

April 9, 2008 Draft

**SECTION 1**  
**JURISDICTION, PLANNING DISTRICTS AND STANDARDS**

(needs a better moniker)

**SECTION 1.1 ENACTMENT AND GUIDING PRINCIPLES**

THESE ARE BASED ON THE EXISTING SECTIONS IN LANDWORKS DRAFT OF 5/25/07  
THEY WILL CHANGE WHEN REWRITTEN BY COUNSEL

- 1.1.0          Enactment**
- 1.1.1          Title**
- 1.1.2          Purpose**
- 1.1.2          Scope**
- 1.1.3          Summary of Other Agencies Jurisdiction**
- 1.1.4          Application**
- 1.1.5          Guiding Principles**

## **1.2. PLANNING DISTRICTS AND STANDARDS**

### **1.2.1 Purpose**

In furtherance of the purposes of this Code, the following planning districts recognize the character and quality of land uses, natural features, and existing and **desired patterns of development throughout the Village and the Town.**

### **1.2.2 Planning Districts Established**

#### **A. Base Planning Districts**

The Town of North Elba and Village of Lake Placid are divided into the following Planning Districts, as shown on the Planning District Map

Rural Countryside District  
Suburban Residential District  
Traditional Neighborhood District  
Village Center District  
Gateway Corridor District  
Old Military Corridor District  
Resort Development District

#### **B. Overlay Districts**

The following Overlay Districts shall be applied in conjunction with Base Planning Districts:

Viewshed Overlay District  
Cultural Resource Overlay District  
Shoreland/Watershed Overlay District

#### **C. New York State Forest Lands**

New York State Forest lands classified by the Adirondack Park Agency (APA) are delineated on the Planning District map.

#### **D. Pre-Existing Planned Unit Developments**

**DO WE WANT TO INCLUDE THIS HERE**

**Pre-existing planned developments created as individual districts prior to the enactment of this Code shall continue as pre-approved developments but will no longer be treated as distinct or separate zoning districts. All conditions attached to permits authorizing those developments shall continue in force.**

### **1.2.3 Interpretation of Boundaries**

- A. Whenever district boundaries follow roadways the centerlines of such roadways shall be the district boundaries. Whenever district boundaries follow natural features such as streams or waterways the centerlines of such natural features shall be district boundaries.
- B. Whenever district boundaries follow individual or great lot lines such lot lines shall be the district boundaries.
- C. Districts abutting water bodies shall extend into those waters a distance of two hundred fifty (250) feet.
- D. Where a district boundary line does not follow boundaries referenced in paragraphs A, B and C above, its position shall be shown on the map by a dimension expressing its distance in feet from a roadway centerline or other identifiable point as indicated; or where no such dimension appears, its location shall be determined by scale measurement using the appropriate scale appearing on the respective map(s).
- E. Where a district boundary line divides a single and separate lot on the effective date of these regulations or their applicable amendment, each part of the lot shall be used in conformity with the standards established by these regulations for the district in which that part is located.
- F. In the event that the Enforcement Officer is unable to determine the true location of a district boundary in a particular instance, or in the event that an Enforcement Officer's determination is disputed, the Joint Board of Appeals, upon application, shall determine the boundary with respect thereto. In making its evaluation and determination the Joint Board of Appeals may direct the Enforcement Officer to make a field inspection for such purposes.
- G. Any lot established after the effective date of this Code shall provide for the required minimum lot width as defined following on a roadway or shoreline. Alternatively, where no such frontage exists or can be feasibly provided, such lot shall be subject to the review and approval of the Joint Review Board according to the Site Plan Review process of this Code

### **1.2.4 Application of Planning Districts**

- A. Planning districts specify land uses that are permitted, conditional or not allowed in the Town and Village. They also regulate the location, height, bulk and size of buildings, lot sizes, setbacks, the amount of area which can be developed, as well as additional specific required standards. The standards for each district apply uniformly to each class of use and/or structure, unless otherwise specified in these regulations. All uses and structures must comply with all prescribed standards for the district in which they are located, as set forth in Section 2.2.
- B. Overlay Districts extend through Base Planning Districts and are intended to protect certain critical resources or features (i.e. scenic views, historic resources, etc.). If a parcel is located within an Overlay District, additional submittal requirements, mitigation measures and standards for review will be applied. Regulations established

for an Overlay District specify additional information needed at the time of submittal and what special development standards must be met. Development activities in the Overlay Districts are subject to approval by the Review Board. If the regulations of an Overlay District and the underlying Planning District conflict, the more restrictive provision shall apply.

### 1.2.5 Establishment of Uses

#### A. Permitted Uses

Permitted uses are allowed in a given district without special review because they are considered compatible with the district's intent. Buildings or structures containing such uses, and the site development necessary for their establishment, must meet all regulations, standards, guidelines and plan review requirements established in Section 2 of this Code.

#### B. Conditional uses

Conditional uses are those having the potential for causing adverse impacts contrary to the purposes and standards of this Code. They require review and approval by the Joint Review Board through the procedures established in Section 5 and the requirements set forth in Sections 2 and 3 of this Code.

#### C. Prohibited Uses

Uses not listed as Permitted or Conditional Uses in the respective district shall be prohibited. Add language for adult entertainment, to be provided by Tim Smith

#### D. Accessory Uses

A building or use considered as accessory to a principal building or use may be erected or placed on the same parcel in accord with the Accessory Use provisions of this Code, as set forth in Section 2.

### 1.2.6 Other Applicable Standards

In addition to the Planning District standards set forth herein any standards which may be applicable in this Code shall apply. ~~other applicable standards in this Code include:~~

~~1. Section 6.0 Landscape Design, Management and Preservation~~

~~2. Section 7.0 Site Design, Development and Stormwater Management~~

~~3. Section 8.0 Architectural Guidelines and Review Standards~~

~~4. Section 9.0 Sign Design Guidelines and Regulations~~