

# ARCHITECTURAL DESIGN DISTRICT

## Chapter 2A Local Law # 2 1981

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A Local Law relating to the establishment of an Architectural Design District in the Village of Hilton.

(Amended 10-4-89 by L.L. No. 3 1989) (Amended 12-2-91 by L.L. No. 7 1991) (Amended 10-8-02 by L.L. #1, 2002)

### ARCHITECTURAL DESIGN DISTRICT

- 2A-1 Legislative intent
- 2A-2 Definitions
- 2A-3 Review Commission
- 2A-4 Changes in exterior architectural features prohibited
- 2A-5 Certificate of approval required
- 2A-6 Issuance of certificate
- 2A-7 Penalties for offenses
- 2A-8 Severability
- 2A-9 When effective

(HISTORY: Adopted, Hilton Village Board, 3-16-81 as Local Law No. 2, 1981. Amendments noted where applicable.)

**GENERAL REFERENCES** - Building construction (See Chapter 4) ; Zoning (See Chapter 24)

Be it enacted by the Village Board of the Village of Hilton, New York, as follows:

## HILTON CODE: ARCHITECTURAL DESIGN DISTRICT

24-1

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### 2A-1 Legislative intent

The purpose of this local law is to promote the educational, cultural, economic and general welfare of the public through the protection, enhancement, perpetuation and preservation of the Architectural Design District. The Board of Trustees declares that it is a public purpose to ensure that the distinctive and historical character of this Architectural Design District shall not be injuriously affected, that the value to the community of those buildings having architectural worth shall not be impaired and that said Architectural Design District shall be maintained and preserved, in harmony with the community, to promote its use for the education, pleasure and welfare of the citizens of the Village of Hilton and others.

### 2A-2 Definitions (Amended 12-2-91) (Amended 10-8-02)

As used in this local law, the following terms shall have the meanings indicated:

**ARCHITECTURAL DESIGN DISTRICT** - That area of the Village of Hilton identified as the Central Business District on the Land Use Plan of the Village of Hilton Master Plan, Figure 10, as well as any and all other property in the Village of Hilton that is zoned C-Commercial; I-Industrial; LID-Light Industrial, LCD-Limited Commercial.

**DISTRICT** - Refers to the Architectural Design District.

**EXTERIOR ARCHITECTURAL FEATURE** - The architectural style and general arrangement of such portion of the exterior of a structure as is designed to be open to view from a public way, including kind, color and texture of building materials, type of all windows, doors, lights, signs and other fixtures appurtenant to such portion.

### 2A-3 Review Commission (Amended 10-4-89, and 12-2-91)

The Planning Board of the Village of Hilton shall act as Review Commission for the purposes of this local law. It shall be the duty of the Review Commission to exercise aesthetic judgment and to maintain the desirable character of the district and to prevent construction, reconstruction, alteration, or demolition which is, in their view, inconsistent and/or out of harmony with the character, welfare, and development of the District and the community, thus prevent degeneration of the property, safeguard public health, prevent fire, promote safety and preserve the beauty and character of the District and the community.

### 2A-4 Changes in exterior architectural features prohibited

**A.** Application. This local law shall apply to all buildings, structures, outbuildings, walls, fences, steps, topographical features, earthworks, paving and signs within the District. No changes in any exterior architectural feature, including but not limited to construction, reconstruction, alteration, restoration, removal, demolition or painting, shall be made except as hereinafter provided.

**B.** Exception. Nothing in this local law shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature in the District which does not involve a change in design, material, color or the outward appearance thereof. Nothing in this local law shall be construed to prevent the construction, reconstruction, alteration or demolition

of any exterior architectural feature which any governmental authority shall determine is required by public safety because of dangerous or unsafe conditions.

**HILTON CODE: ARCHITECTURAL DESIGN DISTRICT**

2A-5

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**2A-5 Certificate of approval required**

- A.** Notwithstanding any inconsistent ordinance, local law, code, rule or regulation concerning the issuance of building permits, no change in any exterior architectural feature in the District shall be commenced without a certificate of approval from the Review Commission, nor shall any building permits for such change be issued without such a certificate of approval having first been issued. The certificate of approval required by this section shall be in addition to, and not in lieu of, any building permit that may be required by any ordinance, local law, code, rule or regulation of the Village of Hilton.
- B.** Application for a certificate of approval shall be made in writing, in duplicates, upon forms prescribed by the Review Commission, to the Review Commission and shall contain the following:
- (1) Name, address and telephone number of the applicant.
  - (2) Location of the building, structure or land the exterior architectural features of which are proposed to be changed.
  - (3) Elevations of the proposed change.
  - (4) Perspective drawing.
  - (5) Samples of color or materials to be used in the proposed change.
  - (6) Where the proposed change includes signs or lettering, a scale drawing showing type of lettering, all dimensions and colors; a description of materials to be used and method of illumination, if any; and a plan showing location of building or property.
- C.** No fee shall be charged for the issuance of a certificate of approval where the size of the building shall not be materially changed by the proposed conduct.

**2A-6 Issuance of certificate**

Within a reasonable time after application is filed, but in all events within sixty (60) days, Saturdays, Sundays and legal holidays excluded, after such filing, or within such further time as the applicant may in writing allow, the Review Commission shall determine whether the proposed construction, reconstruction or alteration of the exterior architectural feature involved will be appropriate to the preservation of the District for the purposes of this local law and whether, notwithstanding that it may be inappropriate owing to conditions especially affecting the structure involved, but not affecting the District generally, failure to issue a certificate of appropriateness will involve a substantial hardship to the applicant and that such a certificate may be issued without substantial detriment to the public welfare and without substantial deviation from the intent and purposes of this local law. In passing upon appropriateness, the Review Commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design, arrangement, texture, material and color of the exterior architectural feature involved and the relationship thereof to the exterior architectural features of other structures in the immediate neighborhood.

**2A-7 Penalties for offenses**

Failure to comply with any of the provisions of this local law shall be deemed a violation, and the violator shall be liable to a fine of not more than fifty dollars (\$50.00), and each day such violation continues shall constitute a separate violation.

**HILTON CODE: ARCHITECTURAL DESIGN DISTRICT**

2A-8

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**2A-8 Severability**

If any section, subsection, phrase, sentence or portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**2A-9 When effective**

This local law shall take effect upon filing with the Secretary of State.