SECTION 3
OVERLAY DISTRICTS / STANDARDS

3.1 OBJECTIVES

Overlay Districts provide guidelines and performance standards intended to protect certain visual, cultural and natural resources in the Town and Village. Regulations for overlay districts are supplementary to those of underlying base planning districts. In all cases, the more restrictive provisions shall apply.

3.2 TYPES OF OVERLAY DISTRICTS

A. The Viewshed Overlay District shall encompass:

1. All properties fully or partially within the areas identified on the Viewshed Overlay Map as Areas of Visual Sensitivity. This includes all elevations above 2,000 feet mean sea level, as well as additionally designated areas.

2. All lots that abut any designated View Corridor as identified on the Viewshed Overlay Map. View Corridors are those roads where development may impact visual resources.

B. The Historic Resource Overlay District includes all properties listed on the New York State and National Registers of Historic Places, as well as any properties identified on the Historic Resource Overlay Map.

C. The Shoreland Overlay District includes all lands identified on the Shoreland Overlay Map as well as all properties fully or partially within 100 ft. of the shoreline of any lake, pond or river within the Town or Village.

3.3 REVIEW REQUIRED

The Review Board must approve any land development activity within an overlay district.
3.4 VIEWSHED OVERLAY DISTRICT (VOD)

A. Objectives

Lake Placid and North Elba are set within a mountain, lake and forest landscape that is part of the High Peaks Region of the Adirondack Park and one of the most scenic areas in the Northeast United States. The Viewshed Overlay District is intended to protect areas of visual sensitivity from intrusive development. The District also protects view corridors generally accessible to the public that provide lines of sight to visual and scenic resources.

B. General Requirements

All land development activities in the Viewshed Overlay District must be designed and sited so that buildings, roads and other structures minimally obstruct views of scenic resources or create undue visual impact from offsite, as determined by the Review Board.

3.4.1 Requirements for Development in Areas Designated as View Corridors

A. Placement of Structures:

1. Clustering of houses and other structures is encouraged and may be required to retain larger blocks of forest and fields.

2. Structures shall be located to minimally obstruct views of scenic resources as determined by the Review Board.

B. Architectural Review

1. The Architectural Guidelines and Requirements of Section 5.4 of this Code shall apply to Conditional Uses in this Overlay District

2. Permitted Uses do not require Architectural Review

3.4.2 Requirements for Development in Areas of Visual Sensitivity

A. Vegetation Removal

1. Forest cover shall be maintained to the greatest extent possible. Tree clearing for views from the site shall limit visual impacts as viewed from off-site. Clearing shall involve the selective cutting of small trees and the lower branches of large trees rather than removing mature trees as much as possible.

2. The removal of more than 40% of trees greater than 4 inches in diameter at breast height in any area equal to or greater than ¼ acre requires a permit from the Review Board.
a. The Review Board may limit the amount of tree clearing and require the planting of additional trees or other vegetation to assure adequate screening of structures

b. An applicant may be required to submit a plan for maintaining and replacing designated trees during or after site development and construction

B. Placement of Structures

Structures shall be minimally visible as determined by the Review Board.

1. Clustering of houses and other structures is encouraged and may be required to retain larger blocks of forest and fields.

2. The height of any structure shall not exceed the height of the adjacent tree canopy serving as the visual backdrop to the structure.

3. Structures shall be sited below ridgelines and located at or near the edge of existing and new clearings and fields, or in the interior of existing wooded areas.

C. Exterior Lighting

Off-site visual impacts of proposed exterior lighting shall be minimized.

1. All exterior lights shall be shielded and downcast.

2. The use of reflective surfaces and outdoor lighting fixtures more than 15 feet above the ground shall be minimized.

3. Bollard, low-post lighting and low-level, indirect lighting is recommended.

D. Building Design

The design and massing of buildings shall be in visual harmony with the surrounding landscape.

1. Building materials shall be selected to minimize year-round visibility, reflectivity, and nighttime light impacts as viewed from off-site.

2. Fluorescent or discordant colors or schemes shall not be permitted where buildings or structures are visible from public vantage or viewing points. Wood, stone and earth tones or other natural colors are recommended. The Review Board has sole discretion in determining the acceptability of color schemes.
3.5 HISTORIC RESOURCE OVERLAY DISTRICT (HRO)

A. Objectives

Lake Placid/North Elba has a rich cultural heritage that helps to define the character of the community. The Historic Resource Overlay District includes buildings, structures and sites deemed to be important in portraying the community’s history, architecture and culture. To ensure that development respects those values and to promote responsible historic preservation practices, proposed development projects shall comply with the following guidelines and performance standards.¹

B. Applicability

The Historic Resource Overlay District encompasses structures or properties as delineated on the Historic Resource Overlay maps. The creation of that District is based upon a comprehensive study by the North Elba Preservation Commission and published as the *Historic Resources of North Elba: Survey and Preservation Strategies*. That study identified locations considered as “most significant historic resources of a cultural or civic nature” and further identified features worthy of preservation. The Review Board has the discretion to determine which of the following sections are applicable:

3.5.1 Guidelines for All Historic Structures

A. Rehabilitation

1. Respect the original design character of the building.

2. Analyze the building to determine which elements are essential to its character.

3. Do not try to make it appear older (or younger) in style than it really is. The genuine heritage of the structure should be expressed.

4. Every reasonable effort should be made to provide a compatible use for the building that will require minimal alteration to the building and its site. New uses requiring the least change to existing structures are encouraged.

5. Original materials and architectural details contributing to the historic significance of the structure are qualities that should be preserved whenever feasible. Rehabilitation work should not destroy the distinguishing character of the property or its environment. Examples of historically significant architectural features are porches, window trim, and chimneys. Other significant elements may be the overall building form, its roof shape or material finish.

6. Protect and maintain existing significant stylistic elements, including the maintenance of historic material through treatments such as rust removal, caulking, and re-painting.

¹ Developers shall also refer to the *Secretary of Interior’s Standards for the Treatment of Historic Properties*, as general guidance for work on any historic buildings.
7. Use approved procedures for cleaning, refinishing, and repairing historic materials.

8. Deteriorated architectural features should be repaired rather than replaced, wherever possible. Patch, piece-in, splice, consolidate, or otherwise upgrade the existing material, using recognized preservation methods, whenever possible.

9. The replacement of missing portions of an element may be included in repair activities. Match the original material when feasible. A substitute material is acceptable if the form and design of the substitute conveys the visual appearance of the original.

10. When disassembly of an historic element is necessary for its rehabilitation, use methods that minimize damage to the original materials. Always devise methods of replacing the disassembled materials in their original configuration.

11. In the event replacement is necessary, the new material should accurately duplicate original features, which include design, color, texture, and other visual qualities.

12. The design should be substantiated by physical and/or pictorial evidence.

13. Where reconstruction of an element is impossible because of a lack of historical evidence, then a new design that relates to the building in general size, scale and material may be considered.

14. Preserve older alterations that have achieved historic significance in themselves.

15. Many changes to buildings that have occurred in the course of time are themselves evidence of the history of the building and its neighborhood. These changes may have developed significance in their own right and should be recognized and respected. An example of such an alteration may be a porch or a kitchen wing that was added to the original building early in its history.

16. More recent alterations not historically significant may be removed.

B. Additions

1. Construct new additions so that there is the least possible loss of historic fabric and so that the character-defining features of the historic building are not destroyed, damaged, or obscured.

2. Design new additions so that the overall character of the site, site topography, character-defining site features, trees, and significant district vistas and views are retained.

3. Survey in advance and limit any disturbance to the site’s terrain during construction to minimize the possibility of destroying unknown archaeological resources.

4. Protect large trees and other significant site features from immediate damage during construction and from delayed damage due to construction activities, such as loss of root area or compaction of the soil by equipment. It is especially critical to avoid compaction of the soil within the drip line of trees.
5. Locate a new addition on an inconspicuous elevation of the historic building, usually the rear one.

6. When locating additions to historic buildings, maintain the pattern created by the repetition of building fronts in the area.

7. Limit the size and the scale of an addition in relationship to the historic building so that it does not diminish or visually overpower the building.

8. Avoid impacts to special moldings, decorative windows or dormers.

9. Design an addition to be compatible with the historic building in mass, materials, colors, and relationship of solids to voids in the exterior walls, yet make the addition discernible from the original.

10. It is not appropriate to construct an addition if it will detract from the overall historic character of the principal building and the site, or if it will require the removal of a significant building element or site feature.

11. Avoid new additions or alterations that would hinder the ability to interpret the design character of the historic period of the district.

12. Alterations that seek to imply an earlier period than that of the building are inappropriate. Alterations that seek to imply an inaccurate variation on the historic style are also inappropriate.

13. It is not appropriate to construct an addition that significantly changes the proportion of built mass to open space on the individual site.

14. Preserve historic fences in their original locations and maintain traditional fence lines where they once existed.

15. Preserve historic paving materials in their original location. Where historic paving materials exist, consider using similar materials for new paving.

3.5.2 Supplementary Guidelines

A. Commercial Structures

1. Maintain the large display windows that are characteristic of commercial buildings.

2. The traditional "storefront" image should be preserved at the street level.

3. When replacing glass or restoring windows, maintain the original size and shape of the storefront opening.
4. Preserve the original size and shape of upper story windows.

5. Maintain original recessed entries where they exist.

6. Preserve original roof forms where they contribute to the historic character of the building.

7. Maintain original roof materials where they are visible to the street.

B. Residential Structures

1. Maintain the original finish.

2. Maintain historic trim and ornament.

3. Preserve existing trim in place where it survives.

4. Where original trim is missing, replace missing elements with designs to match the original.

5. Use original proportions for trim designs.

6. Preserve roofs at their original pitch.

7. Preserve the character of original roofing materials.

8. Maintain historic window proportions.

9. If storm windows are used, they should not obscure original window proportions.

10. Maintain the historic character of the building entrance.

11. Where porches exist, they should be preserved.

12. Where original doors contribute to the historic character, they should be preserved.

C. Deck Additions

1. Locate and construct decks so that the historic fabric of the structure and its character-defining features and details are not damaged or obscured.

2. Install decks so that they are structurally self-supporting and may be removed in the future without damage to the historic structure.

3. Introduce decks in inconspicuous locations, usually on the building’s rear elevation and inset from the rear corners, where they are not visible from the street.

4. Design and detail decks and associated railings and steps to reflect the materials, scale, and proportions of the building.
5. In rare occasions where it is appropriate to site a deck in a location visible to the public right-of-way (i.e. the side of a building), it should be treated in a more formally architectural way. Careful attention should be paid to details and finishes, including painting or staining the deck’s rails and structural support elements in colors compatible with the colors of the building.

6. Align decks generally with the height of the building’s first-floor level.

7. Visually tie the deck to the building by screening with compatible foundation materials such as skirt boards, lattice, masonry panels, and dense evergreen foundation plantings.

8. It is not appropriate to introduce a deck if doing so will require removal of a significant building element or site feature such as a porch or a mature tree.

9. It is not appropriate to construct a deck that significantly changes the proportion of built area to open space for a specific property.

3.5.3 Demolition of Historic Structures

Demolition permits for historic structures must be issued by the Review Board. The applicant must demonstrate that no alternative for reasonable use of the structure is possible. If an acceptable alternative is not possible, the following must be met before a demolition permit is issued.

A. Physical and economic feasibility in retaining the historic structure will be part of the Review Board’s decision to approve a demolition.

B. Circumstances and condition of the structure shall be evaluated. The Review Board may request a qualified engineer’s or architect’s opinion on structural integrity, together with an estimate of work needed to stabilize the structure and bring it into compliance with the Code.

C. An applicant may be asked to provide alternative plans to demolishing any historic structure. Salvage options, such as relocation of the structure to another site or removal and re-use of its historically significant elements shall be considered prior to the issuance of a demolition permit.
3.6 SHORELAND OVERLAY DISTRICT (SOD)

3.6.1 Objectives

The waters of Mirror and Placid lakes are critical resources to the community and essential to the local economy. Their pure waters are known for clarity, low nutrients, potability and aesthetics. They enhance the identity and appeal of the community and are a focal point for essential retail and tourism based commerce. Of critical importance is the use of Placid Lake as a source of municipal drinking water and drinking water for many private residences. In addition, the waters of the lakes offer valuable habitats for fish, wildlife and plants that depend on existing environmental quality and habitat characteristics. The shallow water areas, often in proximity to new development, provide a specialized wildlife habitat important for such ecological functions as spawning areas for fish, feeding areas for waterfowl, sources of invertebrates and plant material in the aquatic food chain.

To protect water quality, sustain wildlife habitats, prevent bank erosion, and maintain scenic values, all lands identified on the Town’s Shoreland Overlay Map, as well as all properties fully or partially within 100 ft. of the shoreline of any lake, pond or river within the Town or Village, shall address the following standards prior to any permit approval for any land development, including single-family homes, within these areas.

3.6.2 Vegetative Cutting Restrictions Along Shorelines

A. There shall be a 10 foot “no disturb zone” along the shoreline, as measured from the mean high water mark. This area shall remain as a natural buffer. No clearing, cutting, and/or alteration shall be permitted in this area, with the exception of limited clearing for shoreline access or the maintenance of view corridors.

B. Within 35 feet of the mean high water mark, not more than 30% of the trees in excess of 6” diameter at breast height may be cut over any 10 year period, or at any point in time.

C. In the event of a violation of the above provisions, the property owner shall be responsible, with the assistance of a qualified professional, for the restoration of the site as determined by the Review Board. Any replacement vegetation that does not survive shall be replanted annually until such time as healthy replacement vegetation is established.

D. The above provisions shall not prevent the removal of diseased vegetation or of rotten or damaged trees that present a safety hazard.

3.6.3 Lawns, Fertilizers, and Salt Storage

A. Lawn areas shall not extend to within 10 feet of the mean high water mark.

B. The use of fertilizers within 50 feet of the mean high water mark is prohibited. Where allowed, fertilizers shall have phosphorus content of 1% or less and contain slow release nitrogen.
C. The storage of road salt, including the regular creation of plowed snowbanks containing material amounts of road salt, within 50 feet of the mean high water mark is discouraged.

3.6.4 Development Standards

A. Vegetation Retention and Clearing

1. No area will be cleared where unacceptable erosion will likely result, based on slope, soil, and cover conditions.

2. Clearing of existing vegetation shall be accomplished in a manner that retains trees and groundcover and understory plantings in intact groupings of individual plants, rather than leaving single large trees susceptible to sun scald, wind throw and soil compaction.

3. Construction fencing is required to protect existing trees.

4. Underground utilities will be employed where possible. Any necessary clearing and trenching shall be kept to a minimum width. The Review Board may require replanting as appropriate.

5. Where site features and vegetation are unavoidably impacted by new construction, the vegetation and topography associated with essential site features and functions shall be restored to a condition that replicates the existing conditions that were impacted and restore those features to their effective visual or ecological functions.

6. When new plantings and landscaping are proposed for any site that has natural qualities and existing native vegetation, proposed plantings shall reflect such native patterns and restore or enhance existing vegetation in a manner that reflects natural landscape patterns and species composition.

7. All new plantings should reflect the listing of native plant materials including trees, shrubs and groundcovers provided Appendix 1 (Native Plants of the Adirondacks).

B. Preservation of Topographic Features

1. Site grading and erosion control must meet all applicable New York State, county, and local permit provisions, as well as the provisions of the Stormwater Management Regulations of this code (Section 4.5).

2. Existing natural topographic conditions of the site shall be retained or restored whenever possible. Only the minimal amount of grading required for the project, including other than that which is necessary to meet stormwater requirements, shall be permitted.

3. All grading or earth-moving operations shall be planned and executed to ensure that final contours are consistent with existing terrain, both on and adjacent to the site.

4. Natural and vegetative stabilization methods shall be employed to the fullest extent possible; if structural retaining walls are necessary they should be limited in height and length and be constructed of natural materials, unless conditions warrant engineered, structural retention.

Lake Placid / North Elba Use Code - Effective January 1, 2011
5. Site development should take advantage of any existing natural means of managing, directing or absorbing site runoff. These can include retention of appropriately sized areas of native or natural vegetation associations along with the use of existing swales and contours to control, direct or absorb runoff.

6. The reduction of any permeable surfaces designed to accommodate stormwater runoff shall be offset by the implementation of alternative methods to manage, filter and treat runoff on a project site.

7. No grading shall be allowed that will increase the visibility of proposed structures beyond the standards and requirements set forth in this Code.

8. Finished slopes of all cuts and fills shall not exceed 33% unless the applicant’s engineer can demonstrate that steeper slopes will be stabilized, adequately maintained, and not result in adverse visual impacts.

C. Site Design

1. All buildings and structures in excess of 80 square feet, and other impervious surfaces, other than boathouse or docks or swimming floats as hereinafter regulated, shall be set back a minimum of 50 feet from the mean high-water mark of the shoreline.

2. All new wastewater disposal systems (septic tanks, leach fields) shall be setback at least 300 feet from the mean high-water mark of the shoreline.

3. Any outhouses or any building which contains a bathroom as its principal facility of any size shall be set back a minimum of 100 feet from the high water mark, whether or not the outhouse or bathroom discharges into a public sewer line.

4. For on-site sewage treatment systems, all applicable setbacks shall be observed, including a minimum 100 feet buffer/no build zone from Class 1 and 2 wetlands, intermittent and perennial streams as designated on USGS and/or NYSDEC maps maintained by the Adirondack Park Agency.

5.* No structural installations shall be used for shoreline stabilization and erosion control/management. This includes the use of man-made seawalls of steel, cement, or railroad ties; strategically placed piles of broken concrete or asphalt; or any other artificial structure. Non-structural, vegetative and natural stabilization options shall be employed instead. These would include re-vegetation with native species and other bioengineering techniques.

D. Pathways and Roads

1. For each residential lot width, a maximum of two access footpaths to the shoreline may be constructed. Pathways may not exceed 6 feet in width. All footpaths shall be constructed of permeable materials and must be flush with the existing ground surface. No automobiles or trucks shall be used on them, except that golf carts may be permitted for handicap access.

*Town of North Elba Local Law 1 of the year 2013
**Village of Lake Placid Local Law 1 of the year 2013
the greatest extent feasible, footpaths shall follow a curved or angled path so that there is not a straight view from the lake up to structures on the lot.

2. Driveways suitable for safe passage and sufficient for fire and rescue access, but as narrow as possible for the application, shall be employed to limit landscape impacts and the loss of native soils. Driveways may not exceed 12 feet in width, and clearing on each side for utilities or drainage may not exceed 3 feet.

3. When road cuts or fills are necessary, a return of the grade to the existing natural topographic conditions of the site shall be in all circumstances accomplished as closely as possible to limit site alteration.

4. Permeable surfacing is encouraged wherever practical. The Review Board may require permeable paving or surfacing for emergency or secondary access, overflow parking or other uses as determined by the Board.

E. Ancillary Structures

1. No more than one boat house or dock shall be permitted for each minimum lot width and it shall not extend more than 32 feet into the water, except no boathouses shall be permitted on Mirror Lake. Docks on Mirror Lake shall not extend more than 20 feet into the lake.

2. All docks and boat houses shall conform to the required side yard setback applying to the principal building in the particular planning district. In addition, no dock, boathouse, raft, buoy or float shall be located within this same distance from the linear projection of the side lot lines into the waterway from the shoreline. In addition, the total width of shoreline of a given lot occupied by boathouses, docks or other shoreline structures (other than retaining walls) shall not exceed 30 percent of the shoreline lot width of the lot, or 50 lineal feet, whichever is less.

3. One swimming float of not more than 100 square feet of surface area in the waters adjacent to and not within the required setback from the extension of the side lot lines may be allowed; provided, however, that no such float shall extend more than 100 feet from the shoreline, and further provided that no such float may be placed in any location in which it would interfere with navigation of the waterway or free access to another’s property.

4. Not more than two such ancillary structures (not including swimming floats) shall be permitted on any minimum residential lot width. Guest quarters located in any boat house shall be considered a separate and second accessory use within such structures and counted against the total allowable number of such uses.

1. Any on-shore boat pump-out facility or connection to provide for the accommodation of sanitary wastes shall be connected to an adequate and approved sewage disposal system as otherwise required in these Regulations.

2. Any marina, boat service facility, tank or other structure used for the storage of petroleum products within 100 feet of the shoreline shall provide adequate provisions for insuring that any leak, rupture or spill will be contained and not be introduced into or affect the adjacent waterway. In particular, a raised earthen or paved berm or dike shall be constructed in such manner so as to afford adequate protection.
F. Architectural Design Standards

1. Architectural design shall be in context with the character of the adjacent properties and landscape.

2. Mirrored or highly reflective glass shall not be permitted on structures visible from public scenic or recreational areas.

3. Exterior building materials and roofing shall not be reflective or of an unnatural color.

4. Fluorescent or discordant colors or schemes shall not be permitted where buildings or structures are visible from public vantage or viewing points. Wood, stone and earth tones or other natural colors are recommended. The Review Board has sole discretion in determining the acceptability of color schemes.

5. Large scale structures shall employ vernacular or contextual references in design in order to harmonize with their surroundings; large scale building facades and massing shall be mitigated by architectural design patterns sufficient to reduce apparent scale or bulk.

6. The use of red or green exterior lighting on lots abutting Lake Placid Lake is prohibited.

G. Common Access

The following minimum shoreline lot width will be required for deeded access to all such lakes, ponds, rivers, and streams for lots, parcels, or sites or multiple-family dwelling units not having separate and distinct ownership of the shoreline:

1. For each such lot, parcel, site or unit, there shall be one-half of the normally required minimum shoreline lot width for the district in question.

2. The shoreline line width referenced in section 1 above shall be independent and separate from any shoreline lot width necessary to satisfy the minimum shoreline width for any existing or proposed shoreline building lot.

3.6.5 Additional Submissions for the Review Process

In addition to the to the submission requirements of the Review Process (Section 8) any permit request for land development in the Shoreland Overlay must also include the following:

A. A fertilization, de-icing and snow removal plan which only employs the use of acceptable organic, biodegradable lawn maintenance and weed control products.
B. If applicable, proof that the septic system has been inspected and approved within the past year.

### 3.6.6 Additional Requirements for Subdivisions

Applications for subdivisions in the Shoreland Overlay District, with attention given to particularly sensitive areas such as Paradox Bay, may also be required to submit proof that dredging activities associated with newly created lots will not result in substantial impact to the aquatic life, water quality and habitat health associated with the lake. This proof may be in the form of studies or a report from a qualified aquatic biologist or someone with comparable expertise.

**Figure 3.1  Minimizing Visual Impact**

A. Wood, stone and earth tones or other natural or dark colors are recommended, B. Maintain background vegetation, C. Only non-reflective glass shall be used, D. Preserve native vegetation and natural qualities present on-site – where necessary, restore or enhance existing vegetation, E. Fluorescent or harsh discordant colors or color schemes and highly reflective or mirror glass shall not be permitted, and F. Large expanses of lawn are discouraged.

![Diagram of visual impact](image)