

# **VILLAGE OF**



# **ZONING LAW**

## **1988**

**Amended – 1989**

**Amended – June 2005**

**Amended - October 2007**

**Amended – July 14, 2015**

**Amended – September 2021**

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**ARTICLE 1 INTRODUCTORY PROVISIONS**

Section 1.1 Enacting Clause

Pursuant to the provisions of Municipal Home Rule Law, Articles Two and Three, and Article Seven of New York State Village Law, the Village Board of the Village of Cape Vincent, in Jefferson County, and the State of New York, hereby enacts this Local Law.

Section 1.2 Short Title

This local law shall be known and may be cited as the “Village of Cape Vincent Zoning Law.”

Section 1.3 Purpose

The purpose of this Zoning Law is to promote and guide development in an orderly and efficient manner. It will reduce land use conflicts, promote traffic safety, enhance and protect the historical and recreational attributes of the Village, retain and improve land values, encourage quality development, ensure wise use of utilities, and promote the general health, safety, and welfare of

Village residents. It is designed to protect existing development while providing some control of growth so that future development will not be a detriment to the Village and its residents.

#### Section 1.4 Objectives

This Law, in conjunction with “A Joint Comprehensive Plan for the Village and Town of Cape Vincent” is designed to:

- A. Preserve and enhance the quality of physical development in the Village of Cape Vincent. To promote and guide the residential and commercial use in an orderly and efficient manner.
- B. Preserve the Village’s natural resources, especially the waterfront and water supply.
- C. Protect the historical and recreational attributes of the Village.
- D. Promote the health, safety, and general welfare of the community.
- E. Be aware of and consistent with the goals and policies common to adjacent communities.

#### Section 1.5 Prior Existing Law

The regulations of this Law shall not apply to buildings, structures, land, or use thereof, complying with prior laws, existing at the time of enactment of this Law. Any physical alteration of existing buildings, structures, or land happening after adoption of this Law shall be regulated to the extent provided under this Law.

#### Section 1.6 Applications of Regulations

- A. No building, structure, or land shall hereafter be used or occupied and no building, structure, or part thereof shall be erected, moved or altered (to expand the exterior physical dimensions) unless in conformity with the regulations hereby specified for the district in which it is located.
- B. No building shall hereafter be erected or altered:
  - 1. To have narrower or smaller rear yards, front yards, side yards, than are specified in this Law for the district which such building is located.
  - 2. To exceed the maximum lot coverage requirements of the District in which it is located.
  - 3. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this Law shall be included as a part of a yard or other open space similarly required for another building.

## ARTICLE 2        DEFINITIONS

For the purpose of this Law, words in the present tense include the future and words of one gender include all genders. The singular term “shall” is intended to be mandatory. Whenever a word or term is defined to “include” certain items or matters, such as inclusion is intended to be by way of specification and not of limitation. The word lot includes the word plot or parcel and the word building includes structure. If interpretation or clarification of any word used in this Law is needed, it shall be provided by the Village Zoning Board of Appeals in accordance with such powers granted to them.

**ACCESSORY BUILDING/USE:** Any building or use which is subordinate to and whose use is incidental to the principle building or use on the same lot or on an adjoining lot under the same ownership.

**AGRICULTURAL USE:** Land which is used for raising livestock, or agricultural products, including farm structures and storage of agricultural equipment; riding and boarding stables; and as an accessory use the sale of agricultural products raised on the property.

**ALTER/ALTERATION:** To change or rearrange any exterior structural part of the existing facilities of a building or structure, by enlarging the building, or structure, whether by extending any side or increasing the height. It shall not be considered an alteration if there is no expansion of exterior dimensions. For instance, replacement of windows, doors, siding, roofing, etc.; as well as interior alterations; shall not be considered an alteration for the purpose of this Law.

**APARTMENT BUILDING:** A residential use consisting of a building containing three or more self-contained dwelling units (bedroom/s, kitchen and bathroom/s facilities). For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch). This term also defines a Multi-Family Residence.

**APPEAL:** A request for a review of the interpretation of any provisions of this Law or a request for variance.

**AUTOMOBILE SERVICE/REPAIR:** Any lot or building or portion thereof used or occupied for the sale or supply of gasoline or motor vehicle fuels, oils, or lubricants, or for polishing, greasing, washing, or servicing (but not painting) of motor vehicles.

**BED & BREAKFAST INN:** A house, or portion, thereof, where no more than five (5) short-term lodging rooms are provided for a maximum of three (3) weeks of continuous stay. Meals may also be provided to guests only. The operator of the Inn shall live on the premises or in adjacent premises.

**BUILDING:** Any structure having a roof supported by columns or by walls which is used or occupied for the shelter, housing or enclosure of animals, persons or property. The term, unless specified, includes both principal and accessory buildings.

**BUILDING AREA:** The total area, taken on a horizontal plane at main grade level, consumed by the principle building and all accessory buildings, excluding, patios, terraces, steps and open areaways.

**BUILDING HEIGHT:** The vertical distance measured from the average elevation of the main grade at the front of the building/structure to the highest point of the roof.

**BUILDING LINE:** The line formed by the face of the building/structure, or the attached part of the building/structure, nearest the lot line.

**CEMETERY:** Property used for the interment of the dead.

**CHARITABLE INSTITUTION:** A not for profit organization that provides assistance to those in need. (See Public Facilities)

**COMMERCIAL USE:** A business that is intended to sell and trade wholesale or retail goods or services. Examples of such uses include: grocery store, beauty parlor, furniture store.

**COMMERCIAL DUMPSTER/WASTE CONTAINER:** For the purposes of this law the word dumpster shall mean a large trash receptacle designed to be hoisted and emptied into a truck with a minimum capacity of 2 yards. This does not apply to construction dumpsters that are temporarily used during a construction project.

**COMMUNITY FACILITY:** A building, structure or use operated for the benefit of the general well being, health, safety, welfare and enjoyment of the public. This use shall include but not be limited to fire stations, libraries, community owned buildings, schools, medical facility, nursing homes, etc. (See Public Facilities)

**COTTAGE:** A single unit building containing any combination of sleeping, kitchen, and bathroom facilities used as lodging for short-term or seasonal use on a commercial basis. This term excludes single and double-wide manufactured homes.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations.

**DRIVE-IN SERVICE:** A commercial facility building or use which relies upon the motoring public for its business. Such facilities contain appropriate traffic/parking arrangements to serve motor vehicles. Examples of such facilities include: drive- in restaurants, banks, etc

**DWELLING UNITS:** An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

**ZONING ENFORCEMENT OFFICER:** The person appointed by the Village Board to carry out the regulations of this Law.

**ERECT:** To construct, build, or re-erect, reconstruct, rebuild or excavate for building or structure.

**FAMILY:** One or more persons living together as a single housekeeping unit.

**FENCE:** A structure of wood, stone or other materials or combination thereof intended for defense, security, screening, partitioning, or enclosure; or for the retention of earth, stone, fill or other materials as in the case of retaining walls or bulkheads. A fence shall be considered a wall.

**FUNERAL HOME:** A building used for the preparation of the deceased for burial and/or the display of the deceased and rituals connected therewith before burial or cremation.

**HOME OCCUPATION:** Any accessory use of a service character customarily conducted within a dwelling by a resident thereof which is clearly secondary to the use of the dwelling for living purposes and does not substantially change the character thereof or have any exterior evidence of such use, other than an approved advertising sign and parking requirements associated therewith. Shall include but not be limited to occupations such as physician, dentist, lawyer, insurance sales, beauty salon, musical instructor, seamstress, and day care.

**HOTEL/MOTEL:** A facility offering transient lodging accommodations to the general public and that may provide additional services such as restaurants, meeting rooms, entertainment and recreational facilities.

**INOPERATIVE MOTOR VEHICLE:** Any motor vehicle which is unregistered or inoperative for a period of thirty (30) days or more. (See definition of motor vehicle)

**JUNKYARD:** An area of land, with or without buildings, primarily used for storage (outside of a completely enclosed building), comprised of: used and discarded materials, house furnishings, machinery, vehicles or parts thereof, including junk, with or without the dismantling, processing, salvage, sale or other use of disposition of the same. The deposit or storage of two or more inoperative motor vehicles, or the major parts of two or more such vehicles, shall be deemed to make the lot a "junk" yard.

**KENNEL:** Land or building used for the breeding, boarding, training, sale or housing of dogs and/or cats as a commercial use.

**LANDSCAPING:** An arrangement of trees, shrubs, flowers, or other living natural features for decorative purposes.

**LIGHT INDUSTRIAL OPERATIONS:** A facility which designs, assembles, manufactures, or processes a product for wholesale or retail sale and does not produce high volumes of polluting wastes and is compatible with other uses of the Industrial District.

**LOT:** A parcel of land with fixed boundaries used or intended to be used by a building or structure and its accessory building/structures and uses.

**LOT AREA:** Total area within the property lines excluding any part thereof lying within the boundaries of a public street, or proposed public street.

**LOT, CORNER:** A parcel of land at the junction of and bounded on two or more intersecting streets.

**LOT, DEPTH:** A mean horizontal distance between the front and rear lot lines.

**LOT LINE:** Any line dividing one lot from another or from the street or waterway.

**LOT LINE, FRONT:** The lot line adjoining any street/highway right-of-way line. If a lot adjoins two or more streets or highways, it shall be deemed to have a front line respectively on each.

**LOT LINE, REAR:** The lot line opposite and most distant from the front lot line.

**LOT LINE, SIDE:** Any lot line other than the front or rear lot lines.

**LOT OF RECORD:** Any lot which individually or as a part of a subdivision has been recorded in the County Clerk's Office and for which proof can be given that the lot was intended for development prior to adoption of this Law.

**LOT WIDTH:** The horizontal distance between the side lot lines measured at the required setback lines.

**MARINA:** Any lot, building, or structure located on the waterfront and which provides docking and secure mooring facilities for yachts, motor boats, sailboats and other marine vehicles or craft. Includes the sale, rental and/or storage of marine and boating vehicles; as well as supplies, service, repair and other related facilities and/or operations necessary to maintain such craft.

**MARINE REPAIR SHOP:** Any lot, building or structure used for the repair, sale, rental and/or storage of boats, boat motors, personal watercraft, canoes and kayaks as well as the sale of supplies.

**MEDICAL FACILITIES:** Any building, portion of a building or use thereof which is used in the diagnosis and/or treatment of medical ailments. See Community Facilities.

**MANUFACTURED HOME:** (Formerly Called Mobile Home) A dwelling unit consisting of one, two, or more sectional units and constructed to the Federal HUD Code effective July 15, 1976. These homes are built entirely in a factory and designed to be used with or without a permanent foundation. A steel frame, an integral part of the structure, is permanently attached to the floor joists of the manufactured home or its section. The home is transported to the site using hitch, wheels and axles, which are removed at the site. Each home is labeled with a red metal embossed seal that confirms compliance with the HUD code.

**MANUFACTURED HOME, DOUBLE-WIDE:** A manufactured home that consists of two or more sections that are combined on site to complete the home.

**MANUFACTURED HOME, SINGLE-WIDE:** A manufactured home that consists of one section.

**MANUFACTURED HOME LOT:** A parcel of land in a manufactured home park which is equipped with the necessary utilities and improvements for the erection thereon of a single manufactured home.

**MANUFACTURED HOME PARK:** Any parcel of land which has been planned or improved for the placement of manufactured homes for non-transient use, and consisting of two or more manufactured home lots.

**MOBILE HOME:** A dwelling unit manufactured in one section, designed for long-term occupancy; with plumbing and electrical connections provided for attachment to outside systems; designed to be transported after fabrication on its own wheels, built before the National Manufactured Home Construction and Safety Standards Act 1974, as amended, 42 U.S.C. 5401 et seq., which went into effect on July 15, 1976.

**MODULAR HOME:** A dwelling unit which is constructed in two or more sections in a factory setting and built in compliance with all applicable building codes and inspected by certified building inspectors to ensure compliance with local codes and to ensure that all finish work is done properly. Modular

homes are transported to the placement site on truck beds, assembled there, and designed to be permanently anchored to the foundation to become a fixed part of the real estate.

**MOTEL:** See Hotel/Motel.

**MOTOR VEHICLE:** A self-propelled, motor powered vehicle, whether automobile, bus, trailer, truck, motor home, motorcycle, ATV, snowmobile, boat, personal watercraft, or any other device originally intended for travel on public highways or waterways.

**NON-CONFORMING USE:** A building, structure, or use of land and structure which is not in conformity with the terms of this Law at the time of enactment thereof.

**NURSING HOME:** A dwelling where persons are lodged and furnished with meals and nursing care for commercial purposes. This shall not include homes for the mentally handicapped, drug or alcohol rehabilitation patients, etc. See Community Facilities.

**OFF-STREET PARKING FACILITIES:** A space for parking vehicles out of the public right of way.

**OPEN SPACE:** The portion of a lot that has no buildings or structures on it.

**PARCEL:** The amount of contiguous land falling under a single tax map identification.

**PERMITTED USE:** Any use that is allowed by zoning permit only under the provisions for the district in which the land, building, or structure is located.

**PLANNING BOARD:** The Planning Board of the Village of Cape Vincent.

**POOL, SWIMMING:** A structure or facility, either above or below ground, constructed to hold water at least three (3) feet deep and used by either private or public parties for recreational purposes.

**PRINCIPAL BUILDING:** A building in which is conducted the main or principal use of the lot on which such building is located. Any accessory structure or use that is attached to the principal structure shall be deemed part of the principal structure. Such uses may include porches, open decks, and garages.

**PRINCIPAL USE:** The main or principal purpose for which any land, building, or structure is used or occupied.

**PRIVATE CLUBS:** A building or use catering exclusively to a group of people organized for a common purpose or of a non-commercial nature to pursue common goals, interests or activities.

**PROFESSIONAL OFFICES:** The use of a building for conducting business transactions of an administrative, professional or service nature and not involving the sale of products at retail or wholesale. Examples of such uses include: insurance office, doctor's office, law office.

**PUBLIC UTILITIES FACILITY:** A privately or publicly owned structure or facility that serves the general public or some of the public. Such facilities shall include, but not be limited to sewage treatment plants, water supply facilities, power generating and distribution facility, facilities for receiving microwave television signals, radio transmitting centers, telephone operating centers, etc.

**PUBLIC FACILITY:** Any one of the following uses, including ground and accessory buildings necessary for their use:

1. Religious institution;
2. Community Facility;
3. Public park, playground and recreational area when operated by a governmental authority, and;
4. Charitable Institution.

**RECREATIONAL FACILITY:** A commercial use established by a private concern for the purpose of providing recreation. This shall include, but not be limited to, skating rinks, video arcades, bowling alleys, rifle ranges, tennis courts, boat launches, golf courses, swimming pools, riding stables, and other similar uses.

**RECREATIONAL VEHICLE:** A vehicle that is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and is designed for temporary use as sleeping quarters but that does not satisfy the definitional criteria of a manufactured home.

**RENTAL HOME:** A residence that will be offered for rent long-term, one month or more, (this is a permitted use).

**RELIGIOUS INSTITUTION:** Includes church, temple, parish house, convent, seminary and retreat house. (See Public Facilities)

**RESIDENCE, MULTI-FAMILY:** A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch). This term also defines an Apartment Building.

**RESIDENCE, SINGLE-FAMILY:** A residential use consisting of a single detached building containing one dwelling unit and located on a lot.

**RESIDENCE, TWO-FAMILY:** A residential use consisting of a building containing two dwelling units. If two dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one building.

**RESIDENTIAL RENTAL - LONG TERM (Permitted Use):** 1 month or more.

**RESIDENTIAL RENTAL - SHORT TERM:** Less than one month.

**RESTAURANT:** A place where people pay to sit and eat meals that are cooked or served on the premise or prepared for takeout.

**RETAIL, LARGE PRODUCT:** A business for display, rental and/or sales of the following products: new or used vehicles, boats, recreational vehicles, and farm implements; lumber and building supplies; landscaping nursery; and auctioneers where auctions take place on-site; and other similar uses.

**SATELLITE DISH ANTENNA:** A permanently or temporarily placed dish shaped antenna used for the purpose of receiving microwave television signals from earth orbiting satellites.

**SCHOOL:** Includes parochial, private, public and nursery schools, college, university and accessory uses; and shall exclude commercially operated schools of: beauty culture, business, dancing, driving, music and similar establishments. See Community Facilities.

**SERVICE STATION:** (See definition for Automobile Service/Repair)

**SIGN:** Any kind of billboard, sign-board, pennant, or other shape or device or display, used as an advertisement, announcement, or direction. Such a notice may be incorporated onto a building surface, be free standing, or attached.

**SIGN, ADVERTISING:** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered on the premises or elsewhere than where the sign is located.

**SIGNS, DIRECTIONAL:** Off site signs for the sole purpose of indicating directions to businesses and other establishments within five miles and permitted by this Law.

**SOLID WASTE:** Refuse, garbage and other discarded items not intended for salvage or resale, e.g. food wastes, broken furniture, demolition wastes, glass, paper, aluminum, scrap metal, lumber, burnable rubbish, etc.

**STREET:** A public thoroughfare for motor vehicles which affords the primary means of access. All streets must meet Village construction standards.

**STREET LINE OR HIGHWAY RIGHT-OF-WAY LINE:** The dividing line between a lot and a street right-of-way line.

**STORAGE PODS:** Any structure that is moved onto a property the primary use of which is to store material on a temporary basis. The structures can be trailers with wheels or "moving pods" without wheels that are used to store furniture, building materials or debris during moving, construction or remodeling of an existing property.

**STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. The term includes dwelling units, buildings, swimming pools, platforms, stadiums, towers, billboards and signs, but is not intended to include conventional sidewalks, driveways, curbs, fences, hedges or walls and chimneys.

**USE:** The specific purpose for which any land, building or structure is used, designed, arranged, intended, or occupied.

**VARIANCE:** A grant of relief from the requirements of this local Law which permits construction in a manner that would otherwise be prohibited by this local Law.

**WALL:** A structure of wood, stone or other materials or combination thereof intended for defense, security, screening, partitioning, or enclosure; or for the retention of earth, stone, fill or other materials as in the case of retaining walls or bulkheads. A wall shall be considered a fence.

**WAREHOUSE:** A structure in which goods or merchandise is stored. Includes wholesale establishment, discount house, bulk storage and bulk sales outlet.

**WASTE MATTER:** Any refuse, rubbish, waste matter, litter, garbage, decomposable or organic matter, putrescible matter, carcass, sewage, excrement, sludge, slops, hazardous liquids or substances (as per New York State Environmental Conservation Law), ashes, tin cans, crates, boxes, or other substances or material offensive to the public or detrimental to its health, safety, and welfare by virtue of its volume or untreated nature.

**WATER ENHANCED USE:** A land use for which the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront (e.g. parks, restaurants, or tourist accommodations).

**WATER DEPENDENT USE:** A land use or development which requires a location in or adjacent to a body of water in order to function.

**WATERFRONT PROPERTY:** Those parcels of land which are located on St. Lawrence River or tributaries of the same.

**YARD:** Generally determined to mean that unoccupied open space (from the ground upward) between the building line and the nearest lot line or street line.

**YARD, FRONT:** The yard between the front building line and the front lot line and extending the full width of the lot.

**YARD, REAR:** The yard between the rear building line and the rear lot line and extending the full width of the lot.

**YARD, SIDE:** An unoccupied space extending from the front yard to the rear yard between the required side setback line and the nearest side lot line.

**ZONING BOARD OF APPEALS:** The Board appointed by the Village of Cape Vincent to hear and decide appeals to this Law.

**ZONING PERMIT:** The approval and permit that must be obtained from the Zoning Enforcement Officer before construction of a building or structure, institution of new use, placement of a new structure, or some similar activity requiring such approval as outlined in the Law.

**ARTICLE 3 ESTABLISHMENT OF ZONING DISTRICTS**

Section 3.1 Zoning Districts

For the purpose of promoting the health, safety and general welfare of the community, the Village of Cape Vincent is divided into the following five (5) zoning districts.

**RESIDENTIAL DISTRICT - RES**

**COMMERCIAL DISTRICT - COM**

**MANUFACTURED HOME DISTRICT - MHD**

**INDUSTRIAL DISTRICT - IND (floating)**

**WATERFRONT OVERLAY DISTRICT - WOD (Overlay)**

Section 3.2 Zoning Map Certification

- A. The boundaries of each Zoning District established by this local law are delineated on the map entitled "Zoning Map, Village of Cape Vincent," dated 12/13/2005, which map is hereby adopted and declared to be part of this local law.
- B. Any changes made by the Village Board, in district boundaries or other information shown on the map shall be promptly made on the map, with a statement describing the nature and date of the change.

Section 3.3 Interpretation of District Boundaries

- A. Where a zoning district boundary splits a lot of record, each portion of the lot shall be controlled by the regulations of the district in which it resides.
- B. Where the designation on the Zoning Map indicates a boundary approximately upon a road line, the center of the road shall be construed to be the boundary.
- C. Where uncertainty exists with respect to the exact boundaries of districts as shown on the map, the Zoning Enforcement Officer shall determine said boundaries. However, upon an appeal from the Zoning Enforcement Officer's determination, the final decision as to where the boundary is located will be made by the Village Zoning Board of Appeals.

**ARTICLE 4 ZONING DISTRICT REGULATIONS**

Section 4.1 Residential District

- A. Purpose. The purpose of the Residential District is to provide a stable environment for residential living and development. By assuring consistency with this Law, it is expected that the character of housing will be preserved, new housing types accommodated, building quality maintained, and land use conflicts reduced.
- B. Permitted Uses
  - 1. Single-family residence
  - 2. Modular homes
  - 3. Two-family residences
  - 4. Accessory Building or Use
  - 5. Double-wide Manufactured Homes
- C. Site Plan Review Uses

- 1. Public utility facilities
  - 2. Recreational Facilities
  - 3. Home Occupations
  - 4. Public Facilities
  - 5. Marine Repair Shop
  - 6. Cemeteries
  - 7. Fences exceeding four (4) feet to six (6) feet in height.
  - 8. Multi-family residences/ Apartment Building
  - 9. Hotels/Motels
  - 10. Marinas
  - 11. Private clubs
  - 12. Cottages
  - 13. Funeral home
  - 14. Structures over 35' in height
  - 15. Bed and Breakfast/ Temporary Rentals
- D. Dimensional Requirements

	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback	Minimum Side & Rear Setback	Open Space Requirement
<b>1. Single family residence</b> <b>2. Modular Home</b> <b>3. Double-wide Manufactured Home</b> <b>4. Accessory Building or Use</b>	6,000 sq. ft.	60 ft.	15 ft. *	8 ft.	25%
<b>Two family residence</b>	9,000 sq. ft.	60 ft.	15 ft. *	8 ft.	25%
<b>Multi-family residence</b>	6,000 sq. ft. plus 3,000 sq. ft. per additional dwelling unit	60 ft.	15 ft. *	8 ft.	25%
<b>All Other Site Plan Review Uses</b>	6,000 sq. ft.	60 ft.	15 ft. *	8 ft.	25%

\* See ARTICLE 5, Section 5.2 for further setback requirements.

Section 4.2 Commercial District

A. Purpose. The purpose of the Commercial District is to promote the business and commercial nature of the area. Historical, cultural, business, and recreational resources will be enhanced. Permitted uses are intended to reduce land use conflicts in commercial enterprise.

B. Permitted Uses

- 1. Single-family detached residences
- 2. Modular homes
- 3. Two-family residences
- 4. Accessory Building or Use
- 7. Automobile service station
- 8. Public Facility
- 9. Drive-in service

D. Dimensional Requirements

C. Site Plan Review Uses

- 1. Hotel/Motel
- 2. Commercial Use
- 3. Marina
- 4. Public Utility Facility
- 5. Shopping center
- 6. Light Industrial Operation
- 10. Recreational facility
- 11. Multi-family residences/ Apartment Building
- 12. Fences exceeding four (4) feet to six (6) feet in height
- 13. Professional offices
- 14. Marine Repair Shop
- 15. Bed & Breakfast (*inn*)/Temporary Rental
- 16. Warehouse
- 17. Large Product Retail
- 18. Structures over 35' in height

	<b>Minimum Lot Size</b>	<b>Minimum Lot Width</b>	<b>Minimum Front Setback</b>	<b>Minimum Side &amp; Rear Setback</b>
<b>1. Lots used solely for residential purposes.</b>	6,000 sq. ft. plus 3,000 sq. ft. per additional dwelling unit	60 ft.	15 ft. *	8 ft.
<b>2. Multi-family residences</b>				
<b>Lots used for multiple uses that include a residence or residences on upper floors.</b>	3,000 sq. ft. per dwelling unit	None	None *	None

<b>Lots used entirely for non-residential purposes.</b>	None	None	None	None
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\* See ARTICLE 5, Section 5.2 for further setback requirements.  
Section 4.3 Manufactured Home District

A. Purpose. The purpose of the Manufactured Home District is to provide minimum standards for the placement and use of manufactured homes in the Village of Cape Vincent. Permitted uses are intended to provide a stable environment for manufactured home development and to reduce land use conflicts.

B. Permitted Uses

1. Single-wide Manufactured Homes
2. Double-wide Manufactured Homes
3. Modular homes
4. Single Family Residences

C. Site Plan Review Uses

1. Manufactured Home Parks.
2. Home Occupations.
3. Fences exceeding four (4) feet to six (6) feet in height.
4. Structures over 35' in height.

D. Dimensional Requirements

	<b>Minimum Lot Size</b>	<b>Minimum Lot Width</b>	<b>Minimum Front Setback</b>	<b>Minimum Side &amp; Rear Setback</b>	<b>Open Space Requirement</b>
<b>Manufactured Home Lot</b> 1. Single-wide Manufactured Homes 2. Double-wide Manufactured Homes	3,500 sq. ft.	40 ft.	15 ft. *	8 ft.	25%
3. Single Family Residence 4. Modular Homes	6,000 sq. ft.	60 ft.	15 ft. *	8 ft.	25%

\* See ARTICLE 5, Section 5.2 for further setback requirements.

Section 4.4 Industrial District (Floating)

A. Purpose. The purpose of this district is to promote light industry in acceptable areas of the Village.

B. Permitted Uses

- 1. None

C. Site Plan Review Uses

- 1. Light industrial Operation
- 2. Commercial Use
- 3. Marina
- 4. Public utility facility
- 5. Shopping center
- 6. Automobile Service/Repair
- 7. Drive in service
- 8. Professional offices
- 9. Marine Repair Shop
- 10. Warehouse
- 11. Large Product Retail
- 12. Fences exceeding four (4) feet to six (6) feet in height.
- 13. Structures over 35' in height.

D. Dimensional Requirements

	<b>Minimum Lot Size</b>	<b>Minimum Lot Width</b>	<b>Minimum Front Setback</b>	<b>Minimum Side &amp; Rear Setback</b>
<b>Site Plan Review Uses</b>	100'	100'	30 ft. *	20 ft.

\* See ARTICLE 5, Section 5.2 for further setback requirements.

Section 4.5 Waterfront Overlay District

A. Purpose. The Waterfront Overlay District is established to ensure compliance with the Village of Cape Vincent Local Waterfront Revitalization Plan. The purpose of the Waterfront Overlay District is to delineate an area coterminous with the Cape Vincent Local Waterfront Revitalization Program (LWRP) Coastal Area whereby new development and

redevelopment will be reviewed for compatibility with the policies and purposes of the LWRP.

As an overlay district, the Waterfront Overlay District does not replace the existing land use districts and their provisions, but rather, represents an additional level of review, superimposed on the provisions of the existing or underlying districts, that specifically relates to the policies and purposes of the LWRP.

B. Permitted Uses

1. All permitted uses as specified for the underlying Zoning Districts, subject to all of the requirements of the underlying Zoning districts.

C. Site Plan Review Uses

All those uses designated as Site Plan Review uses in the underlying Zoning Districts, with the addition of review for compatibility with the policies and purposes of the LWRP.

D. Dimensional Requirements

All the same as those in the underlying District.

**ARTICLE 5 GENERAL REGULATIONS**

For all districts or specific districts as noted, the following supplemental regulations shall apply:

Section 5.1 Signs Signs shall meet the

following requirements:

- A. No signs shall consist of lights which flash or move or appear to move.
- B. No sign shall be higher than the principle building to which it is accessory.
- C. No sign shall be erected on the roof of any building.
- D. No general advertising signs unrelated to the premises or not serving as a directional sign within the Village limits are permitted.
- E. All existing signs at the time this Law is adopted, if not in violation when erected, shall be allowed to remain as long as they are properly maintained and their use remains current.
- F. One on-site permanent sign not to exceed 32 square feet shall be permitted. Two sided signs bearing announcements on two sides shall be considered as one sign. On corner lots, one on-site permanent sign not to exceed 32 square feet is permitted on each street.

Section 5.2 Setbacks.

In the Residential District, the following regulations shall apply:

- A. When a building to be erected has an existing building on either side of it on the same side of the street and within a distance of 50 feet as measured from the edge of the proposed building to the near edge of the adjacent existing building. The minimum required setback shall be no greater than the average distance of setback of the two adjacent buildings.
- B. When a building to be erected has an existing building on one side of it on the same side of the street within a distance of 50 feet as measured from the edge of the proposed building to the near edge of the adjacent existing building the minimum required setback from the street right-of-way for the proposed building shall be greater than the average of the distance of setback of the adjacent building and the required setback for the district in which the building is to be constructed as stated in the District Regulations, Article 4 of this Law.

Section 5.3 Corner Lot

- A. In the case of a corner lot, both yards fronting on streets shall be considered front yards and must meet the appropriate setbacks.

- B. On corner lots in all districts, no new structure or planting in excess of 30 inches above the abutting curb line shall be permitted within a triangular area defined as follows: "beginning at the intersection of the projected curb lines of two intersecting streets, thence 30 feet along one curb line, thence diagonally to a point 30 feet from the point of beginning on the other curb line, thence to the point of beginning."

Section 5.4    Parking

All uses shall provide adequate parking for all vehicles during typical peak use periods. Parking should be designated to minimize the need to back out onto the public road. Adequate parking must be demonstrated either on site or off site in public areas.

Section 5.5    Off-Street Loading Requirements

- A. In all districts, in connection with every building or building group or part thereof and having a gross floor area of 4,000 square feet or more, which is to be occupied by a new use similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading berths or unloading berths as follows: (listed below)

- 4,000-25,000 sq. ft. - 1 berth
- 25,000-40,000 sq. ft. - 2 berths
- 40,000-60,000 sq. - 3 berths For each additional
- 50,000 sq. ft. - 1 additional berth

- B. The loading berth required in each instance shall be not less than twelve (12) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, and may occupy all or any part of any required yard. Such space may also be a part of a required parking area.

Section 5.6    Swimming Pools

- A. Swimming pools may be located within a required side or rear yard. However, swimming pools shall not be closer than eight feet to a lot line.
- B. Swimming pools that are able to contain more than 36 inches of water shall have a fence that is at least four feet tall around the entire structure. The fence shall be constructed of such materials so as to prevent unauthorized entrance by children or other individuals. Above-ground pools which have attached fences and restraining devices shall have to meet the four-foot fence requirement. The height of the pool sides shall be considered in the total height of the fence.

- C. All pools (above ground and in-ground) must comply with the manufacturer’s and New York State regulations for the installation of pools.

Section 5.7 Inoperative And/Or Unregistered Motor Vehicles And Recreational Vehicles

In residential districts, motor vehicles and recreational vehicles that are inoperative and/or are unregistered are not permitted to be kept on the premises for a period longer than 45 days, unless they are enclosed within a structure or fence, or covered so as not to be visible from off the property.

Section 5.8 Solid Waste Disposal

No junk, garbage, or refuse is permitted to be stored unenclosed in any district. Waste must be stored in either plastic or metal cans with lids, or dumpsters. Garbage and recycling containers are permitted to be put out 24 hours before trash pick up. All containers must be removed from the curb within 24 hours after pick up. Solid waste shall be disposed of at the Village’s designated disposal facility.

Section 5.9 Junkyards

Junkyards shall not be permitted within any districts in the Village.

Section 5.10 Satellite Dish Antennas

Satellite Dish Antennas are permitted accessory uses in all districts and may not be located within any front yard or project beyond the front building line of the principle structure

Section 5.11 Accessory Buildings

Accessory buildings and structures shall meet the setbacks of the zoning district.

Section 5.12 Fences

- A. When calculating the height of a fence, the measurement shall be taken from the general level of the ground in the area.
- B. Fences located in the front yard shall not exceed four (4) feet in height and shall adhere to the requirements of Section 5.3, Corner Lots.
- C. Fences four feet and under in height are allowed by a Zoning Permit.
- D. Fences over four feet in height to six feet in height are allowed by Site Plan Review only.
- E. Fences greater than six feet in height are prohibited.

F. The finished side of the fence shall face the public right-of-way or adjacent property.

G. Permanent fences that border village property where there is a sidewalk must be set back 1 foot from the property line, installed after 1/1/2022.

Section 5.13 Manufactured Homes

- A. All manufactured homes sited in the Village shall obtain a building permit from the Jefferson County Building Code Department.
- B. Each manufactured home shall be provided with a cinder block type skirt to screen the space between the manufactured home and the ground. Such skirts shall be of permanent material to provide a finished exterior appearance. The material used for the skirts shall be fire resistant.
- C. Each manufactured home shall be secured with tie-downs according to the manufacturer's requirements.
- D. Each manufactured home pad shall be built to, at least, the minimum manufacturer's requirements.
- E. Mobile homes are not allowed in the Residential District.

Section 5.14 Storage PODS

A. Storage PODS are allowed for a maximum of 90 consecutive calendar days, after which time they must be removed. STORAGE PODS are allowed only twice per calendar year on an individual site

Section 5.15 Travel Trailers/RV's (Residential and

Manufactured Homes districts only)

A. One owner occupied Travel Trailer/RV may be permitted on an undeveloped lot over 1,800 square feet upon receipt of an annual permit subject to the following criteria.

1. The Travel Trailer/RV must be set back from the from the property lines as follows:

Front Yard      15 feet

Rear Yard	8 feet
Side Yard	8 feet

2. Connection to public sewer and water is required to be maintained.
  3. Payment of \$200.00 for an annual permit fee as established by the Village Board of Trustees from time to time by resolution.
  4. Period of occupancy is limited to April 1 through October 31.
  5. Unless permitted under subsection E, below, Travel Trailer/RV must be removed from the Village limits when un occupied.
- B. During periods of construction or renovation pursuant to a validly issued Zoning Permit, a single Travel Trailer/RV may be permitted on a lot for use by the property owner.
- C. Except as provided in subsection D, below Non-Owner Occupied Travel Trailers/RVs are not permitted within the Village Limits.
- D. A property owner may permit a Travel Trailer/RV on the owner’s occupied residential lot for the purpose of hosting visitors for no more than two (2) weeks per year in the aggregate.
- E. A property owner may store one unoccupied personal licensed Travel Trailer/RV on his or her residential lot.
- F. Travel Trailers/RVs are not permitted to be parked on any Village Street or Right of Way for a period of more than 72 hours.

**ARTICLE 6 PLANNING BOARD REVIEW**

Section 6.1 Purpose

The purpose of the Site Plan Review procedure is to allow the Planning Board to attach reasonable safeguards and conditions to those uses which might otherwise produce a deleterious effect on the environment, the neighborhood character, or the Village resident’s health safety and welfare. Furthermore, it is the purpose of the Site Plan Review procedure to authorize the Planning Board to disapprove a plan for any use, the deleterious effects of which cannot be mitigated because of the particular site it is proposed to occupy.

Section 6.2 Authority

Pursuant to authority delegated in accordance with Section 7-725-a of the Village Law of the State of New York, the Village Board hereby authorizes the Planning Board to review and approve, approve with modification, or disapprove site plans.

### Section 6.3    Applicability

Site Plan Review uses shall be controlled by the regulations in this Article in addition to the regulations that apply in each district or for specific uses. No zoning permit or certificate of compliance shall be issued for any use or structure requiring Site Plan Review until approval has been granted by the Planning Board.

### Section 6.4    Information Requirements

- A. Application Form. An application (Site Plan Review - Appendix A) for project review shall be made on the form prescribed by the Village. Two (2) copies, minimum, of all materials shall be submitted to the Board by the applicant(s). Extra copies as may be deemed necessary by the Planning Board may be required. All information shall be required on all applications, unless specifically waived by the Planning Board:

### Section 6.5    Procedure

- A. Pre-Submission Conference. A conference between the applicant and the Planning Board may be held prior to formal submission of an application. This conference may be used to discuss rough conceptual drawings, proposed uses, the possible waiver of submission requirements, the review procedure and the criteria that the project must meet.
- B. Waiver of Requirements. The Planning Board is empowered to waive, when reasonable, any application requirements for the approval, approval with modifications or disapproval of site plans or submitted for approval. Such waiver may be exercised in the event requirements are found not to be requisite in the interest of the public health, safety or general welfare and inappropriate to a particular site plan or special use permit. The reasons for, and the scope of any such waiver granted by the Planning Board shall be in writing and entered into the minutes of the board.
- C. Public Hearing. Once a completed application and paperwork requested by the Planning Board has been formally accepted by the Planning Board at a public meeting of the board, the board shall have a maximum of 62 days to hold a public hearing on the application to entertain public comment, unless the hearing is waived. This time period may be extended upon the mutual consent of the Planning Board and the applicant. A waiver of the hearing shall NOT be allowed in any one of the following circumstances:

1. the use is a Type I action according to the State Environmental Quality Review Act;
2. the use is over 2,000 square feet of floor or ground area;
3. the use is over 35 feet in height;
4. the use requires an increase or change in public water supply facilities, sewerage facilities, drainage facilities, sidewalks, roads, curbs, gutters, or other public improvements;
5. the applicant has requested a public hearing.

**D. Procedure for Public Hearing Conducted by Planning Board**

1. The Chair of the Board will conduct the hearing.
  2. Each person wishing to make a comment will address the Chair and give their name and address.
  3. Each person wishing to speak will have three (3) minutes.
  4. Only one person will speak at a time. Speaking out of turn is not allowed.
  5. All those wishing to address the Board will be given an opportunity to speak. If time permits, the Chair can allow for second comments.
  6. The Chair will determine when to close the public hearing.
- E. Public Hearing Notice.** At least five days advance public notice of the hearing shall be published in a newspaper in general circulation in the Village. A notice of the hearing shall be mailed to the applicant at least ten days before the hearing. The notice shall also be mailed to any farm operations listed on the agriculture data statement and to all adjacent properties within 200 feet of the project lot lines.
- F. County Planning Board Review.** Pursuant to General Municipal Law Section 239-m, at least ten days before the hearing, or where the hearing has been waived, before final action, the Planning Board shall refer all Site Plan Reviews to the County Planning Board that fall within 500 feet of the following:

1. the boundary of the Village or any village within the town;
2. a state or county park or recreation area;

- 3. a state or county highway or expressway;
- 4. a state or county owned drainage channel;
- 5. state or county land where a public building or institution is located; or
- 6. the boundary of a farm operation located within an agricultural district.

If the County Planning Board does not respond within 30 days from the time it received a full statement on the referral matter, then the Planning Board may act without such report. However, any County Planning Board report received after such 30 days but two or more days prior to final action by the referring body shall be subject to the provisions of an extraordinary vote upon recommendation of modification or disapproval. If the County Planning Board recommends modification or disapproval of a proposed action, the referring board shall not act contrary to such recommendation except by a vote of a majority plus one of all the members.

G. County Planning Board Exemptions. The Jefferson County Planning Board considers the following actions to be of local rather than of inter-community or County-wide concern and shall therefore be exempt from referral to the County Planning Board: 1. Area variances meeting the following criteria:

- a. All area variances for lot size or lot width, if the required lot-line setbacks can still be maintained.
- b. All single and two-family residential setback variances (including those for manufactured homes and modular homes) unless the requested setback is adjacent to either a state or county property line, exclusive of state or county highways.
- c. All front, rear, and side lot line setback 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 Variances meeting the following criteria:

- a. All use variances for single and two-family residences, including manufactured and modular homes.
- b. All use variances for home occupations.

3. Site Plans meeting the following criteria:

- a. All site plans for new buildings or additions consisting of less than 500 square feet, where the principle use will occur within the new structure, unless the new building or

additions will require a new or improved access point onto a State or County roadway.

- b. All site plans / special permits for the placement of individual single and two family dwellings, including manufactured homes and modular homes.
  
- H. State Environmental Quality Review. The applicant shall be responsible for completing Part I of the Short Environmental Assessment Form (EAF) or the Long Form if required by the Planning Board. The Planning Board will complete Part II for each application, and for compliance with 6 NYCRR Part 617 (State Environmental Quality Review Act regulations) in cooperation with other involved agencies in the review of any application. The Planning Board shall complete its environmental review and make an environmental determination prior to final action on the application.
  
- I. Final Decision. The final decision by the Planning Board must be made within 62 days following the close of the public hearing, or where the public hearing has been waived, within 62 days of the official submission date. The decision shall be in writing, specifying any conditions that may be attached to an approval, the reasons that the Planning Board approved, approved with modifications or disapproved the proposal, and the motions/vote of the Planning Board. This time period may also be extended upon the mutual consent of the Planning Board and the applicant.
  
- J. Filing of Decision. All decisions shall be filed by Tax Parcel Number in the office of the Village Clerk within five business days of final action, and a copy mailed to the applicant. Within 30 days of final action on any matter referred to the County Planning Board, the Planning Board shall file a report of the final action with the County Planning Board.
  
- K. Conditions on Approval. In its approval, the Planning Board shall have the authority to impose such reasonable conditions and restrictions on the issuance of a zoning permit for the application as are directly related to and incidental to a proposed site plan. Upon approval of the project, any such conditions must be met in connection with the issuance of permits by applicable Zoning Enforcement Officers of the Village.
  
- L. Expiration of Site Plan Review. Site plan review decisions shall expire six months from the date of issue unless substantial progress has been made towards carrying out the terms of Planning Board decision. The applicant shall have two years to complete the terms of the decision, or all work shall cease at the site. An extension may be allowed by the Zoning Enforcement Officer upon proof of necessity submitted by the applicant due to conditions unusual or beyond the control of the applicant.

### Section 6.6    General Site Plan Review Criteria

Following is a list of performance site plan review criteria against which the quality of the development proposal must be assessed. The Planning Board may specify certain standards in line with these criteria to which the developer must then comply. The Board shall be limited to reviewing and setting criteria only in the following areas.

- A. Adequacy and arrangement of safe vehicular traffic access and circulation including intersections, road widths, curb cuts, channelization structure and traffic controls. This review shall include specifications and standards to which such facilities shall be constructed.
- B. Adequacy and arrangements of pedestrian traffic and circulation including: separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic, and pedestrian conveniences. This shall also include specifications and standards to which such facilities shall be constructed.
- C. Location, arrangement, appearance and sufficiency of off-street parking and loading to meet the proposed uses. Construction specifications may be required by using the off-street parking and loading requirements (found in Article 5, Sections 5.4 and 5.5 as a guide).
- D. Location, arrangement size and design of buildings, lighting and signs. All uses shall complement each other and not be offensive to the District or adjacent areas.
- E. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or a noise deterring buffer between competing adjacent uses and adjoining lands. The proposed use shall be landscaped to ensure a sightly appearance. This shall ensure adequate vegetative ground cover to eliminate erosion and promote aesthetics. Trees shall be retained where possible. The Planning Board may set the minimum standards in this regard.
- F. In the case of apartment houses, manufactured home parks, or multiple dwellings, the adequacy and availability of open space for playgrounds and informal recreation.
- G. Adequacy and quality of storm water, drainage ways, sanitary waste disposal facilities, and other utilities that will serve the site. The applicant shall assure that all water and sewer connections and installation are made in a timely fashion and prior to project approval and operation. Such connections and installations shall be made according to specifications by the Village.
- H. Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion. Construction specifications may be required.

- I. Protection of adjacent properties against noise, glare, unsightliness, or other objectionable features from conflicting uses. J. Conformance with the Town and Village of Cape Vincent Joint Comprehensive Plan.
- K. Open space may be required for recreation, circulation and other reasons. The area shall be of sufficient size to accommodate these purposes in relation to the residential and non-residential uses. Access to such areas will be considered. Such areas may be publicly or privately owned.
- L. Adequacy in preserving the scenic, historical and cultural attributes of the site. The integrity of existing historic sites or structures on the State and National Registers of Historic Places shall not be endangered by the development.
- M. Architectural design compatibility with surrounding areas.
- N. The proposed use (either in operation or construction) shall not cause erosion or drainage problems. The Planning Board may specify conditions to alleviate such situations.
- O. All Site Plan Review uses within the Waterfront Overlay District shall also be subject to the following criteria and policies, in addition to the criteria imposed by the underlying district. Where the two are found to be in conflict, the most restrictive shall apply.
  - 1. The location and arrangement of structure relative to the waterfront shall conform with the policies of the Village’s Local Waterfront Revitalization Program as listed in Subsection 2, hereafter.
  - 2. Conformance with the policies of the Village’s Local Waterfront Revitalization program for development proposals within the Village’s Waterfront Overlay District - (WOD).

The Cape Vincent Local Waterfront Revitalization Program, (LWRP), as further explained and described in the Cape Vincent Local Waterfront Revitalization Program Document, October 13, 1987, is hereby adopted as part of the site plan review criteria by reference, a copy of which is on file in the Village Clerk’s office and available for inspection during normal business hours.

Applicable policies of the Village of Cape Vincent Local Waterfront Revitalization Program are as follows:

**DEVELOPMENT POLICIES:**

Policy 1- Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.

Policy 1A - Promote the revitalization and redevelopment of the following areas: (1) Cape

Vincent Village Park; (2) the Club Street area bordered by and including Esselstyne, James, and Gouvello Streets, and the Wolfe Island ferry dock; (3) Cape Vincent Town Garage; (4) Waterfront end of Market Street; (5) Waterfront end of Real Street; and (6) Waterfront end of Point Street. (See Section Four. Proposed Projects and Section

Five, Other Public and Private Actions.)

Policy 2- Facilitate water-dependent uses and facilities on or adjacent to coastal waters.

Policy 3- Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.

Policy 4- Encourage the location of development in areas where public services and the facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitate its location in other coastal areas.

**FISH AND WILDLIFE POLICIES:**

Policy A - The St. Lawrence River is a locally significant fish and wildlife habitat. The River will be preserved to maintain its viability and value to the Village.

Policy 8 - Protect fish and wildlife resources in the coastal area from the introduction of hazardous waste and other pollutants which bioaccumulate in the food chain or cause significant sub-lethal effects on those resources.

Policy 20 - Access to the publicly owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided, and it should be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership.

**RECREATIONAL POLICIES:**

Policy 21- Water-dependent and water-enhanced recreational uses shall be encouraged and facilitated and shall be given priority over non-water related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal

resources and takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and to those areas where the use of the shore is severely restricted by existing development.

Policy 22 - Development, when located adjacent to the shore shall provide water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the development.

Policy 23 - Protect, enhance, and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology, or culture of the state, its communities, or the nation.

**SCENIC RESOURCE POLICIES:**

Policy 25 - Protect, restore, or enhance natural and man-made resources that are not identified as being of state-wide significance but contribute to the overall scenic quality of the coastal area.

**ARTICLE 7 SPECIFIC SITE PLAN REVIEW USE CRITERIA**

**Section 7.1 Multi-Family Residences / Apartment Buildings**

- A. Traffic Access: Visibility on interior roadways or at exits and entrances shall not be impeded so as to cause unsafe traffic conditions as determined by the Planning Board.
- B. Circulation and Parking: All units shall have ready access to the interior roadways and parking spaces.
- C. Arrangement of Buildings: Adequate provision shall be made for light, air, access, and privacy in the arrangement of the buildings. Each dwelling unit shall have a minimum of two (2) exterior exposures.
- D. Proper Landscaping: Where adjacent land use districts, or uses, are of a commercial or business nature, the Board may require proper screening and buffer zones be required to reduce noise, dust, and disturbances.

- E. Distance Between Buildings: Any principle building shall be no closer than 16 feet from any other principal building within a single lot used for multi-family residential purposes.
- F. Recreation Space: There shall be provided on the site of such a use an area or areas devoted for the joint recreational use of the residents. Such recreation space shall consist of an area not less than twenty-five (25) percent of the total living space of all dwelling units served.
- G. Drainage: Drainage ways on the lots and at the interior or public roadsides shall be constructed so as to handle the capacity flow at any given time. The Soil Conservation Service or the Village Department of Public Works (DPW) may be contacted to provide technical assistance in determining the necessary size (s) of the drainage or culverts.
- H. Lighting: Exterior lighting shall be adequate to promote safety in the parking areas and on-lot adjacent to the multiple dwelling and shall conform to National Electric Code Standards, 1984 edition and any amendments.
- I. Space Requirements for Dwelling Units: All dwelling units shall have a minimum of 300 square feet of habitable space. (See the State Uniform Fire Prevention and Building Code for the definition of "habitable space.")

Section 7.2    Hotels, Motels, and Cottages

- A. Traffic Access: Roads shall be adequate in grade, width, alignment, and visibility and shall complement traffic circulation patterns and standards of the Village.
- B. Off-Street Parking: There shall be provided on the site of such development an area or areas devoted to the parking of automobiles of sufficient size and arrangement to meet the needs of the proposed use.
- C. Exterior Lighting and Signs: Illuminated signs and other exterior lighting shall be directed away, or shield from, adjacent properties in such a manner as not to disturb the occupants thereof.
- D. Proper Landscaping: Where adjacent land use is residential in nature buffer zones shall be required to eliminate visibility, noise, and dust from the use.

Section 7.3    Manufactured Home Park

An applicant who proposes to construct a manufactured home park shall state that he, as an agent or owner, shall be responsible for the proper maintenance and upkeep of proposed park and that individual manufactured homes in the Park shall meet the criteria established in Article 5, Section 5.13 of the Village of Cape Vincent Zoning Law .

Section 7.4 Shopping Centers

A proposed shopping center development shall be on accordance with a unified site plan and architectural scheme.

- A. Off-street parking shall meet the requirements established in Article 5, Section 5.4 of this Law.
- B. Off-street loading and unloading space shall be provided in addition to the space required for off street parking. It shall meet the off-street parking loading requirements of Article 5, Section 5.5.
- C. No part of the shopping center development shall be constructed closer than eight (8) feet to the nearest residential property line.
- D. Access patterns (both on-lot and exiting/entering onto the public thoroughfares) shall not cause safety hazards. The Planning Board shall review and approve such plans.

Section 7.5 Large Product Retail

- A. Such sales and rental operations shall be located at least 50 feet from the nearest residential lot line.
- B. The use shall not cause undue noise, odor or lighting glare that is objectionable or harmful to the neighborhood.
- C. Such operations that also have service facilities for the same equipment shall meet the special requirements of “Automobile Service/Repair Stations and Public Garages” in this Section.
- D. The use shall not cause electrical disturbances that will disrupt communications reception in neighboring areas.

- E. The use shall provide sufficient parking spaces to accommodate business uses as listed under the off-street parking requirements. In addition the lot shall be of adequate size to accommodate the maximum number of products that are for sale or rent

Section 7.6 Automobile Service/Repair Station

- A. All automobile service stations shall be so arranged and all gasoline and/or fuel pumps shall be so placed, as to require all servicing on the premises no closer than 20 feet to any street right-of-way line. No gasoline pump shall be placed closer than 20 feet to any side property line.
- B. All junk, waste, and servicing materials shall be stored within a structure or enclosed within fencing so as not to be visible from off the property.
- C. Underground tanks shall not be less than 50 feet from the property line, unless otherwise approved by the Planning Board.
- D. Interior thoroughfare shall be arranged so as to ensure public safety.

Section 7.7 Light Industrial Operation

Light Industrial Operations shall meet the following site plan review criteria.

- A. Such uses shall meet the off-street parking and loading requirements of Article 5, Sections 5.4 and 5.5 General Regulations.
- B. Such uses shall not produce high volumes of pollution wastes as identified under State Environmental Conservation Law and specified by the New York State Department of Environmental Conservation.
- C. Any manufacturing, fabricating or servicing related to the operation must take place within a building designed to accommodate the use.
- D. Materials and equipment used in the manufacturing, fabricating or servicing operation may be stored outside the building accommodating the use, provided they shall be arranged in a neat and orderly fashion and shall be enclosed by a fence at least five (5) feet in height so as to prohibit unauthorized entrance by individuals. The Planning Board may require enclosure of such materials in a building if it deems the materials to be offensive, from a visual or health safety standpoint.
- E. If the Planning Board finds the use virtually incompatible to off-lot residential areas they may disallow the use or require plantings of such a density to reduce this impact.

- F. The use shall not produce exterior noise levels that are detrimental to off-lot residential areas. Such levels shall not exceed 90 decibels at off-lot locations.
- G. There shall be no on-lot burning or land spreading of solid or liquid wastes.

Section 7.8 Private Clubs and Public Facilities

- A. A sufficient number of parking spaces shall be provided to comply with the off-street parking requirements of this Law.
- B. Adequate lighting shall be provided in parking and walk areas to reduce safety hazards.
- C. There shall be no excessive noise, odors, or dust arising from the use.
- D. The approval of such facilities shall require proof that the use will not be out of character with similar neighboring uses.
- E. The use shall not produce dust, noise, lighting glare or other objectionable environmental conditions to neighboring residential properties.
- F. Interior thoroughfares shall be arranged so as to ensure public safety

Section 7.9 Home Occupations

- A. One (1) identification sign is permitted and shall not exceed six (6) square feet in area.
- B. Off-street parking space requirements, as identified in Article 5, Section 5.4, shall be adhered to.
- C. No unsafe traffic conditions shall be produced by vehicles at the use, sign placement, etc.
- D. No objectionable odors, noise, or unsightly conditions shall be encountered by neighboring properties.

Section 7.10 Recreational Facility

- A. Appropriate screening to reduce noise and dust shall be required when such a commercial use is adjacent to a residential lot. This screening may include fencing or hedges of appropriate density.
- B. Off-street parking spaces shall be provided in compliance with the off-street parking requirements of this Law.

Section 7.11 Commercial Dumpsters/Waste containers

**Location, use, condition and appearance.**

All dumpsters shall be enclosed on at least three sides by a solid fence and gate enclosure, the height of which shall exceed the height of the dumpsters by a minimum of one foot and placed on a hard surface such as concrete or macadam. Zoning permit required but fees are waived.

No dumpster shall be located in or on a public right-of-way.

Garbage and other waste materials must be completely contained within the dumpster. No accumulation of garbage or waste materials will be permitted outside the confines of the dumpster, nor will it be permitted to accumulate garbage or other waste materials so that the dumpster cover cannot be firmly closed.

Dumpster covers shall be kept closed at all times.

All dumpsters shall be kept in good repair, be structurally sound, leak-proof and be easily opened and closed. Dumpsters shall be painted as required to prevent the show of rust and deterioration and be so constructed to stand firmly upright.

All businesses with dumpsters currently in use shall have until 7/01/22 to become compliant with this law or have the dumpster removed.

**ARTICLE 8 SOLAR ENERGY CONVERSION SYSTEMS – (SECS)**

Section 8.1 Intent:

Renewable energy systems (solar) are expected to grow in use and become more affordable for residential and/or commercial use. The Village recognizes that solar systems can produce adequate amounts of energy for residential homes and/or commercial businesses and will have minimal impact on the health, safety, and welfare of the citizens in the village. The village permits their use. The regulations are as follows:

Section 8.2    Roof-Mounted Solar Energy Conversion System (RMSECS)

- a.    Roof-mounted SECS are preferred for residential and commercial structures.
- b.    The primary energy output from the RMSECS will be used on site.
- c.    The total height including the RMSECS unit of any structure, either primary or accessory, on which the unit is mounted, shall not exceed 35 feet.
- d.    The RMSECS unit shall not overhang the roof of the structure.
- e.    All electrical components of the RMSECS shall comply with local, county, state, and federal regulations.
- f.    No Site Plan Review required, unless the total height of the structure and the RMSECS is greater than 35'.

Section 8.3    Ground-Mounted Solar Energy Conversion Systems (GMSECS) For On-Site Use

- a.    GMSECS are to be mounted on a concrete base on the ground. They are not to be mounted on structures.
- b.    Site Plan Review is required with attention to siting. Cannot be installed in the front yard and height and obstruction of neighboring views must be taken into consideration.
- c.    All GMSECS shall be located within the "Dimensional Requirements" of the lot.
- d.    The primary energy output from the GMSECS shall be used on site.

**ARTICLE 9 intentionally left blank for future use**

**ARTICLE 10 ENFORCEMENT AND ADMINISTRATION**

Section 10.1 Zoning Permits

- A. No such zoning permit shall be issued for any building where said construction, addition, or exterior expansion or use thereof would be in violation of any of the provisions of this Law.
- B. Zoning Permits Required

The following activities shall require a zoning permit unless otherwise specifically exempted in this law:

- 1. Erection, re-erection or movement of a building or structure;
- 2. Change of the exterior structural dimensions of a building or structure;
- 3. Change in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use;
- 4. The resumption of any use which has been discontinued for a period of 12 months or longer;
- 5. Establishment or change in dimensions of a parking area for nonresidential or multi-family residential uses;
- 6. Placement of a sign that is not part of a Site Plan Review.
- 7. Parking lots for places of public assembly and commercial, business or industrial uses shall require a permit for placement.
- 8. Fences.
- 9. Swimming pools.

C. Zoning Permit Exceptions

A zoning permit shall not be required for:

- 1. Landscaping;

2. Interior structural alterations or routine maintenance and improvement that does not expand the exterior dimensions of the structure (e.g., roofing, window replacement, siding replacement, etc.);
3. Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment, chimneys, etc;

D. Application Process

Application for a zoning permit shall be submitted to the Zoning Enforcement Officer or Village Clerk and shall include:

1. Application form (available at the Village Clerk's Office);
2. Two (2) copies of a plot plan showing the actual dimensions of the lot to be built upon;
3. The size, location and height (on the lot) of the building and accessory buildings to be erected;
4. The distances from the building line to all lot lines, road right-of-way line, waterfront property line, streams and any other features on the lot; and
5. Such other information as may be necessary to determine and provide for the enforcement of this Law.

The accuracy of the measurements shown on the plan or detailed in the application shall be the responsibility of the applicant. Significant errors may be cause for revocation of the permit and may be considered a violation subject to prosecution under Section 10.6 of the Zoning Law.

- E. Application Fee. Fees required under this law will be determined from time to time by the Village Board pursuant to resolution and are to be paid at the time of application. A zoning permit application shall not be considered complete and no zoning permit shall be issued until full payment of the application fee has been received by the Village Clerk.

- F. Display of Zoning Permit. The applicant shall display the zoning permit on the building, structure or site in such a manner that it is visible to the public until such time as a certificate of compliance is issued or the zoning permit expires.
- G. Expiration of Zoning Permit. A zoning permit shall expire twelve (12) months from the date of issue unless substantial progress has been made towards carrying out the terms of the zoning permit. The applicant shall have two years to complete the terms of the zoning permit, or all work shall cease at the site. An extension may be allowed by the Zoning Enforcement Officer upon proof of necessity submitted by the applicant due to conditions unusual or beyond the control of the applicant.
- H. Temporary Permits. Temporary Zoning Permits may be issued by the Zoning Enforcement Officer for a period not exceeding thirty (30) days for conforming and nonconforming uses and the Zoning Enforcement Officer shall notify the Planning Board of such. Such permits are conditioned upon agreement by the owner or operator to remove the structure(s) or equipment upon expiration of the permit or to bring the use into compliance and gain a Zoning Permit. Any extensions or renewal of a temporary permit shall only be granted upon approval by the Planning Board and may only be renewed or extended once and for a period not exceeding one (1) year.

I. Certificate of Compliance.

- 1. No use or structure requiring a zoning permit shall be occupied, used, or changed in use until a certificate of compliance has been issued by the Zoning Enforcement Officer stating that the use or structure complies with the provisions of this law
- 2. All certificates of compliance shall be applied for with the application for a zoning permit. The certificate shall be issued within ten days after the erection or alteration shall have been approved as complying with the provisions of this law.
- 3. For uses requiring a Planning Board review, no certificate of compliance shall be issued for any such use or structure unless in conformity in all respects to the Planning Board approval, including any condition imposed upon it.

Section 10.2      Zoning Enforcement Officer

The Village board shall appoint a Zoning Enforcement Officer to carry out specific administrative functions as designated in this law, and to enforce this law. The Zoning Enforcement Officer's authorities shall include:

- A. Issue and deny permits and certificates of compliance in accordance with this law;
- B. Scale and interpret district boundaries on Zoning Maps;

- C. Inspect and certify that the regulations of this law have been adhered to;
- D. Refer appropriate appeal matters to the Planning Board and the Zoning Board of Appeals;
- E. Revocation of a permit where there is false, misleading or insufficient information places the applicant in violation of the Zoning Law and may be considered a violation subject to prosecution under Section 10.6 of the Zoning Law.
- F. Revocation of a permit or certificate of compliance where the applicant has not complied with the provisions of the approved application and places the applicant in violation of the Zoning Law and may be considered a violation subject to prosecution under Section 10.6 of the Zoning Law.
- G. Investigate violations and complaints of violations of this law;
- H. Issue stop work orders;
- I. Refer violations to the Town Justice. J. Assist in the prosecution of violations; and
- K. The Zoning Enforcement Officer shall report to the Village Board the number of permits issued and fees collected at regular Village Board meetings.

In addition to the Village appointment of a Zoning Enforcement Officer, the terms of the Law may also be enforced by any other Law Enforcement Officer, including the Village Police Officer.

Section 10.3      Zoning Board of Appeals

- A. Creation, appointment, and organization. A Zoning Board of Appeals is hereby created. Said Board shall consist of three (3) members. The Village Board shall appoint the members of the Zoning Board of Appeals on a staggered term basis in conformance with Village Law. The Zoning Board of Appeals shall select a Chairman and shall prescribe rules for the conduct of its affairs.

B. Powers and Duties. The Zoning Board of Appeals shall have all the power and duties prescribed by Village Law and by this Law which are more particularly specified as follows:

1. Interpretations, requirements, decisions, 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 such local law and to that end shall have all the powers of the administrative official from whose order, requirement, or decision the appeal is taken.

2. Use Variance.

a. The Zoning Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such local law, shall have the power to grant use variances, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of the local law.

b. No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,

(i) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

(ii) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

(iii) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

(iv) That the alleged hardship has not been self-created.

c. The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

3. Area Variance

- a. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of an administrative official charged with the enforcement of the local law, to grant area variances from the area or dimensional requirements of such local law.
  - b. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider:
    - (i) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
    - (ii) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
    - (iii) Whether the requested area variance is substantial;
    - (iv) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
    - (v) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
  - c. The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
4. Imposition of conditions. The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

### C. Procedure

1. Meetings, minutes, records. Meetings of such Zoning Board of Appeals shall be open to the public to the extent provided in Article 7 of the Public Officers' Law. Such Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
2. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order requirement, decision or determination of the Zoning Board of Appeals shall be filed in the office of the Village Clerk within five (5) business days and shall be a public record.
3. Assistance to Zoning Board of Appeals. Such board shall have the authority to call upon any department, agency or employee of the Village for such assistance as shall be deemed necessary and as shall be authorized by the Village Board.
4. Hearing appeals. Unless otherwise provided by local law or ordinance, the jurisdiction of the Zoning Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by an administrative official charged with the enforcement of the local law adopted pursuant to this article. Such board shall have the authority to call upon any department, agency or employee of the Village for such assistance as shall be deemed necessary and as shall be authorized by the Village Board. Such department, agency or employee shall be reimbursed for any expenses incurred as a result of such assistance. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the Village.
5. Time of appeal. Such appeal shall be taken within sixty days after the filing of any order, requirement, decision, interpretation or determination of the administrative officer charged with the enforcement of such local law by filing with such administrative official and with the Zoning Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The costs of sending or publishing any notices relating to such appeal shall be borne by the appealing party and shall be paid to the board prior to the hearing of such appeal.

6. Stay upon appeal. An appeal shall stay all proceeding in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such local law, from whom the appeal is taken, certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay, would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.
  
7. Hearing on appeal. The Zoning Board of Appeals shall hold a public hearing within sixtytwo (62) days from the official submission date of the appeal or other matter referred to it and give public notice thereof by the publication in a paper of general circulation in the Village of a notice of such hearing, at least ten (10) days prior to the date.
  
8. Procedure for a Public Hearing Conducted by the Zoning Board of Appeals
  - a. The Chair of the Board will conduct the hearing.
  - b. Each person wishing to make a comment will address the Chair and give their name and address.
  - c. Each person wishing to speak will have three (3) minutes.
  - d. Only one person will speak at a time. Speaking out of turn is not allowed.
  - e. All those wishing to address the Board will be given an opportunity to speak. If time permits, the Chair can allow for second comments.
  - f. The Chair will determine when to close the public hearing.
  
9. Time of decision. The Zoning Board of Appeals shall decide upon the appeal within sixty-two (62) days after conducting said hearing. The time within which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.
  
10. Filing of decision and notice. The decision of the Zoning Board of Appeals on the appeal shall be filed in the office of the Village Clerk within five business days after the day such decision is rendered, and a copy mailed to the applicant.
  
11. Notice to park commission or planning agency. At least ten (10) days before such hearing, the Zoning Board of Appeals shall mail notices to the parties; to the regional state park commission having jurisdiction over any state park or parkway within 500 feet of the property affected by such appeal; and to the county, metropolitan, or regional planning agency, as required by section 239-m of the General Municipal Law, which

notice shall be accompanied by a full statement of the matter under consideration, as defined in subdivision one of GML Section 239-m.

- 12. Compliance with State Environmental Quality Review Act. The Zoning Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the New York Codes of Rules and Regulations.
- 13. County Planning Board. All variance actions that fall under the jurisdiction of General Municipal Law 239-m shall be referred to the Jefferson County Planning Board for their review and action thereon, prior to any local decision. The requirements of this section of the Law shall be followed by the Village.

Section 10.4      Planning Board

- A. Creation, Appointment and Organization. A Planning Board is hereby created and shall consist of five (5) members. Members and the Chairperson of the Planning Board shall be appointed by the mayor subject to the approval of the Board of Trustees. The members of the Planning Board shall be appointed so that the term of one member shall expire each year.

The Planning Board shall have the power and authority to employ experts, clerks, and a secretary and to pay for their services, and to provide for such other expenses as may be necessary and proper, not exceeding in all the appropriation that may be made therefore by the Village Board of Trustees for such Planning Board.

- B. Powers and Duties. The Planning Board shall have all the power and duties prescribed by the Village Law and by this Law, some of which are specified below:
  - 1. Site Plan Review. The Planning Board shall have the authority to administer the site plan review requirements of this Law, found in Article 6 of this Law. All site plan actions that fall under the jurisdiction of General Municipal Law 239-m shall be referred to the Jefferson County Planning Board for its review and action thereon, prior to any local decision.
  - 2. Zoning Board of Appeals Referrals. Appeals and applications may be referred to the Planning Board for its recommendation before final action by the Zoning Board of Appeals. All recommendations from the Planning Board to the Zoning Board of Appeals shall be made in writing and are non-binding on the final decision of the Zoning Board of Appeals. The Planning Board's recommendation should consider the appeal's relevancy

in terms of the general intent of the Law, Comprehensive Plans and other long range planning concerns.

3. Amendments. The Village Board shall refer all amendment proposals to the Planning Board for a 20-day (maximum) review and recommendation period, prior to the Village Board action. If the Planning Board does not make a recommendation on the proposal (to the Village Board) within this period it shall be deemed that they have approved the proposal. The Planning Board's recommendation shall be made in writing to the Village Board.

Section 10.5      Violations

- A. Whenever a violation of this law occurs, any person may initiate a complaint. All complaints shall be in writing and delivered to the Village Clerk or Zoning Enforcement Officer. The Zoning Enforcement Officer shall accurately record the complaint, file it appropriately, and investigate it.
- B. If the complaint is found to be valid, the Zoning Enforcement Officer shall then inform the owner or the person responsible for the violation that there is a violation of the law. The owner or person responsible shall be notified by certified mail with a return receipt requested and by regular mail, or be personally served, as to the manner of the violation. Mail shall be sent to the address of the property owner as stated on the last completed tax roll or the address of the person responsible. The person notified will have 14 days, maximum, to remedy the situation from the date of the mailing, except in the case of imminent peril to life or property.
- C. An order to stop use/work may be issued to the owner or the person responsible for the violation in the same manner as a notice of violation. Such order shall require that all construction stop immediately.
- D. If a violation persists, the Zoning Enforcement Officer may file an "information and complaint" with the Town Justice charging the owner or the person responsible for the violation with violating one or more sections of this law. The Town Justice shall then issue a summons for the violator to appear in court.
- E. Pursuant to Criminal Procedure Law Section 150.20 (3), the Zoning Enforcement Officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and, if a violation persists, shall cause such person to appear before the Town Justice.

Section 10.6      Penalties

Pursuant to Municipal Home Rule Law Section 10 and Village Law Section 7-714, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation and subject to fine and/or imprisonment. Any violation of this law is an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$750 nor more than \$1000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

In addition to the above remedies, the Village Board may maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law

Section 10.7 Amendments

- A. The Village Board may from time to time on its own motion, or on petition, amend, supplement, or appeal the regulations and provisions of this Law after appropriate public notice and hearing (as provided for in Village Law).
- B. Procedure: The Village Board by resolution adopted at a stated meeting shall fix the time and place of public hearing on the proposed amendments and cause notice to be given as follows:
  - 1. By publishing a notice at least ten (10) days prior to the time and place of such hearing in a paper of general circulation in the Village.
  - 2. A written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of any city, village, town of county, or within 500 feet of an existing or proposed State or County highway right-of-way shall be given to the clerk of such municipality and referred to the Jefferson County Planning Board for the review and action thereon at least thirty (30) days prior to the date of such hearing. The requirement of this section of Law shall be followed by the Village.

3. Other provisions of adoption, posting, and publication on the amendments, as set forth in Village Law (for adoption of local laws), shall be adhered to.
4. The Village Board shall refer all amendment proposals to the Planning Board for a 20 day (maximum) review and recommendation period, prior to the Village Board action thereon. If the Planning Board does not recommend on the proposal (to the Village Board) within this period it shall be deemed that they have approved the proposal. The Planning Board's recommendation shall be made in writing to the Village Board. The Planning Board's recommendation should consider the amendment and its impact on the intent of the Comprehensive Plan, the Zoning Law and other long range planning concerns of the Village.

Section 10.8 Repealer

This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations within the Village of Cape Vincent, and they shall be upon the effectiveness of this Local Law, null and void.

Section 10.9 Interpretation and Separability

- A. Interpretation: Interpretation and application, of the provisions of this Law shall be held to be minimal requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this Law differ with the requirements of any other lawfully adopted rules or regulations, the most restrictive, or that imposing the higher standards shall govern.
- B. Separability: Should any section or provisions of this Law be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 10.10 Effective Date

The provision of this Law shall take effect immediately upon filing with the Secretary of State.

**APPENDIX A**

**VILLAGE OF CAPE VINCENT  
SITE PLAN REVIEW APPLICATION**

The application for site plan approval consists of Parts A and B, an Environmental Assessment Form as required by the State Environmental Quality Review Act (SEQRA), an Agricultural Data Statement, and the payment of application fees.

*Refer to the Village Zoning Law for additional information and Site Plan Review criteria and process.*

**PART A: PROJECT DESCRIPTION**

Provide all information requested to assure a clear understanding of the proposed project. Attach supplemental information if necessary. Incomplete information may render the application incomplete.

1. Applicant(s) name, address, and telephone number:

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2. Owner(s) name, address, and telephone number, if not the same as applicant:

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**3. Describe the proposed use of the site:**

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**4. Project Description: Include photographs, if applicable.**

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**5. Site location:**

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**6. Total site area (square feet or acres):** \_\_\_\_

**7. Tax Map Section**      **Block** \_\_\_\_\_ **Lot** \_\_\_\_\_

**8. Zoning District property is located in:** \_\_\_\_

**9. List below Village/Town, school, county, state, and federal permits/agreements i.e., road access, Department of Health, NYS Uniform Fire & Building Code, D.E.C., PILOTS.**

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**10. Attach a copy of the above-listed permits/agreements.**

**11. Describe infrastructure anticipated: (For example, water, sewer, power, roads)**

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**12. Anticipated construction schedule: \_\_\_\_\_**

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**13. Current land use and condition of the project site (agricultural, commercial, undeveloped, residential, etc.):**

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**14. Character of surrounding area (residential, agricultural, wetlands, etc.):**



The intent of the site plan review drawing is to show the layout and design of the project on the site. At the pre-submission conference, the Planning Board may require that any or all of the following items be included on the site plan drawings. If no pre-submission conference is held, all of the following items are required on the site plan. Attach supplemental information if necessary.

1. Name of project, name and address of applicant and person responsible for preparing the site plan drawing.
2. Date, North point, written and graphic scale.
3. Boundaries of the project site drawn to scale, including distances, bearings, and areas.
4. Project Tax Map #Section, Block, Lot .
5. Location and ownership of all adjacent lands as shown on the latest tax records.
6. Location, name, width, and right-of-way of adjacent roads.
7. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use.
8. Location, size, and design of the following:
  - a. Existing and proposed structure(s)
  - b. Driveways and parking areas
  - c. Outdoor storage areas
  - d. Sidewalks or pedestrian paths
  - e. Drainage, sewage, and water facilities
  - f. Sign
  - g. Outdoor lighting
  - h. Landscaping or screening
  - i. Snow storage areas
  - j. Lot exclusion area
  - k. Vegetative buffers, screening and/or fencing.
9. Plans for controlling soil erosion and sedimentation during development.
10. Plans for grading and drainage showing existing and proposed contours of five-foot intervals.
11. Designation of the amount of gross floor area and gross leasable area proposed for each non-residential use.

12. Other elements integral to the proposed development as considered necessary by the Planning Board.

## **APPENDIX B**

**VILLAGE ZONING MAP**

