

(Draft 8/19/08)
Town of DeWitt Local Law # of the year 2008

Be it enacted by the Town Board of the Town of DeWitt as follows:

Section 1. Title

This local law shall be referred to as “ Hamlet Zoning Provisions”. For reference, this is a Local Law which modifies Chapter 192 of Zoning of the Code of the Town of DeWitt which was recently fully revised and adopted on January 1, 2008 pursuant to Town of DeWitt Local Law # 6 of the year 2007.

Section 2. Purpose and Intent

Pursuant to the statutory powers vested in the Town of DeWitt (also referred to herein as the “Town”) to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of DeWitt adopted a Comprehensive Plan in 2002 and in said Plan authorized a thorough updating of the 1967 Zoning Ordinance and related land use portions of the DeWitt Code. By Town of DeWitt Local Law # 6 of the year 2007, the Town of DeWitt implemented the Comprehensive Plan which Local repealed Chapters 3, 37, 86, 97, 114, 130,151, 167 and 192 of the Code of the Town of DeWitt in their entirety and adopted a new, reenacted Chapter 192. As part of the dictate of the Comprehensive Plan of the Town, the Town also undertook a thorough review of the zoning districts of the town and ultimately adopted Town of DeWitt Local Law # 3 of the year 2008. The Zoning Update Committee appointed by the Town Board to make recommendations relative to the adoption of the above two mentioned Local Laws continued its work in a subcommittee, “ The Hamlet Zoning Committee”, to review zoning code sections, with a professional consultant, in light of the particular characteristics and zoning concerns of a part of the Town of DeWitt referred to in the Comprehensive Plan of the Town as “The Hamlet” and/or “The Jamesville Hamlet”.

Section 3. Legislative Findings

The Hamlet Zoning Committee was well advised of the zoning and planning issues of the town and the Hamlet of Jamesville from both professionals in the field, as well as their own vast and varied experiences with planning and zoning in the Town and the Hamlet. They also heard the advise of the public on relevant issues the Hamlet zoning matters at public meetings and through written correspondence.

The results of said study were presented to the Board for consideration with the resulting code section modifications and changes as set forth herein. This local law addresses the unique qualities of the Hamlet to be preserved. The local law herein incorporates sections into the newly adopted Chapter 192 of the Town of DeWitt and

presents a framework for the forward growth of the Town and the Hamlet in the direction of sound planning and development as well as the preservation of the best physical assets of the Town of DeWitt.

The changes, modifications and additions to Chapter 192 the Zoning Ordinances of the Town as set forth herein are the continuation of meeting the goals of the Comprehensive Plan of the Town in developing a comprehensive, updated and orderly Zoning Code for the Town.

Section 4. The Table of Contents shall be modified to add the following after Article IX therein as follows:

- “ Article IX-1
Hamlet District
- 192-43.1-1 Purpose
- 192-43.1-2 Existing structures
- 192-43.1-3 Permitted structures and uses
- 192-43.1-4 Site plan review uses
- 192-43.1-5 Specific permit uses
- 192-43.1-6 Lot area and yard regulations
- 192-43.1-7 Design standards
- 192-43.1-8 Additional regulations

The table of Contents shall be further modified to add the following in Article XV as follows:

- “192-64.3 Hamlet Residential Overlay District
- 192-64.3-1 Purpose
- 192-64.3-2 Existing structures
- 192-64.3-3 Design standards “

Section 5.

The following section shall be added to Chapter 192 “Definitions”:

“MIXED USE, HAMLET – A development or redevelopment that allows for two (2) or more principal uses, which are permitted in the District, in any single development, in a single building or on a single lot which includes residential and commercial uses.”

Section 6. The following section shall be added after Article IX of the Code of the Town of DeWitt as follows:

“ Article IX-1 – Hamlet District”

The following sections shall be added to the Code of the Town of DeWitt and shall be part of Article IX- 1 Hamlet District:

See Exhibit A attached hereto.

Section 7.

The following Article shall be added to Chapter 192 of the Code the Town of DeWitt after Article XV as

“Article XV-1 Hamlet Residential Overlay District”

and the full text of the Hamlet Residential Overlay District shall be added as attached hereto as Exhibit B.

Section 8.

The following section shall be added as section 192-103 F. of the Code of the Town of DeWitt relating parking in the Hamlet:

See Exhibit C attached hereto.

Section 9.

The following shall be added to the Code of the Town of DeWitt Section 192-106 as

F (6) relating to signs in the Hamlet :

See Exhibit D attached hereto.

Section 10.

The additional regulations as set forth on Exhibit E attached hereto shall be added to the appropriate sections of Chapter 192 of the Code of DeWitt as indicated on Exhibit E.

Section 11.

The invalidity of any provision of this Local law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 12.

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

Article IX-1 Hamlet District

§192-43.1-1 Purpose

The Jamesville Hamlet District possesses the unique character of a 19th century mill town. All new building should incorporate architectural styles from this period into the building design. In addition to building character, the district encourages site design that is pedestrian friendly. Design standards are incorporated into the district regulations to establish these features.

§192-43.1-2 Existing Structures

Existing structures and uses may be continued, expanded or upgraded without complying with the requirements of Hamlet District Design Standards §192-43.1-7 but subject to the remaining Articles of Chapter 192 provided all of the following are satisfied:

- A. There is no change in use of the structure.
- B. Alterations to a structure are consistent with the design of the original structure.
- C. The addition or alteration will not create a vehicle entrance set back that is less than ten feet from the primary façade.
- D. No non-conforming use or structure is expanded.

§192-43.1-3 Permitted Structures and Uses

In Hamlet District, the following structures and uses may be permitted subject to a building permit:

- A. Single-family dwellings
- B. Home Occupation
- C. Residential Accessory Use

§192-43.1-4 Site Plan Review Uses

In Hamlet District, only the following structures and uses may be permitted following Site Plan Review as provided in § 192-122 of this Chapter:

- A. Administrative and Management Services
- B. Bed & Breakfast
- C. Café

- D. Club, Private
- E. Day Care Center
- F. Educational Facility
- G. Finance/Banks without drive thru facility
- H. Funeral Home/Mortuary
- I. Government Facilities
- J. Hamlet Mixed Use
- K. Horticulture, Landscape, Garden Center
- L. Hospitals & Clinics
- M. Hotel & Motel
- N. Nursing Home
- O. Office
- P. Outdoor Seating/Assembly Area
- Q. Parking Lot, Off-Site
- R. Public Utility
- S. Publishing
- T. Recreational & Entertainment Facilities, Indoor
- U. Religious Use
- V. Restaurant without drive thru facility
- W. Retail Store
- X. Scientific & Technical Services
- Y. Temporary Outdoor Sales
- Z. Two-family Dwelling
- AA. Vehicle Service Station
- BB. Veterinary Establishment, Animal Hospital

§192-43.1-5 Specific Permit Uses

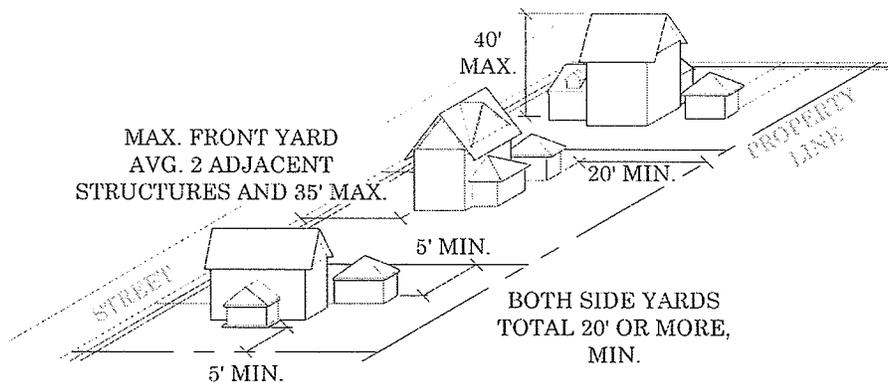
The following structures and uses may be permitted in the Hamlet District upon the issuance of a specific use permit by the Zoning Board of Appeals as provided in § 192-123 of this Chapter:

- A. Dwelling, Multi-Family
- B. Emergency Service Facility
- C. Outdoor Recreational or Entertainment Facilities

§192-43.1-6 Lot Area and Yard Regulations

In the Hamlet District, all structures and uses shall be subject to the following regulations:

- A. Minimum Lot Width – N/A
- B. Minimum Lot Area
 - (1) Residential – 10,000 square feet per dwelling unit
 - (2) Non-residential – N/A
- C. Maximum Building Coverage – 25%
- D. Maximum Lot Coverage – 75%
- E. Front Yard – The maximum front yard shall be the average of the two adjacent principal structures, and may not exceed 35 feet.
- F. Side Yards - Each lot shall have two (2) side yards with a total of not less than 20 feet, neither one of which may be less than five (5) feet in width.
- G. Rear Yard - Each lot shall have a rear yard not less than 20 feet in depth.
- H. Height – Structures shall not exceed 40 feet in height.



§192-43.1-7 Design Standards

A. Material

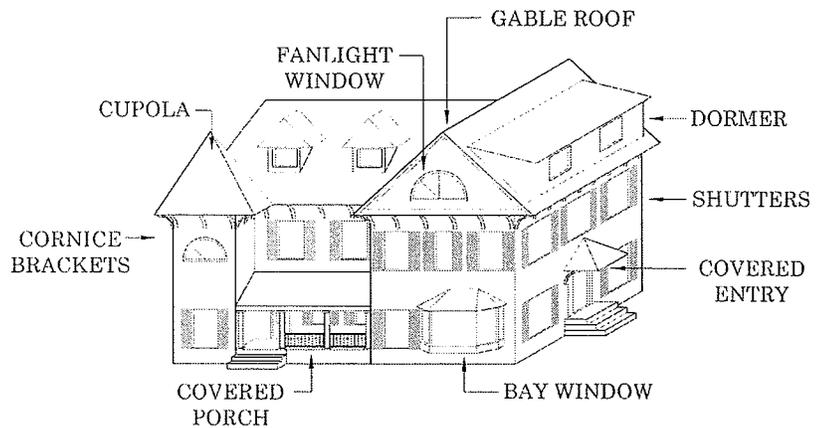
- (1) The dominant exterior finish shall be or have the appearance of horizontal wood siding or natural stone.
- (2) Excluding windows, window treatments and foundation, a maximum two primary construction materials may be used on any one side of a structure and a maximum of three primary construction materials may be used on any one structure.

B. Architectural Features

The primary building shall have at least three (3) different types of the following architectural features

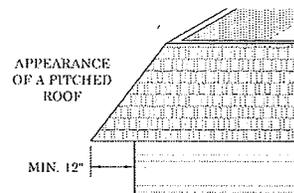
- (1) Covered porch or walkway supported by columns or spindles
- (2) Dormer
- (3) Cupola
- (4) Gabled Roof
- (5) Any one or combination of the following:

- a) Cornice Brackets
- b) Fanlight Windows
- c) Window Shutters
- d) Bay Windows



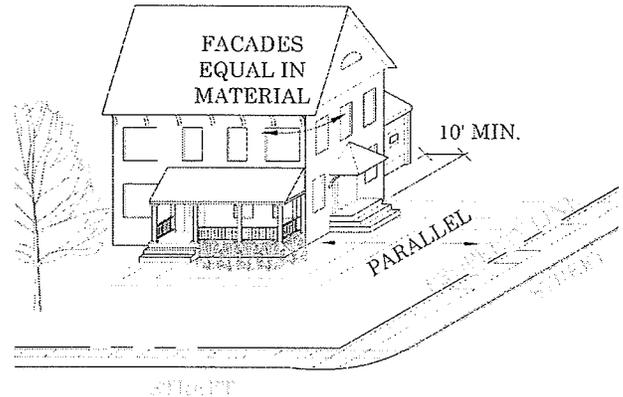
C. Roof Style

- (1) Buildings shall be or have the appearance of a pitched roof.
- (2) The roof shall overhang the side of the structure by a minimum 12 inches



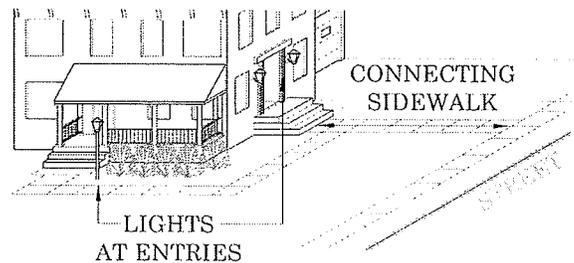
D. Facades

- (1) The primary façade shall be orientated parallel to the property line of the primary street.
- (2) Facades fronting more than one (1) street shall be equal in material.
- (3) Vehicle entrances shall be set back a minimum 10 feet from the primary building façade.



E. Entrance

- (1) Building entrance shall face the street and be articulated by color, sidelights, columns, awning, roof or pediment.
- (2) All entrances shall be illuminated.



F. Landscaping and Sidewalks

- (1) All permeable surfaces of a lot shall be covered with grass or vegetative ground cover.
- (2) A minimum of one street tree for every 35 feet of frontage shall be planted in all front setbacks greater than 10 feet.
- (3) A walkway, constructed of concrete or modular unit pavers, shall connect the front entrance to the street, driveway or sidewalk.
- (4) For all uses requiring Site Plan Review or a Specific Permit, a concrete sidewalk shall be constructed along each street line for the length of the property.

G. Accessory Structures

Accessory structures shall be consistent with the architectural style, material and color of the primary structure.

§192-43.1-8 Additional Regulations

- A. The applicable Regulations for Specified Uses (Article XVI) and Requirements Applying to All Districts (Article XVII) in this Chapter shall apply to all uses. In cases of a conflict between the requirements of the Hamlet District and Article XVI and/or XVII, the more restrictive requirements shall prevail.

Exhibit B

§192-64.3 Hamlet Residential Overlay District

§192-64.3-1 Purpose

The purpose of the Hamlet Residential Overlay District is to maintain the residential character that exists in the Hamlet of Jamesville.

§192-64.3-2 Existing Structures

Existing structures and uses may be continued, expanded or upgraded without complying with the requirements of Hamlet Residential Overlay District Design Standards §192-64.3-3, but subject to the remaining Articles of Chapter 192 provided all of the following are satisfied:

- (1) Alterations to a structure are consistent with the design of the original structure.
- (2) The addition or alteration will not create a vehicle entrance set back that is less ten feet from the primary façade.
- (3) No non-conforming use or structure is expanded.

§192-64.3-3 Design Standards

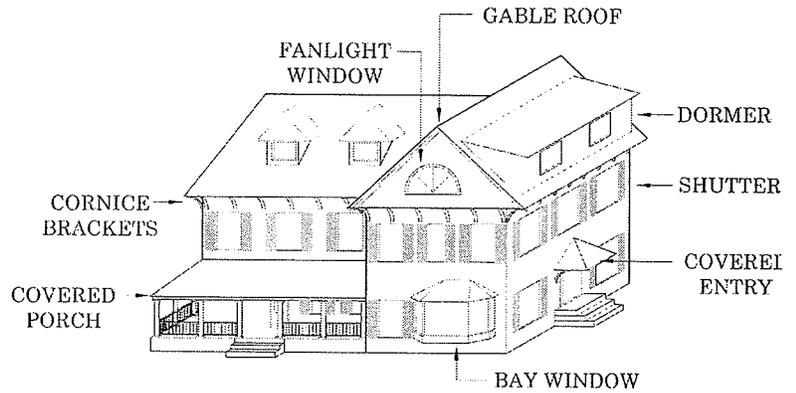
- (1) Material
 - a) The dominant exterior finish shall be or have the appearance of horizontal wood siding, natural stone or brick.
 - b) Excluding windows, window treatments, and foundation, a maximum two primary construction materials may be used on any one side of a structure and a maximum of three primary construction materials may be used on any one structure.

(2) Architectural Features

The primary building shall have at least three (3) different types of the following architectural features:

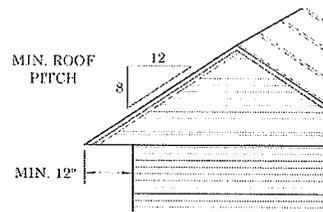
- a) Covered porch supported by columns or spindles
- b) Dormer
- c) Gabled Roof
- d) Any one or combination of the following:

- 1) Cornice Brackets
- 2) Fanlight Windows
- 3) Window Shutters
- 4) Bay Windows



(3) Roof Style

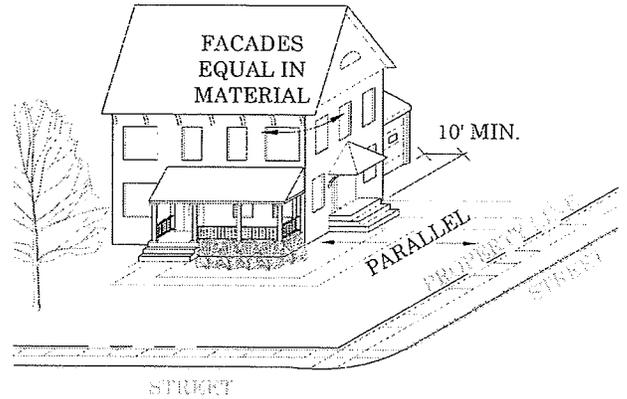
- a) Roof shall have a pitch of at least 8:12.
- b) The roof shall overhang the side of the structure by a minimum 12 inches.



(4) Front Yard

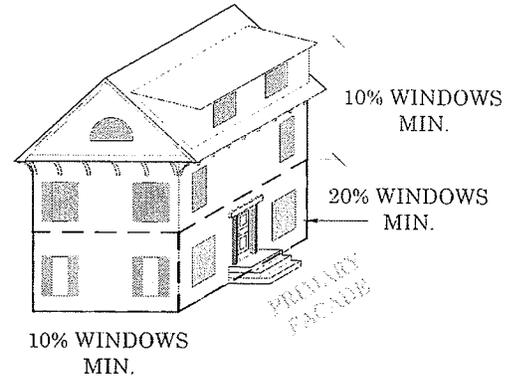
- a) The front yard shall be the average of the two adjacent principal structures and may not exceed 35 feet.
- b) A minimum of one street tree for every 35 feet of frontage shall be planted in all front setbacks.
- c) Front yard setback shall be a minimum 60% permeable and planted.

- (5) Facades
 - a) The primary façade shall be orientated parallel to the property line of the primary street.
 - b) Facades fronting more than one (1) street shall be equal in material.
 - c) Vehicle entrances shall be set back a minimum 10 feet from the primary building façade.



- (6) Entrance
 - a) Building entrance shall face the street and be articulated.
 - b) All entrances shall be illuminated.

- (7) Windows
 - a) Street level primary facades shall have a minimum 20% window coverage.
 - b) All other street level facades shall have a minimum 10% window coverage.
 - c) Facades above the first floor shall have a minimum 10% window coverage.



- (8) Accessory Structures

Accessory structures shall be consistent with the architectural style and color of the primary structure.

Exhibit C

192-103 F

F. Parking in the Hamlet District

- (1) If parking is provided, it should be located on the side or rear of the primary structure, or otherwise screened from the street(s).
- (2) Except for single-family dwellings, driveways and parking lots shall be hard surfaced.
- (3) Parking lots shall be landscaped with trees and continuous groundcover in curbed islands. One tree shall be planted for every five parking spaces.
- (4) Except for parking count, any or all parking requirements contained in § 190-103 may be waived or modified by the Planning Board. The parking count may be modified upon findings that:
 - a) There is insufficient lot area to accommodate such parking.
 - b) The use is generally adapted to pedestrian traffic.
 - c) There are sufficient on-street, shared or municipal parking facilities to accommodate anticipated parking needs.

Exhibit D

To be added to §192-106 as F-(6)

F (6) Signs within the hamlet District shall follow the requirements of §192-106 of this Chapter, subject to the following:

Permitted Signs

(a) One detached sign, including street number located in the front yard.

[1] Detached signs shall be or have the appearance of being hand crafted from wood or stone.

[2] Supported signs shall have wooden posts

[3] If lighting is used, signs shall be softly lit from an exterior source with the lamp source hidden.

[4] The single face shall be no greater than 12 square feet and no more than five (5) feet in height from the finished lot grade in the sign vicinity.

(b) One attached sign per street facade.

[1] Attached signs shall be or have the appearance fo being hand crafted from wood.

[2] If lighting is used, signs shall be softly lit from an exterior source with the lamp source hidden.

(c) Sign Sizes

[1] For all attached signs, the aggregate area shall be no greater than 30 suare feet with no letter or numeral greater than one foot six inches (1'6") in height.

[2] For perpendicular attached signs, the individual size of the sign shall be no greater than six (6) square feet with the height no greater than two (2) feet with no letter or numeral height greater than one (1) foot. Only one (1) perpendicular attached sign is allowed per building or tenant space. The height to the bottom of each perpendicular attached sign shall be greater than seven feet six inches (7'6").

(d) The aggregate size of all window signs shall be not greater than 21 square feet with no single sign greater than seven (7) square feet.

(e) The aggregate area for all signs shall not exceed 50 square feet.

Exhibit E

(Additional regulations to be inserted in appropriate Code Section)

§192-120 G(5)(a)[5]

“For all uses enumerated in §192-43.1-4 requiring Site Plan Review, the applicant shall provide a sign on the lot requiring Site Plan Review.”

§192-120 G-(5)(d)

Change the first sentence thereof as follows:

“For those activities listed in (a)[1]-(a)[4] above, the sign shall be installed the earlier of the following occurrences...”

§192-120 G-(5)(d)

“For the activities listed in (a) [5] above, the sign shall be installed on the lot after a complete application is received by the Department and at least five (5) days prior to the initial appearance at the Planning Board. The sign shall be maintained by the applicant for minimum of 14 days and removed no later than five (5) days following Town of Dewitt discretionary development approval(s). “