways.
3. Ground-Mounted Solar Energy Systems.
- A. Small-Scale Ground-Mounted Solar Energy Systems
- 1) Small-scale Ground-Mounted Solar Energy Systems, which use the electricity onsite, are permitted through the issuance of a special use permit by the Planning Board. The electricity generating capacity of small-scale ground-mounted solar energy systems shall not exceed 120% of the average electricity usage for that parcel for the previous three years. For new development or uses, the electricity generating capacity of small-scale ground-mounted solar energy systems shall not exceed 120% of the projected electricity usage for that development or use. The Planning Board may approve or deny the application, or impose conditions on its approval of any Special Use Permit under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).
 - 2) Ground mounted solar arrays require a building permit from Jefferson County Code Enforcement Department. All work shall be completed in accordance with the NYS Building Code and National Electric Code.
 - 3) Minimum Standards for Small-scale Ground Mounted Energy Systems. The following are the minimum standards for Small-scale Ground Mounted Energy Systems. The Planning Board may, at its sole discretion, impose more restrictive standards as requirements and conditions for a special permit.
 - (a) Height. Small-scale Ground Mounted Solar Energy Systems that use the electricity onsite shall not exceed 15 feet in height when oriented at maximum tilt.
 - (b) Lot Coverage. The lot coverage for Small-scale Ground Mounted Systems shall be as small as possible to produce electricity for on-site needs, but in no case shall exceed 25% of the non-impervious surface of the parcel.
 - (c) Setbacks. Small-scale Ground-Mounted Solar Energy Systems shall adhere to the setback requirements of the underlying zoning district. All solar collectors must be located in compliance with DEC and federal flood plain regulations and specifications as they pertain to waterways, waterbodies, waterfronts, and designated wetlands.

- (d) All such Systems shall be installed in rear yards.
- (e) Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties, or roadways.
- (f) All small-scale Solar Energy Systems shall have the least visual effect practical on the environment, as determined by the Planning Board. Based upon site specific conditions, including topography, existing structures and roadways, the site shall be screened to minimize visual impacts by preserving natural vegetation, and providing landscape screening to adjacent residential properties, public roads and from public sites known to include important views or vistas. Screening should minimize the shading of solar collectors. Appurtenant structures such as inverters, batteries, equipment shelters, storage facilities, transformers, should be screened from adjoining properties.

4). Special Use Permit Application Requirements.

In addition to the Special Use Permit application form, the following documents and information shall be submitted:

- a) A detailed Site Plan signed by a Professional Engineer or Registered Architect showing the layout of the Solar Energy System and all component parts, new power lines, fencing, screening, and all other improvements related to the ground mounted energy system.
- b) A detailed explanation of the rationale for a ground-mounted system versus a roof-mounted system, which includes the quantity of electricity to be produced, the relevant historical use of electricity on the parcel, the electrical needs of the current use of the parcel, and the proposed actions to mitigate the impact of the ground-mounted system on neighboring parcels and the character of the neighborhood.

B. Large Scale Ground-Mounted Solar Energy Systems as a Special Use

- 1. Ground-Mounted Solar Energy Systems, which use or sell the electricity offsite or exceeds the electricity generating capacity limits of small-scale ground-mounted solar energy systems, are permitted through the issuance of a special use permit by the Planning Board, only in the Solar Overlay District subject to all requirements set forth in this Zoning Law, including site plan criteria. The Planning Board may approve or deny the application, or impose conditions on its approval of any Special Use Permit under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).
- 2. Special Use Permit Minimum Standards for Large-scale Ground Mounted Energy Systems. The following are the minimum standards

for Large-scale Ground Mounted Energy Systems. The Planning Board may, at its sole discretion, impose more restrictive standards as requirements and conditions for a special permit.

- a) All solar Energy Systems shall be designed by a NYS licensed architect or licensed engineer and installed in conformance with the applicable International Building Code, International Fire Prevention Code and National Fire Protection Association (NFPA) 70 Standards, and National Electric Code.
- b) All solar collectors must be located in compliance with DEC and federal flood plain regulations and specifications as they pertain to waterways, waterbodies and designated wetlands.
- c) Height. Large-Scale Solar Energy Systems shall adhere to the height requirements of the underlying zoning district.
- d) Setbacks. Large-Scale Solar Energy Systems shall be set back a minimum of 100 feet from all parcel boundaries.
- e) Lot Coverage. A Large-Scale Solar Energy System that is ground-mounted shall not exceed 60 % percent lot coverage of the lot on which it is installed.
- f) Power Lines. All collection and distribution lines shall be underground to the point of interconnection with public utility lines.
- g) Fences. Large-Scale Solar Energy Systems shall be enclosed and secured for safety purposes by fencing and gates, and shall have warning signs with the owner's contact information on the entrance and perimeter of the fencing. The fence shall have a minimum height of six feet and a maximum height of eight feet. The fence may be constructed of chain-link or other appropriate material as determined by the Planning Board. The fencing and the system site shall be further screened by any landscaping needed to avoid adverse aesthetic impacts as determined by the Planning Board.
- h) Screening. All large-scale Solar Energy Systems shall have the least visual effect practical on the environment, as determined by the Planning Board. Based upon site specific conditions, including topography, existing structures and roadways, the site shall be screened to minimize visual impacts by preserving natural vegetation, and providing landscape screening to adjacent residential properties, public roads and from public sites known to include important views or vistas. Screening should minimize the shading of solar collectors. Appurtenant structures such as inverters, batteries, equipment shelters, storage facilities, transformers, should be screened from adjoining residences unless constructed to be harmonious with adjoining residences or

enclosed in accessory structures that are constructed to be harmonious with adjoining residences.

- i) Signage. Warning signs with the owners contact information shall be placed on the entrance and perimeter of the fencing. Solar equipment shall not be used for displaying any advertising. All signs, flags, streamers or similar items, temporary or permanent, are prohibited on solar equipment except:
 - (a) manufacturer's or installer's identification;
 - (b) appropriate warning signs and placards;
 - (c) signs that may be required by a federal agency; and
 - (d) signs that provide a 24-hour emergency contact phone number and warn of danger.
- j) Glare. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto other buildings, properties, or roadways.
- k) Noise. Noise producing equipment such as substations and inverters shall be located to minimize noise impacts on adjacent "non-participating" properties. A Noise Assessment pursuant to NYS DEC guidance document Assessment and Mitigating Impact shall be required.
- l) Access. A road shall be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Access Roads shall be gated at the point of connection with public roadways.

3. Special Use Permit Application Requirements;

In addition to the Special Use Permit application, the following documents and information shall be submitted:

- (a) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements.
- (b) Site Plans signed by a Professional Engineer or Registered Architect showing the layout of the Solar Energy System and all component parts, accessory structures and facilities, new power lines, access roads, fencing, screening, and signage.
- (c) The equipment specification sheets for all solar panels and equipment, including photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
- (d) Property Operation and Maintenance Plan that describes continuing maintenance on solar panels, equipment, and all component parts, power lines, access roads, fencing, screening, signage and other property upkeep, such as mowing and trimming.
- (e) Noise Assessment pursuant to DEC regulations.

(f) Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan and Bond shall be submitted as part of the application. The Decommissioning Plan and Bond shall be approved by the Village Board. Compliance with this plan shall be made a condition of the issuance of a Special Use Permit.

(1) Plan Requirements

The Decommissioning Plan must specify that after the Large-Scale Solar Energy System is no longer being used or can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure, both above and below the surface, and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include a timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall take into account inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan.

(2) Bond for Decommissioning Costs

In order that the Village has the assurance that the Decommissioning Plan is fully executed in a timely manner and in strict compliance with all of the requirements of the approved Plan, the applicant shall furnish a bond executed by a surety company, or other form of financial security, acceptable to the Village Board and equal to the costs of full execution of the Decommissioning Plan based on an estimate furnished by the applicant and approved by the Village Board. The amount of the Bond shall include a contingency item equal to 10% of the estimated actual costs of full execution of the Decommissioning Plan. Such bond shall be subject to the approval of the Village Board as to form, sufficiency, manner of execution and surety. During the period of operation and term of the Special Permit, the Village Board may require that the Permittee provide an updated estimate of decommissioning costs and a new bond in the amount of those costs, every year. If the Large-Scale Solar Energy System is not decommissioned and removed in accordance with the time schedule and

all other requirements of the Decommissioning Plan approved by the Village Board, or after being considered abandoned, the Village may use the bond to execute the Decommissioning Plan. All unused funds or proceeds from a surety bond shall be refunded to the applicant. The Village reserves the right to use any other remedy in law or equity to execute the Decommissioning Plan and enforce all requirements of this Law.

4. Abandonment
Solar Energy Systems are considered abandoned after twelve (12) months without electrical energy generation and must be removed from the property. Applications for extensions are reviewed by the Village Planning Board for a period of six (6) months. The site shall be restored to its original condition in accordance with the decommissioning schedule in the approved Decommissioning Plan.

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

**SECTION 4.- Table 2 -
REPEAL AND REPLACE with
§4-2 DIMENSIONAL STANDARDS**

Table 3 below indicates, by district, allowable dimensional standards that apply to lots in each zoning district. Explanatory provisions that more fully describe the tables and further explain exemptions requirements are set forth below in sections 4-2A through 4-2G. All setbacks shall comply with NYS law and regulations.

TABLE 3: DIMENSIONAL STANDARDS

	RC (See §5-12)	VR	VC
SIZE AND AREA OF LOT			
Minimum Lot Width	100 ft.	100 ft.	30 ft.
Minimum Lot Area	15,000 sq.ft.	10,000 sq. ft.	2,500 sq. ft.
IMPERVIOUS SURFACE COVERAGE			
	60% max.	60% max.	80% max.
SETBACKS			
Front Setback (minimum)	30 ft	15 ft	0 ft
Side Setback	15 ft min.	15 ft min.	5 ft min.
Rear Setback (*see G. below for waterfront)	30 ft min.	30 ft min.	5 ft min.
MAXIMUM BUILDING HEIGHT			
Principal Building	35'	35'	35'
Garage/Accessory Building	No higher than Principal Bldg	No higher than Principal Bldg	No higher than Principal Bldg

SECTION 4-2 inserting subsections H and I as new subsections:

H. Flag Lots

A flag lot is an irregularly shaped parcel that has access to a public right-of-way by means of a narrow strip of land. A flag lot has two distinct parts:

- the “flag”, which is the only building site; and is located behind another lot; and
- the “pole”, which connects the flag to the street and provides the only street frontage for the lot.

Usually the narrow part of the lot fronting on the road consists entirely or primarily of a driveway. A flag lot shall be permitted provided that it complies with the following restrictions:

1. at least twenty (20) feet street frontage, and the entire pole is a minimum 20 feet in width,
2. the lot satisfies the minimum lot size requirement for that Zoning District, excluding the pole ,
3. the lot and any development or activity conducted on the lot complies with all other requirements of this Zoning Law, and
4. the street address number is clearly marked and readable from the street.

I. Tiny Houses

All detached dwellings with less than a minimum of six hundred (600) square feet of floor space (commonly referred to as “Tiny Houses”) are prohibited. A detached dwelling structure of less than 600 square feet may be permitted for use as a single-family dwelling by issuance of a Special Permit by the Planning Board if the applicant shows, in addition to the requirements in Article 8, that the proposed dwelling structure is consistent with other architectural designs of the surrounding area or neighborhood.

SECTION 4-3 E. 6.

REPEAL AND REPLACE with:

§4-3 E. 6.

- 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 and type of construction 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.
5. New landscaping or change to landscaping, by itself, is not subject to site plan review. Landscaping, which is proposed or required in conjunction with some other use or activity that is subject to site plan review, is subject to review and to such requirements as the Planning Board may impose, as part of its review of that use or activity.

SECTION 4-10

REPEAL AND REPLACE with

§4-10 DEMOLITION

Applications for demolition of all structures shall be referred to the Planning Board for Site Plan review, except:

- structures less than 120 square feet and less than 20 years old, and
- mobile homes.

For purposes of this section, demolition means tearing down of a structure or a significant part of a structure.

- A. **Determination of Architectural Significance**
The Planning Board shall determine, after site plan review, whether the structure 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 Planning 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 diligent, aggressive efforts to advertise and market the structure over a significant period of time of **not less than two years. The marketing shall be conducted by the use of professional real estate agents, on a regular basis, at least monthly, seeking potential owners, occupants, buyers, or developer in broad and varied markets;**
 - 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.
 - 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.

Article XI - Definitions

REPEAL AND REPLACE the following Definitions

Building Integrated Photovoltaic System: A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows.

Dwelling, Single-family: A detached building of at least 800 square feet designed for the use of one family, in which not more than three boarders are sheltered and/or fed for compensation.

Large-Scale Solar Energy System: A Solar Energy System that is ground-mounted and produces energy primarily for the purpose of off-site sale or consumption, or exceeds the electricity generating capacity limits of small-scale ground-mounted solar energy systems.

Lot Coverage For Solar Facility: The area measured from the outer edge of the ground mounted arrays, inverters, batteries, storage cells and all other mechanical equipment used to create solar energy. When measuring the outer edge of an array, the greatest possible footprint shall be identified and considered in the calculations.

Roof-Mounted Solar Energy System: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for consumption.

Small-Scale Ground-Mounted Solar Energy System: A Solar Energy System that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure for the primary purpose of producing electricity for onsite consumption. The electricity generating capacity of small-scale ground-mounted solar energy systems shall not exceed 120% of the average electricity usage for that parcel for the previous three years. For new development or uses, the electricity generating capacity of small-scale ground-mounted solar energy systems shall not exceed 120% of the projected electricity usage for that development or use.

Solar Energy Equipment: Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

Solar Energy System: An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

Solar Panel: A Photovoltaic device capable of collecting and converting solar energy into electrical energy.

Tiny House: A structure, trailer or any type of enclosure (regardless of method of construction) of less than 600 square feet, used as living quarters.