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Local Law No. 5 of the year 20 01

A local law REPEALING CHAPTER 270 OF THE CITY CODE AND ENACTING A NEW CHAPTER 270 OF THE CITY CODE (ZONING LAW)
(Insert Title)

Be it enacted by the COMMON COUNCIL of the
(Name of Legislative Body)

~~County~~ City ~~Town~~ ~~Village~~ of PLATTSBURGH as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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CITY OF PLATTSBURGH

ZONING LAW

CHAPTER 270 OF THE CITY CODE
ZONING

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HISTORY: The previous version of the Zoning Law was adopted by the Common Council of the City of Plattsburgh on 9-1-83. On November 15, 2001, the Common Council adopted a local law #6 of 2001 repealing the previous version of the Zoning Law and adopting this revised version. Some amendments to the 1983 edition are noted in the text of the current edition for historical reference purposes.

GENERAL REFERENCES TO CITY CODE

Engineering and Planning Department - -See Ch. 46.
Planning Commission --See Ch. 86.
Department of Planning, Engineering and Operations -- See Ch. 88.
Building construction - See Ch. 149.
Environmental quality review - See Ch. 171.
Freshwater wetlands - See Ch. 180.
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CHAPTER 270 OF THE CITY CODE
ZONING

ARTICLE I
General Provisions

§ 270-1. Short title.

This chapter shall be known and may be cited as the "Zoning Ordinance of the City of Plattsburgh, New York."

§ 270-2. Authority.

Pursuant to the authority and power granted by the General City Law of the State of New York, Chapter 21, Article 2-A, of the Consolidated Laws, to regulate and limit the height, and determine the area of yards, courts and other open spaces and to regulate the density of population in any given area and for said purposes divide the city into districts, the Common Council of the City of Plattsburgh, New York, does ordain the following provisions.

§ 270-3. Purpose.

The zoning regulations and districts herein set forth and as identified upon the Zoning Map of the City of Plattsburgh[2] are made in accordance with a Comprehensive Plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the community. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its suitability for particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Plattsburgh and to achieve the following specific purposes:

A. To promote an orderly, economical and desirable development of the entire community.
B. To encourage the most appropriate use of land in the community in order to conserve and enhance the value of property.
C. To provide adequate open spaces in order to assure access of light and circulation of air, in order to facilitate the prevention and fighting of fires, in order to prevent undue concentration of population and in order to lessen congestion on streets and highways.
D. To protect the right to solar access in order to facilitate the use of this alternate energy source by residents and property owners.
E. To create an attractive and cohesive central business district.
F. To improve the financial structure of the city by increasing the rate of growth of municipal income through enhanced value of property.
G. To slow down the deterioration cycle of neighborhoods.
H. To enhance the aesthetic aspects throughout the entire community.
I. To ensure that tax revenues will remain sufficient to meet the increasing expenses of government.

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[2] **Editor's Note: The Official Zoning Map of the city of Plattsburgh is on file and open to public inspection during normal business hours in the office of the Building Inspector.**

ARTICLE II
Definitions

§ 270-4. Terms defined.

A. Word usage. In the construction of this chapter, the present tense shall include the future; the singular number shall include the plural, and the plural, the singular. The word "shall" is always used in its mandatory and not its permissive sense, and "may" is always used in its permissive sense and not its mandatory sense. The words "zone" and "district" are synonymous, and the words "building" and "structure" are synonymous. The word "used" shall include the words "arranged, designed or intended to be used."

B. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY APARTMENT – An apartment with not more than two bedrooms, allowed by a special permit in an owner occupied dwelling. See section 270-28 I infra for other standards governing Accessory Apartments.

ACCESSORY BUILDING - A building or structure on the same lot with and subordinate to a principal building, occupied or devoted exclusively to an accessory use. Where an "accessory building" is attached to a principal building by a breezeway, roof, wall or the like, such "accessory building" shall be considered part of the principal building.

ACCESSORY USE - A use customarily incidental and subordinate to the principal and primary use upon any premises.

ADULT ARCADE - An establishment where film, slides, or any other images of specified sexual activities or specified anatomical areas are available for viewing by the public.

ADULT BOOKSTORE OR ADULT VIDEO STORE - A bookstore or video store where as one of its principal business purposes offers for sale or rental any printed matter or 8videocassettes that depict "specified anatomical areas" or "specified sexual activities." For the purpose of this definition, a principal business purpose shall mean that part of the business that constitutes 10 percent or more of the printed material or videocassette retail value for sale or rent in the establishment.

ADULT CABARET - A nightclub, bar, tavern, [juice bar] or similar establishment, whether or not such establishment is licensed to sell alcoholic beverages, where persons appear in a state of nudity, or where there are live performances, films, videocassettes or slides characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

ADULT USE OR ENTERTAIMENT ESTABLISHMENTS – An establishment, or any part thereof, which includes any of the following: topless or bottomless dancers or waitresses; strippers; topless hair care or massages; entertainment where the servers or entertainers wear pasties or G-strings; adult cabaret; adult arcade; adult bookstore; or adult video store.

AGRICULTURAL USE - Gardening, farming or maintenance of orchards, the produce of which is intended for the principal consumption of occupants of an allowed principal use in the district. However, the maintenance of livestock of any kind is specifically prohibited as a permitted use and from the term of "agricultural use.

ALLEY - A public or private way having a right-of-way width of twenty (20) feet or less.

ALTERATION OF BUILDING – As applied to a building or structure, any change or rearrangement in the structural parts or existing facilities of such building or structure or any enlargement thereof, whether by extension on any side or by any increase in height, or the moving of such building or structure from one location or position to another.

ANIMAL HOSPITAL or VETERINARY CLINIC – An establishment for temporary occupation by sick or injured animals for the purpose of medical diagnosis and treatment, and shall exclude the treatment or other care of humans.

APARTMENT - One (1) or more dwelling rooms, with private bath and kitchen facilities, comprising an independent self-contained dwelling unit in a larger building.

APPLICANT - A developer submitting an application for development.

APPLICATION FOR DEVELOPMENT - The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned unit development, special use or zoning variance.

AREA, LAND - When referring to the required area per dwelling unit, net land area, the area exclusive of a street and other public open space.

ATTIC - The open, uninhabitable space between the ceiling beams of the top habitable story and the roof in any building.

AUTOMOBILE SALES AREA - A premises, including open areas, other than a street or way, and showrooms, enclosed within a building used for the display or sale of new or used automobiles, trucks, cargo trailers and boats.

AUTOMOBILE WASH - An establishment for the washing of motor vehicles as a principal use.

BASEMENT - That space of a building that is partly below grade, which has more than one-half ($^1/_2$) of its height, measured from floor to ceiling, above the finished grade of the ground adjoining the building.

BED AND BREAKFAST - A dwelling occupied by a family and used incidentally to provide accommodation and means to transient travelers and includes a tourist home, but does not include a boarding house, rooming house, domiciliary hostel, group home, motel or hotel.

BLOCK - A plot of land which is bounded on all its sides by public streets or places.

BOARDING-, LODGING OR ROOMING HOUSE – A dwelling or part thereof where, for compensation, lodging or meals, or both, are provided for non-transient guests.

BUILDING - A combination of materials to form a construction that is safe and stable, adapted to permanent or continuous occupancy for public, residence, business, assembly or storage purposes. The term "building" shall be construed as if followed
by the words "or part thereof."

BUILDING COVERAGE The area of the plot of land covered by the principal and accessory buildings and structures. This includes the combined ground floor area of all buildings and structures on a lot, measured at the outside face of the exterior walls, including roofed porches, balconies and cantilevered parts of the building at any level, but not including, however, any structures, the heights of which do not exceed five (5) feet.

BUILDING, HEIGHT OF - The vertical distance from the average grade adjacent to the foundation walls to the top of the highest finished roof surface of a flat roof or to the average height of a pitched, gabled, hip or gambrel roof.

BUILDING LINE - The line, established by statute, local law or ordinance, beyond which a building shall not exceed. This line is located within the bounds of a lot and is parallel to a property line at a distance from the respective property line equaling the respective required front, rear or side yard.

BUILDING OR STRUCTURE, NONCONFORMING- An established building or structure lawfully existing prior to and at the time of the adoption of this chapter which, because of its inherent nature or construction, does not conform to and with the provisions of this chapter for the district in which it is located.

BUILDING, PRINCIPAL - A building, including covered porches, in which is conducted the principal use of the lot on which it is situated.

BULK - A term used to describe the size, volume, area and shape of buildings and structures and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures or other walls of the same building and all open spaces required in connection with a building, other structure or tract of land.

CELLAR - That space of a building that is partly or entirely below grade and which has more than one-half (1/2) of its height, measured from floor to ceiling, below the finished grade of the ground adjoining the building.

CEMETERY - Land used or intended to be used for the burial of dead human beings and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated with and within the boundary of such cemetery.

BUFFER ZONE - An area of land, designated by the Planning Board or Zoning Board of appeals as a condition of a permit or approval, intended to preserve or protect adjoining lands from a use that may adversely affect an existing, adjoining use, neighborhood or zoning district. Structures and parking areas are prohibited in buffer zones. Buffer zones may be included in lot open space calculations

CHANGE OF USE - A change from the use permitted in one zone district to a use permitted in another zone district, or a change from a permitted use to another kind of permitted use in the same zone, or any removal of a building from one location to another, or the conversion of any building or any part thereof from a use permitted in one zone district to a use permitted in another zone district, or the conversion of any building or any part thereof from a permitted use to another kind of permitted use in the same zone.

CHURCH or OTHER PLACE OF WORSHIP - A building used for public worship by the members or representatives of a religious sect or organization as defined by state statute.

CITY PROPERTY - Includes any land or lands over which the City of Plattsburgh, New York, maintains control, including the public streets; the public sidewalks, from the inner line thereof, adjacent to the property line fronting thereon; and the space between the sidewalks and the curbs.

CLINIC:

(1) DENTAL CLINIC - A structure designed for the practice of dentistry in which nonresident patients are treated.
(2) MEDICAL CLINIC - A structure designed for the practice of medicine in which nonresident patients are treated.

CLUB - A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose on an exclusively not for profit basis, , does not provide overnight accommodations and which renders a service which is customarily carried on as a business and which is not an adjunct to or operated by or in connection with a public tavern, café, or other public place.

COLLEGE or UNIVERSITY - A college or university giving general academic instruction. Included within this term are areas or structures used for administration, housing of students and faculty, dining halls and social or athletic activities when located on the institution's land that is not detached from land where classroom facilities are maintained.

COMMON OWNERSHIP - Ownership of two (2) or more contiguous parcels of real property by one (1) person or by two (2) or more persons owning such property in any form of joint ownership.

CONDITIONAL USE - A use permitted in a particular zone district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter and upon the issuance of an authorization therefore by the Zoning Board of Appeals.

CONDOMINIUM – A building or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by the owners on a proportional undivided basis.

COOPERATIVE HOUSING PROJECT - A multiple unit residential building, the owners of which jointly administer and maintain all dwelling units and building services, facilities and amenities.

COURT - An open, unoccupied space, other than a yard, on the same lot with a principal building, which is wholly or partially enclosed by a building, wall or other structure.

(1) INNER COURT - A court surrounded on all sides by walls or by walls and a lot line which is not a street line.

(2) OUTER COURT - A court extending for its full width to an opening upon a street or yard.

DAYS - Calendar days.

DEVELOPER - The legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development, including the holder of an option or contract to purchase or other persons having an enforceable proprietary interest in such land.

DEVELOPMENT- The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure and any use or change in the use of land for which permission may be required pursuant to this chapter.

DRAINAGE RIGHT-OF-WAY - The lands required for the installation of storm water sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage and including lands intended as flood control basins.

DRIVE-IN BUSINESS - Includes drive-in outdoor theaters, refreshment stands, banks and the like where patrons enter the premises and are served or entertained in automobiles.

DRIVEWAY - Land situated on a lot, used or intended to be used to provide access to it by vehicular traffic.

DUMP - A lot or land or part thereof used primarily for the disposal, by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind.

DWELLING UNIT - A structure or portion of a structure containing a unit comprising living accommodations designed and used for occupancy by only one (1) family.

EATING AND/OR DRINKING ESTABLISHMENT – A restaurant or similar facility providing for the sale and consumption of food beverages by the public on the premises.

FAMILY
a. Any number of individuals related by blood, marriage or adoption and up to three (3) unrelated roomers living together in a single housekeeping unit and using certain rooms and sanitary and cooking facilities in common; or
b. One (1) to four (4) individuals unrelated by blood, marriage or adoption occupying a premises and living together in a single housekeeping unit and using certain rooms and sanitary and cooking facilities in common; or

c. Any number of individuals unrelated by blood, marriage or adoption, living together as a functional family (see definition of functional family) in a single housekeeping unit and using certain rooms and sanitary and cooking facilities in common.

FUNCTIONAL FAMILY
A group of individuals living together within a single dwelling unit in a family-like living arrangement, that: (a) in size, appearance and structure resembles a family of related individuals; or (b) is headed by a person or persons responsible for providing care for a reasonable number of individuals such as a home care facility for senior citizens.

A group of five (5) or more unrelated individuals, exclusive of minor dependent children, living together in the same dwelling unit shall be presumed not to be living together as functional family that in size, appearance and structure resembles a family of related individuals. This presumption may be rebutted by sufficient evidence showing that their living arrangement possesses substantially each of the following four characteristics.

(I)The occupants share the entire dwelling unit. A unit in which occupants act as separate roomers shall not be deemed to be occupied by a functional family.
(2)There is joint ownership of the dwelling unit, or a lease whereby the occupants, except dependent occupants, are jointly and severally liable to pay the entire rent for the premises. In situations where the occupants have separate leases or rental agreements they shall be deemed not to be living together as a single housekeeping unit.
(3)The presence of one or more occupants who is dependent upon another occupant for their financial support.
(4)There is evidence of stability of the housekeeping unit, and that it is not transitory in character. The following criteria shall be considered in determining stability.
(a)Evidence that the occupants intend to reside together on a permanent rather than on a transient basis, such as a showing that the household has been living together for 12 months or more.
(b)The sharing of household expenses by the occupants, such as utility bills, insurance, real property taxes, cleaning supplies, maintenance costs, food, and household supplies.
(c)Joint or common ownership of household furnishings located in the common areas of the dwelling unit.
(d)The presence of dependent persons regularly residing in the household.
(e)The fact that different members of the household use the household address for purposes of voter registration, drivers license, motor vehicle registration, and filing of taxes.
(f) Any other factors that show that the group is of a permanent rather than a transient nature.

GROUP, RESIDENCE - A residence occupied by five (5) or more unrelated individuals who are not a family.

FLOOR AREA - The aggregate area of all floors in a building enclosed by an exterior wall, excluding, however, attic and unfinished basement floors not used for anything other than storage or the location of mechanical utilities, open porches, balconies, stairways, breezeways and garages, as measured between inside faces of exterior walls.

FLOOR AREA RATIO - The floor area of a building divided by the area of the lot which it occupies.

FRATERNITY HOUSE, SORORITY HOUSE, DORMITORY AND RESIDENCE HALL -A facility used for the housing, with or without dining facilities, of students attending a college or university as defined herein. Or an institution recognized by a local college or university that has not had its charter revoked by an overseeing authority. However, for purposes of consideration of area, bulk and special requirements of this chapter, such facility shall be considered a boarding-, lodging or rooming house.

GARAGE:

(1) PRIVATE GARAGE - A garage not conducted as a business or used for the storage space for more than one (1) commercial vehicle, which shall be owned by a person residing on the premises.

(2) PUBLIC GARAGE - A garage conducted as a business. The rental of storage space for more than two (2) passenger cars or for one (1) commercial vehicle not owned by a person residing on the premises shall be deemed a business use.

SERVICE STATION - A structure, building or premises or any portion thereof that is used for the sale of gasoline or any other motor vehicle fuel or oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but not including the painting thereof by any means.

GRADE - When a curb level has been established, the curb level. When a curb level has not been established or when the natural surface is at a different level than the curb level and remains unchanged, "grade" shall mean, with respect to a building, the average ground elevation adjoining the building.

HAZARDOUS CHEMICAL – Solid, liquid, or gaseous substances which pose a potential hazard to human health or the environment when improperly treated, stored, transported, dispose or otherwise managed, including but not limited to the hazardous substances designated by the U.S. Environmental Protection Agency under section 311 of the Clean Water Act (40 CFR 116)

HIGH RISE - Any structure located in an R-2 or RC District which exceeds thirty-five (35) feet and/or two and one/half (2 1/2) stories in height and also any structure located in a C District which exceeds thirty-six (36) feet and/or three (3) stories in height.

HISTORIC DISTRICT - A geographically defined area possessing a significant concentration or continuity of landmarks, improvements or landscape features united by historic events or by physical development, and which area has been designated as an historic landmark district; said district may have within its boundaries noncontributing buildings or other structures that, while not of such historic and/ or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual character of the district.

HISTORIC SITE - means land or a structure identified as an Historic Building or Place on the National Register of Historic Places, or an inventory of Historic or Architecturally significant structures prepared or approved by the New York State Office of Historic Preservation, a copy of which shall be kept on file in the office of the Building Inspector.

HOME OCCUPATION - Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental to and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. "Home occupations" may be construed to include dressmaking, millinery, home cooking, musical instruction limited to a single pupil at a time, art studios and activities of a similar nature. Including Home-based computer related or telemarketing operations. "Home occupations" shall not be construed to include barbershops and beauty parlors, public stables, real estate offices, kennels, animal hospitals, restaurants and tearooms, musical instruction to groups, dancing instruction to groups, nursing homes, nursery schools, public garages, plumbing or electrical shops or shops for other trades or businesses of a similar nature, nor shall any customary "home occupation" be construed to include that which requires the presence in the home of machinery or equipment normally associated with commercial or industrial activities or which produces offensive noise, vibration, smoke, dust, odors, heat, glare or other nuisance.

HOME, TOURIST - A dwelling in which overnight accommodations are provided for transient, paying guests.

HOSPITAL - An establishment for temporary occupation by the sick or injured for the purpose of medical diagnosis and treatment, including sanatoriums, and shall be limited to the treatment or other care of humans.

HOTEL - A building in which lodging is provided, with or without meals, and offered to the public for compensation and which is open to transient guests, as distinguished from a boardinghouse or rooming house, apartment hotel, fraternity or sorority house.

INDUSTRIAL OPERATION OR USE - Any activity conducted in connection with the manufacture, assembly, disassembly, fabrication, resource recovery, storage or processing of materials or products, all or any part of which is marketed off the premises or marketed to other than the ultimate consumer.

INDUSTRY-The location or premises used for any industrial operation.

INSTITUTIONAL USE:

(1) NONPROFIT INSTITUTIONAL USES - Those uses limited to churches, public or private schools covering kindergarten through Grade 12, hospitals for humans, libraries and uses by the municipal, state or federal government.

(2) PROFIT-MAKING INSTITUTIONAL USES- Those uses limited to sanatoriums and nursing homes.

INTERESTED PARTY:

(1) In a criminal or quasi-criminal proceeding, any citizen of the State of New York.

(2) In the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the city, whose right to use, acquire or enjoy property is or may be affected by an action taken under this chapter or under any other law of

this state or of the United States or has been denied, violated or infringed by an action or a failure to act under this chapter.

JUNKYARD - A place over two hundred (200) square feet in area where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumberyards and places or yards for used or salvaged house wrecking and structural steel materials and equipment, as distinguished from such uses when conducted entirely within a completely enclosed building and as distinguished from pawnshops and establishments for the sale, purchase or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment and the processing of used, discarded or salvaged materials as part of manufacturing operations. One (1) or more motor vehicles not properly registered and inspected and licensed by the State of New York or not in operating condition for a period of over sixty (60) days shall be deemed to constitute a "junkyard.

KENNEL - Any establishment or building, including cages, dog runs and structures, wherein more than three (3) dogs or cats which are over six (6) months old are harbored, and such use shall be considered a business.

LAUNDRY, COIN- OPERATED AND DRY CLEANER –A business premises equipped with individual clothes washing and drying and/or cleaning machines for the principal use of retail customers.

LIGHT INDUSTRIAL USE – The assembly, manufacture, fabrication, processing, or other handling of products, the operation of which is conducted solely with a building or group of buildings, and which does not involve any of the following: (a) the outdoor storage of materials; (b) dissemination of noise, vibration, odor, dust, smoke, observable gas or fumes, or other observable atmospheric pollutants beyond the exterior walls of the building where the use is conducted; (c) the creation of airborne, liquid, or solid hazardous chemicals. A light industrial use may include food and beverage facilities, showrooms, retail sale that are incidental to promoting the sale of the product produced on the site.

LIVESTOCK- Farm animals kept for use, for propagation, or for intended profit or gain and without limiting the generality of the foregoing includes: dairy and beef cattle, horses, swine, sheep, laying hens, chicken and turkey broilers, turkeys, goats, geese, mink and rabbits.

LODGER, BOARDER or ROOMER - A person, other than a family member of a family occupying a part of any dwelling unit, who, for a consideration, is furnished living accommodations in such dwelling unit.

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. The boundary line of the City of Plattsburgh shall be deemed the lot line of any parcel of ground abutting thereon.

LOT AREA - The total square unit content of any lot, as measured within the lot lines.

LOT, CORNER - A lot at the intersection of two (2) or more streets and which has an interior angle of less than one hundred thirty-five degrees (135°) at the intersection of two (2) street lines. A lot abutting

upon a curved street shall be considered a "corner lot" if the tangents to the curve at the points of intersection of the side lot lines inter-sect at an interior angle of less than one hundred thirty-five degrees (135°).

LOT DEPTH - The mean distance between the front and rear property lines of any lot. If a lot shall not have parallel rear and front lines, the average of such depths taken perpendicular to the front street side line throughout the width of the lot shall constitute the average depth of the lot.

LOT FRONTAGE - The shortest distance between the intersection points of the side lines of a lot with the front street right-of-way line. In the case of corner lots, the frontage shall be measured along a straight line between the intersection point formed by the projection of two (2) street side lines and the intersection point of a side lot line with a front street right-of-way line. In the case of a lot running through from one street to another, the front of such lot shall, for the purpose of this chapter, be considered that frontage upon which the majority of the buildings in the same block fronts, but in case there has been no clearly defined frontage established, the owner may, when applying for a building permit, specify on his permit application which lot line shall be considered the front lot line.

LOT, INTERIOR - A lot other than a corner lot.

LOT OF RECORD - Any lot which has been established as such by plat, survey, record or deed prior to the date of this chapter, as shown on the records of the Clinton County Clerk's office.

LOT, THROUGH - An interior lot having frontages on two (2) parallel or approximately parallel streets.

LOT WIDTH - The shortest straight line distance between the two (2) side lines of any lot. If a lot shall not have parallel side lines, the average of such widths parallel to the front street side line throughout the depth of the lot shall constitute the average width of the lot.

MOBILE HOME - A structure capable of sustaining static and dynamic loading, which is constructed on a chassis assembly and designed for use without a foundation, but which may or may not be located on a foundation.

MOBILE HOME PARK - A tract of land which is used or intended to be used for the parking of ten (10) or more mobile homes.

MOTEL- A series of attached, semidetached or detached dwelling units (one- or two-story) containing bed-room, bathroom and closet space, where each unit has convenient access to a parking space for the use of the unit's occupants. The units, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients.

NEIGHBORHOOD AND CONVENIENCE TYPE COMMERICAL FACILITIES – Small scale business, including both retail and personal service establishments, which meet frequently recurring needs of nearby residents and visitors to nearby public recreational facilities. Such facilities shall be limited to less than 1600 square feet of total floor area. These facilities include:

1, barber and beauty shops.
2. bicycle sales and repair shops

3. candy, ice cream and confectionery shops
4. greeting card shops, retail
5. dairy products, retail
6. pastry and coffee shops
7. drugstores, retail
8. florists, retail
9. grocery, fruit, meat, and vegetable stores, retail
10. laundry or dry cleaning pickup stations
11. marine equipment sale shops
12 newspaper, magazine, book and stationary stores
13. shoe repair shops
14. video rental stores

NONCONFORMING LOT - A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING STRUCTURE - A structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of shall Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING USE - A use or activity which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NURSERY SCHOOL or DAY-CARE FACILITY – A school or facility designed or used to provide daytime care or instruction for four (4) or more children from infant to five (5) years of age, inclusive, and operated on a regular basis.

NURSING HOME - A building or group of buildings in which nursing care and medical services are prescribed by or performed under the general direction of persons licensed to practice medicine or surgery in the State of New York for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care but who do require skilled nursing care and related medical services.

OCCUPANCY or OCCUPIED- The residing of a person or persons in a dwelling unit overnight or the installation, storage or use of equipment, merchandise or machinery in any commercial, public & industrial building.

OPEN SPACE- The open unobstructed space from ground to sky at grade on a lot accessible by walking and which is suitable for and maintained as grass, flowers, trees, bushes and other landscaping and includes any surface walk, patio or other similar area but does not include driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.

OVERLAY ZONING DISTRICT – [**added by Ordinance 9-14-95**] An overlay zoning district is a particular geographic area where there is a specific concern that has been identified as an additional zoning requirement over and above the existing zoning designation. An overlay district may encompass more than one presently zoned district and the overlay district provides additional regulations for the land it includes. The zoning text will describe these additional regulations.

OWNER – Any individual, firm, association, syndicate, co partnership or corporation having sufficient proprietary interest in the land sought to be processed for development under this chapter.

PARKING AREA – An open area, other than a street or other public road or way, used for the parking of motor vehicles, including access drives or aisles for ingress and egress.

PARKING MANEUVER AREA – That portion of the parking area, exclusive of parking spaces, designed and used for the purpose of maneuvering vehicles into designated parking spaces.

PARKING SPACE – A rectangular space, either outdoors or enclosed within a structure, used for accommodation of off-street motor vehicle parking.

PAVED AREA – An area covered with impervious material, such as bituminous concrete, asphalt or concrete, of sufficient depth to support the anticipated load factor of the area in accordance with standard accepted engineering practice.

PERSON – Includes any person, individual, business entity, partnership, corporation, company, organization or legal entity of any kind or nature.

PLAT- The map or maps of a subdivision.

PREMISES – A lot, together with all the buildings and uses thereon.

PRINCIPAL USE OR STRUCTURE – A principal use" is the primary or predominant use of any lot. A "principal structure" is one devoted to the principal use.

PRIVATE SWIMMING POOL – Any artificially constructed basin or other structure designed to contain water for use by the possessor, his family or guests for swimming, diving and other aquatic sports and recreation, with the maximum depth of water in the structure greater than twenty four inches. The term "swimming pool" does not include any plastic canvas or rubber pool temporarily erected upon the ground without chlorination and/or filtration equipment. The term does include hot tubs and jacuzzis.

PROFESSIONAL OFFICE – An office principally occupied by a lawyer, engineer, architect, accountant, insurance agent, stock broker, financial planner real estate agent or similar occupant. [Added 3-l-84; effective 3/16/84]

PUBLIC – Owned, operated or controlled by a governmental agency (federal, state or local), including a corporation created by laws for the performance of certain specialized governmental functions, a public school district or service district.

PUBLIC UTILITY FACILITES – Telephone and electric lines, poles, equipment and structures and water or gas pipes, mains, valves or structures or sewer pipes, valves or structures maintained, operated and conducted for the service, convenience, necessity, health and welfare of the general public, whether owned by any arm or creature of the local, state federal government or by any privately owned public utility corporation.

QUARRY, SAND PIT, GRAVEL PIT OR TOP SOIL STRIPPNG –A lot or land or part thereof used for the purpose of extracting stone; sand, grave) or soil for sale as an industrial operation and exclusive of the process of grading preparatory to the construction of a building or highway construction.

RESIDENCE – A structure or Portion of a structure set aside for the separate private occupancy of a family and containing necessary living, sleeping, dining, sanitary and kitchen facilities designed for the sole use of the family.

SINGLE-FAMILY RESIDENCE – A freestanding detached structure which contains a residence designed for an occupied by one (1) family as defined herein.

TWO-FAMILY RESIDENCE – A freestanding detached structure which contains residences separated by either horizontal floors or vertical walls, which are designed for and/or occupied by two (2) families as defined herein.

THREE-FAMILY RESIDENCE – A freestanding detached structure which contains residences separated by either horizontal floors or vertical walls, which are designed for and occupied by three (3) families as defined herein.

MOBILE HOME RESIDENCE – A vehicle or movable dwelling structure which is designed to be used as a residence as defined herein.

MULTIFAMILY RESIDENCE – A building designed for occupancy by four (4) or more families living independently of each other and containing four (4) or more residences or dwelling units separated by vertical walls or horizontal floors unconnected except for access to the outside, common areas or to a common cellar.

TOWNHOUSE RESIDENCE – A building designed for occupancy by four (4) or more families living independently of each other and containing four (4) or more residences or dwelling units separated by vertical walls, each with a separate access to the outside.

SANITARIUM – A private hospital, whether or not such a facility is operated for profit.

SCHOOLS – Public schools covering any or all grades, pre-kindergarten through Grade 12, and full-time private schools covering any or all grades, pre kindergarten through Grade 12, operated by charitable religious or eleemosynary organizations, which are attended to satisfy state mandated educational requirements.

SETBACK LINE – A line within the bounds of a lot parallel to a property line at a distance from the

respective property line equaling the respective required front, rear or side yard.

SHOPPING CENTER – A group of buildings or separate shops, stores or offices on a single lot providing primarily retail services with supporting service and office establishments.

SPECIFIED ANATOMICAL AREAS – (a) Less than completely and opaquely covered: human genitals, pubic region, buttocks, female breast below a point immediately above the areola, or (b) human male genitals is a discernible turgid state.

SPECIFIED SEXUAL ACTIVITIES – (a) Human genitals in a state of sexual stimulation or arousal, or (b) acts of human masturbation, sexual intercourse or sodomy, or (c) fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

STORY:

FULL STORY – That portion of a building included between the surface of any one floor, exclusive of any basement or cellar, and the surface of the floor next above it, or, if there is no floor above it, then that portion of the building included between the surface of any floor and the ceiling next above it, exclusive of any area between the horizontal plane of the eaves and the highest gable or slope of a hip or pitched roof.

HALF STORY – The habitable portion of a building which is a basement, as defined herein, and/or the area between the horizontal plane of the eaves and the highest gable or slope of a hip or pitched roof if the roof pitch exceeds five (5) on twelve (12).

SPECIAL USE PERMIT: "special use permit" shall mean an authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met.

STREET- Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway or is shown upon a plat heretofore approved pursuant to law or is approved by official action as provided by this chapter or is shown on a upon a plat heretofore approved pursuant to law or is approved by official action as provided by this chapter or is shown on a plat duty filled and recorded in the office of the county recording officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

PRIVATE STREET- Any right-of-way designated on a site plan or subdivision plat as a route to be used for vehicular access to various locations of the site or subdivision, but not intended to be dedicated for public use.

STREET SIDE LINE- The outermost line of the whole area devoted to street purposes on either side thereof "street side line" is synonymous with "street right-of-way line."

STRUCTURE- A combination of materials to form a construction for occupancy, use or ornamentation,

whether installed on, above or below the surface of a parcel of land, that is safe and stable and includes, among other things, parking areas, stadiums, gospel and circus tents, reviewing stands, platform staging, observation towers, radio and television towers, water tanks and towers, trestles, piers, wharves, sheds, storage bins, walls, fences and display signs. The word "structure" shall be construed as if followed by the words "or part thereof "

SUBDIVISION – The division of any parcel of land into two (2) or more lots or the re-subdivision of existing lots.

THEATER – A building or part of a building devoted to presenting entertainment on a paid admission basis.

DRIVE-IN OUTDOOR THEATER- Open land with its appurtenant facilities devoted to the showing of motion pictures to patrons in automobiles.

TRAILER:

BOAT TRAILER- A vehicle designed exclusively for the transportation of one (1) boat.

CAMP OR TRAVEL TRAILER – A vehicle or portable structure, not over two hundred fifty-six (256) square feet in floor area, equipped for but not regularly used for sleeping, but which may have sanitary facilities.

CARGO TRAILER – A vehicle, not over seventy (70) square feet in floor area, used for the hauling of cargo.

CAR SALES LOT- A lot where motor vehicles are stored for the purpose of sale or lease only.

USE – The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include any non conforming use.

YARD – An open, unoccupied space on the same lot with a building, situated between a lot line and the parts of the main building, exclusive of cornices and the uncovered porches, setting back from and nearest to such line.

FRONT YARD- A yard situated between the building and the street line, extending for the full width of the lot.

REAR YARD – A yard situated between the main building and the rear of the lot, extending for the full width of the lot.

REQUIRED YARD – A yard, as defined herein, which is required by provisions of this chapter to be maintained as a "yard."

SIDE YARD – A yard situated between the building and the side line of the lot and extending through from the front yard of the lot to the rear yard or, where no front or rear yard is required, to the front or rear line of the lot

ARTICLE III
Establishment of Districts

§270-5 Districts designated.

For the purpose of this chapter, the City of Plattsburgh is hereby divided into the following classes of districts:

RH Residential Historic
R-l Low-Density Residential
R-2 General Residential
B-1 General Business
B-2 Highway Business
C Central Business
I Industrial
OL-P Overlay District – Parking
OL-W Overlay district-Waterfront
RC-1 Recreational and Related Uses
RC-2 Recreational and Related Uses
RC-3 Recreational and Related Uses

§ 270-6. Zoning Map.

The boundaries of these zoning districts are hereby established on a set of City Tax Maps entitles, "Zoning Maps of the City of P1attsburgh" Which maps are kept on file and will be available for public viewing in the Building Inspector's office, and such maps are hereby declared to be a part of this chapter. For informational purposes, a zoning boundary map of the City of Plattsburgh, at an approximate scale of one (1) inch equals one thousand eight hundred (1,800) feet, has been prepared and is at the end of this chapter.

§ 270-7. Interpretation of district boundaries.

Unless shown to the contrary on the Zoning Maps, the boundary lines of districts are the center lines of streets and alleys or such lines extended, railroad right-of-way lines, the center lines of creeks and waterways, lot lines and the corporate limit line as it existed at the time of the enactment, of this chapter. Where a district boundary line, as appearing on the Zoning Maps, divides a lot or land in single ownership as existing at the time of enactment, the use of the lot shall be divided to conform to each zoning district as shown on the Zoning map.

§ 270-8. Land uses limited to district regulations.

Except as provided in this chapter, no building or part thereof or other structure shall be erected, altered, added to or enlarged nor shall any land, building, structure or premises be used, designed or intended to be used for any purpose other than as for the uses hereinafter listed as permitted, accessory and special uses established in the district in which such building, land or premises is located.

§ 270-9. Classification of annexed lands.

Any land hereafter annexed to or consolidated with the City of Plattsburgh shall be classified by an

amendment to this chapter as part of the annexation or consolidation of such land.

ARTICLE IV
District Regulations

§ 270-10. Schedules.

The restrictions and controls intended to regulate development in each district are set forth in the attached schedules, which are supplemented by other sections of this chapter.

§ 270-11. Application.

No building, structure or land shall hereafter be used and no building, structure or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified to the district in which it is located, except as hereinafter provided.

§ 270-12. General regulations.

A. Building and structure height. No building or structure shall hereafter be erected or altered to exceed, in height, the limit designated for the district in which it is located.[4]

B. Space and area regulations. No building or structure shall be hereinafter erected, nor shall any existing building or structure be altered, enlarged or moved, nor shall any lot, yard, lot width, open space, loading or parking space required in relation to any building or structure or use be encroached upon or reduced in any manner not in conformity with the lot area, lot area per family, lot coverage, open space and building bulk regulations, yard requirements and other space and area regulations designated herein for the district in which it is located unless such reduction is by a duly constituted public authority for a public purpose.

C. Required yard restriction. No part of a yard or other open space required appurtenant to any building or use shall be included as a part of a yard or other open space required for any other building on any other lot.

D. Use of yards. Yards, as required herein, shall not be used for the storage of merchandise, equipment, building materials, junk, vehicles, vehicle parts or any other material or for signs except as specific provision is made therefore.

E. The maintenance of livestock is specifically prohibited in the City of Plattsburgh.

F. Solar energy systems. Solar energy systems are permitted in all zoning districts on the sites as an accessory use.

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4 Editor's Note: Schedules regulating permitted uses in all districts, area and bulk controls and formulas for calculating area and bulk controls are included as Schedules I through III, respectively, at the end of this chapter.

ARTICLE V
(a) Supplementary Regulations

§ 270-13. Lot requirements.

A. Existing lots of record. A structure may be constructed on any lot lawfully established prior to adoption of this chapter if said lot is less than the minimum area required for building lots in the district in which it is located, provided that the following conditions exist or are met:

1. Availability of adjacent vacant land. No structure shall be erected on any nonconforming lot if the owner of said lot owns any adjoining vacant land which would create a conforming lot if said vacant land were combined with the deficient lot.
2. Side yards. The width of a side yard and total side yards, when required, may be reduced in the same proportion as the actual lot width ratio is to the required lot width; provided, however, that no structure shall be constructed on a non-conforming lot unless it shall have a minimum side yard of five (5) feet and total of fifteen (15) feet.
3. Front and rear yards. No structure shall be constructed on a non-conforming lot unless it shall have front and rear yards conforming to the minimums required for the district in which said lot is located, except as said lot may meet the conditions set forth below in § 270-15C of this chapter.
4. Lot width. The minimum lot width of any lot shall be measured along the minimum building setback line, as required for the district in which it is located.
5. Corner lots. At all street intersections, no obstruction to vision, other than an existing building, post, column, tree or hedges, exceeding thirty (30) inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between the points along such street lot lines thirty (30) feet distant from their points of intersection.
6. Through lots. In the case of a lot running through from one street to another, the front of such lot shall, for the purposes of this chapter, be considered that frontage upon which the majority of the buildings in the same block front, but in case there has been no clearly defined frontage established, the owner may, when applying for a building permit, specify on the permit application which lot line shall be considered the front line. The rear portion of such a lot shall, however, be treated as a lot front for the purposes of determining required setbacks and locations of permitted structures and uses so as not to detract from the aesthetic quality of the second street frontage.
7. Reduction of required area or space. The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this chapter, except as provided in this chapter, and if already less than the minimum required by this chapter, said area or dimension may be continued but shall not be further reduced.

§ 270-14. Height requirements.

A. General application. No building or structure shall have a greater number of stories nor have an aggregate height of a greater number of feet than is permitted in the district in which such building or structure is located, except as noted elsewhere in this chapter.

B. Exceptions. District building height regulations shall not apply to flagpoles, radio or television antennas, transmission towers or cables, spires or cupolas, chimneys, elevator or stair bulkheads,

penthouses, parapets or railings, water tanks or cooling towers or any similar structures, provided that such structures:

1. In their aggregate coverage occupy no more than ten percent (10%) of the roof area of the building.

2. Are not more than twelve (12) feet above the highest point in the roofline of the principal structure.

3. Which exceed the height regulations, are located on the roof of the principal structure.

§ 270-15. Yard requirements.

Every part of a required yard must be open to the sky and unobstructed, except for accessory buildings in the rear or side yard and except for the ordinary projection of uncovered porches, balconies, steps, sills, belt courses, cornices and/or ornamental features, not to exceed four (4) inches.

A. Side yards. Where the side wall of a building is not parallel to the side lot line or the side lot line is broken or otherwise irregular, the side yard may be varied. In such case, the average width of the side yard shall not be less than the otherwise required minimum width; provided, how-ever, that such yard shall not be narrower at any one point than one-half (1/2) the otherwise required minimum width.

B. Corner lots. Any corner lot, as defined herein, shall have a setback equal to the required front yard from any street right-of-way. The side yard of a corner lot may be deter-mined by the owner if there are no conflicting adjacent uses, and provided that the Building Inspector concurs in the selection.

C. Front yard exception. When a vacant lot is situated between two (2) improved lots, each having a principal building within twenty-five (25) feet of any side lot line of such unimproved lot, the required front yard may be reduced to yards of the two (2) adjoining improved lots, but shall not be less than ten (10) feet. However, where such lot fronts on a right-of-way proposed to be widened, as shown on the Official Map of the City of Plattsburgh, the front yard shall be as required for the district in which the lot is located and shall be measured from the proposed future right-of-way.

D. Existing roofed porches. Existing roofed porches which project into the required yards may be enclosed.

E. Projections into required yards. The following projections into required yards may be permitted:

1. Open fire escapes may project six (6) feet into side or rear yards.

2. Awnings or movable canopies may project six (6) feet into any yard.

3. Cornices or eaves may project three (3) feet into any yard.

4. Chimneys

5. Uncovered steps and porches at ground floor level may project into any yard not to exceed the following:

a. The width of the porch and/or steps may not exceed the lesser of eight (8) feet or one-fourth (1/4) the width of the wall upon which it is located.

b. The depth of the porch may not exceed the lesser of six (6) feet or one-fifth (1/5) the width of the wall upon which it is located.

c. The depth of step treads shall not exceed one (1) foot.

6. Handicap access ramps are permitted at the discretion of the building inspector for as long as they are needed by the owner or tenant.

F. Transition yard requirements.

1. Where a residence district abuts a non-residence district on a street line, there shall be provided in the non-residence district, for a distance of thirty-five (35) feet from the district boundary line, a front yard at least equal in depth to that required in the residence district.

2. Where the side or rear yard in a residence district abuts a side yard in a non-residence district, there shall be provided along such abutting line or lines a side or rear yard at least equal in depth to that required in the residence district. In no case, however, shall the abut-ting rear yard be less than twenty-five (25) feet.

§ 270-16. Building coverage and open space requirements.

A. The maximum percentage of land coverage by principal and accessory buildings or structures, including covered patios and carports, on each zone lot shall not be greater than is permitted in the district where such principal and accessory buildings are located.

B. The minimum percentage of land dedicated to open space on each zone lot shall not be less than is required in the district in which such lot is located. In calculating open space, the following criteria shall apply:

(1) Areas used and/or paved as parking area(s), as defined herein, shall not be included as open space.

(2) Areas covered by buildings or structures or their projections, except projections specifically permitted elsewhere in this chapter, shall not be included as open space.

(3) Areas paved or otherwise covered and used as uncovered patios, swimming pools, tennis

courts or similar recreation-oriented uses may be included as open space, provided that such uses do not comprise more than one-third (1/3) of the required open space.

§ 270-17. Number of buildings and dwelling units restricted.

A. There shall be not more than one (1) principal use structure nor more than two (2) accessory use structures, of which no more than one (1) shall be a private garage, on each lot intended or used for purposes permitted in the zone in which it is located, except as provided in § 270-20 (planned unit development) of this chapter.

B. There shall be not more than twenty-four (24) dwelling units on each lot where permitted in a zoning district, except as provided in § 270-20 of this chapter.

§ 270-18. Accessory structures.

A. Unattached accessory structures in R-1, R-2 and R-H Districts. Accessory structures which are not attached to a principal structure may be erected in accordance with the following requirements:

(1) An accessory building shall not exceed twelve (12) feet in average height and shall be located in the rear yard only.

(2) No accessory structure shall be located within five (5) feet of side or rear lot lines.

(3) For corner lots, the setback from all streets shall be the same for accessory buildings as for principal building

B. Attached accessory structures in R-1, R-2, RH Districts. When an accessory structure is attached to the principal building, it shall comply in all respects with the yard requirements of this chapter applicable to the principal building.

C. Accessory structures in other than R-1, R-2, RH Districts. Accessory structures shall comply with front, side and rear yard requirements for the principal structure to which they are accessory.

§ 270-19. Landscaping and fencing requirements.

A. Enclosed uses. Any enclosed use as may be required by this chapter to be landscaped in accordance with this subsection shall provide a fence, screen or landscaping sufficient to obscure such uses from view from abutting properties lying in R-1, R-2, RH Districts or from public rights-of-way.

B. Unenclosed uses. Any use which is not conducted within a completely enclosed building, including but not limited to junkyards, storage yards and lumber- and building materials yards, and which use is in, abuts or is adjacent to an R-1, R-2, RH District or fronts on a public right-of-way shall be obscured from view from such R-1, R-2, RH Districts and public rights-of-way in an effective manner. This subsection shall not apply to nurseries and the display for sales purposes of new or used cars, trucks, trailers, boats, bicycles, motorcycles or farm equipment, except that such uses shall be obscured from R-1, R-2, RH Districts not separated from such use by a public right-of-way.

C. Approval by the Planning Board. Plans and site design for the installation of required fences or landscaping shall be reviewed by the Planning Board prior to issuance of a building permit for such uses as are required by this chapter to be provided with such fences or landscaping.

D. Maintenance. Any fencing or landscaping installed in accordance with this section shall be maintained in good order to achieve the objectives of this section. Failure to maintain fencing or to replace dead or diseased landscaping shall be considered a violation of this chapter.

§ 270-20. Planned unit developments.

1. Definitions. As used in this section: "Planned Unit Development" shall mean a subdivision plat or plats, approved pursuant to City Code Chapter 236, in which the minimum lot size requirements, minimum yard requirements, and minimum open space requirements as specified in Schedule II of the Chapter 270 of the City Code, and any amendments thereto, may be varied to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks, and landscaping in order to preserve the natural and scenic qualities of open lands.

2. Purpose. The purpose of a Planned Unit Development shall be to enable and encourage flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of open lands.

3. Grant of Authority and General Conditions

(a) This procedure may be followed at the discretion of the planning board if, in said board's judgment, its application would benefit the city.

(b) A Planned Unit Development shall result in a permitted number of building lots or dwelling units which shall in no case exceed the number which could be permitted, in the planning board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of Chapter 270 applicable to the district or districts in which such land is situated and conforming to all other applicable requirements. Provided, however, that where the plat falls within two or more contiguous districts, the planning board may approve a Planned Unit Development representing the cumulative density as derived from the summing of all units allowed in all such districts, and may authorize any actual construction to take place in all or any portion of one or more of such districts.

(c) The planning board as a condition of plat approval may establish such conditions on the ownership, use, and maintenance of such open lands shown on the plat as it deems necessary to assure the preservation of the natural and scenic qualities of such open lands. The Planning board shall consider the goals, objectives and recommendations contained in the City of Plattsburgh Comprehensive Plan, the City of Plattsburgh Local Waterfront Revitalization Plan, and the Re-Use Plan for the former Plattsburgh Air Force Base before approving such plat.

(d) The minimum percentage of open space contained in the entire PUD shall be the minimum percentage required by Schedule II for the zoning district in which the PUD is located. In calculating the area of required open space, Section 270-16, part B of the Zoning Code shall apply. In addition, any land below the low water mark in Lake Champlain, as determined from the year prior to that in which the PUD is proposed, shall not be considered as open space for purposes of the calculations.

(e) The plat showing such Planned Unit Development may include areas within which structures may be located, the height and spacing of buildings, open spaces and their landscaping, off-street open and enclosed parking spaces, streets, driveways, and any other features required by the planning board. In the case of a residential plat or plats, the dwelling units permitted may be, at the discretion of the planning board, in detached, semi-detached, attached, or multi-story structures.

(f) Planned Unit Developments are permitted in all zoning districts except RH.

(g) A Planned Unit Development may include any mixture of uses, permitted as of right or by special use permit that are permitted within the zoning district.

(h) In reviewing and approving all plans, the Planning Board, in addition to the standards set forth herein, may utilize the standards of the subdivision and site plan review requirements, as well as the opinions of the City Engineer, other department heads and city consultants.

(i) No tract, parcel or lot or tracts, parcels or lots shall be developed as a planned unit development unless it shall contain an area of adjoining and contiguous land as specified in the following table and shall contain sufficient access to the public road system as designated on the Official Map of the City of Plattsburgh, as amended. For the purpose of this section, internal streets, roads and rights-of-way shall not be deemed to divide acreage of a planned unit development. Development of planned unit developments shall contain an area of adjoining and contiguous land as follows:

Zone District	**Minimum land Area (square feet)**
R-1	5 acres
R-2	5 acres
B-1	5 acres
B-2	5 acres
C	5 acres
I	5 acres
RC- 1	5 acres
RC-2	5 acres
RC-3	10 acres

4. Guidelines for Review and Approval of Planned Unit Developments.
The Planning Board shall consider the following guidelines in reviewing and approving Planned Unit Developments. Notwithstanding the use of the word "shall", the Planning Board may vary the requirements of the guidelines upon a showing that standards for obtaining an area variance have been met.

A. Boundary line and internal street setback requirements.

(1) Boundary line setback requirements. All buildings, structures and uses shall be set back no less than as required for front yard setback in Schedule II from all external streets.[5]

(2) Internal street setback requirements. All buildings and structures for principal or accessory nonresidential uses shall be set back no less than twenty-five (25) feet from any public or private street within a planned unit development.

B. Building height. No building or structure shall have a height greater than as provided in this chapter.

C. Distance between buildings. The minimum distance between any two (2) buildings, other than buildings containing common walls, shall be not less than as computed under the following formula

$$\frac{S=LA+LB+2(HA+HB)}{6}$$

Where S = Required minimum horizontal distance between any wall of Building A at any given level and any wall of building B at any given level or the vertical prolongation of either.

LA= Total length of Building A. Building A shall be that structure which is of equal or greater length of the two (2) buildings selected.

LB = Length of Building B.

HA= Height of Building A. The height of Building A is the average height above the finished grade of the structure.

HB = Height of Building B.

D. Land use density. The land use density and minimum lot size requirements set forth in this Chapter for the district in which the planned unit development is located shall apply. However, land use density calculations shall be based on the overall development, without regard to or requirement for division of the site.

E. Open space.

[5] **Editor's Note: Schedule II, providing area and bulk controls for all districts, is included at the end of this chapter.**

(1) Required percentage of site. The percentage of the site dedicated to open space shall be equal to the requirements set forth in this Chapter for the district in which the planned unit development is located. In the case of multiple uses located in a single planned unit development, the floor area ratios of the various uses will be calculated to determine an average open space percentage, which shall be applied to the site.

(2) Computation. Any required open space may include common recreation areas and required buffer areas for computation purposes.

(3) Modification. The Planning Board, at its discretion, shall have the right to reduce the required minimum area of open space if the following conditions are met: if one (1) or more tracts, parcels or lots are required to be dedicated for public use or public purpose, including but not limited to schools, fire stations, police facilities, libraries or other similar municipal uses, but not including utility, sewer or storm water drainage easements, water or sewer improvements, roadways or any other recreational facilities or other similar dedication required by this chapter.

(a) Circulation and off-street parking requirements. In a planned unit development, off-street parking facilities shall be provided in accordance with the following requirements
(1) Size of parking spaces and aisles. The size of off-street parking spaces and aisles shall conform to the provisions of § 270-25 of this chapter.
(2) Number of parking spaces required. The number of off-street parking spaces required shall be as set forth in § 270-25 of this chapter.(3) Access. There shall be adequate provision for ingress and egress to all parking spaces. Access drives or driveways shall be no less than twelve (12) feet wide for ingress or egress and
twenty-four (24) feet wide for both ingress and egress, except that for single- or two-family dwellings, access drives or driveways shall be not less than ten (10) feet wide for both ingress and egress. No driveway or access drive shall be closer than fifty (50) feet to the point of intersection of the street lines of any two (2) intersecting streets.
(4) Location. All off-street parking or loading areas for uses other than single-family detached dwellings shall meet the minimum setback requirements.
(5) Mixed or multiple uses. In the case of mixed or multiple uses within a single structure or building or in the use of land, the amount of off-street parking required shall be determined by the sum of the requirements of the various uses computed separately in accordance with § 270-25 of this chapter, except where the applicant can demonstrate to the satisfaction of the Planning Board that another method of computation will adequately serve the proposed mixed or multiple use.

F. Off-street loading requirements. In any planned unit development, off-street loading berths shall be provided and maintained on the same site with such building in accordance with the requirements of § 270-25 of this chapter.

G. Streets.

(1) The right-of-way and pavement widths of all internal streets, roads and vehicular traveled ways shall be determined from sound planning and engineering standards in conformity with

the estimated needs of the full proposed development and the traffic to be generated thereby. They shall be adequate in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire fighting and police vehicles. All streets and roads, either dedicated public streets or privately owned and maintained or any combination thereof, shall be subject to all city ordinances and regulations, as well as the laws of the State of New York with regard to construction.

(2) The Planning Board shall be guided by the following criteria of street grades, but shall have the authority to modify same where exceptional circumstances warrant:

a) Six percent (6%) for major and arterial streets.

b) Ten percent (10%) for collector and local streets.

(3) Exceptions to these limitations shall be made after review and written approval by the City Engineer.

(4) When deemed necessary by the Planning Board, the landowner shall provide a continuous street circulation system with adjoining land areas.

(5) The proposed street system shall conform to the proposals and conditions shown on the Official Zoning Map and Comprehensive Plan, except as may be modified by the Planning Board or governing body, as provided by law.

H. Other improvements.

(1) All utility improvements, including storm drainage systems, sanitary sewage collection and disposal and water supply systems, shall be in accordance with the standards and procedures as established by other local, county and state regulations. Said improvements shall be subject to review and approval by the City Engineer and city boards, as well as appropriate county and state agencies.

(2) Utility service. Utility service shall be provided by the developer in concert with the appropriate public utilities providing such service. Said service shall be provided as a part of an underground system. If such facilities cannot be reasonably provided due to topography or geologic condition of the land or due to technological circumstances and if the landowner shall adequately demonstrate the lack of feasibility of such an undertaking to the satisfaction of the Planning Board, a waiver of this requirement may be granted by the Planning Board.

(3) Street improvements. Monuments, street names and other traffic control devices, shade trees, streetlights, sidewalks, curbs, fire hydrants and all aspects of street construction, as well as other improvements, shall be subject to local regulations and City Engineer approval.

(a) Consistency with approved land use plans. When reviewing PUD's and site plans for proposals located within the former Plattsburgh Air Force Base and/ or within the OL-W (Waterfront Overlay District), the Planning Board shall require consistency to the maximum extent practicable

with the City of Plattsburgh Comprehensive Plan, City of Plattsburgh Local Waterfront Revitalization Plan and any approved or accepted base reuse plans. Open space and recreation areas on said plans shall be conserved as open space to the maximum extent practicable

4. Notice and public hearing. The proposed Planned Unit Development shall be subject to review at a public hearing or hearings held pursuant to City Code Chapter 236 for the approval of plats.

5. Filing of plat. On the filing of the plat in the office of the county clerk or register, a copy shall be filed with the city clerk, who shall make appropriate notations and references thereto on the city zoning map.

§ 270-21. Additional lot regulations.

A. Stripping of topsoil. No person, firm, corporation or governmental agency shall strip, excavate or otherwise remove topsoil for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.

B. Excavating, filling. No re-grading or similar operations shall commence on any lot unless in conjunction with construction on the premises for which a building permit has been duly issued or unless a detailed plan for the proposed operation indicating existing natural topography and proposed topography and incorporating all necessary drainage features has been submitted to the Building Inspector and a building permit for the operation has been issued.

C. Garage sales. A garage, porch, lawn, yard or similar sale shall be permitted on all residential lots for a maximum of two (2) sale events per calendar year, with a duration of not more than four (4) days per event.

D. Except as permitted as part of an approved subdivision or planned unit development, no driveway or private street shall be constructed on any lot that connects two streets, or that provides access to a lot not owned by the owner of the lot where the driveway or private street enters a City street. Except as permitted by ordinance of the Common Council, no driveway or private street shall be approved as part of a subdivision, planned unit development or otherwise if the City Engineer finds that the maximum allowed development of all lots likely to be served by the proposed driveway or private street may result in more than a twenty five percent increase in traffic flow on any *City* street located in a R-l or R-2 or RH district. The provisions of this subsection may not be varied by the zoning Board of Appeals, but may be varied, waived or modified by ordinance by the Common Council. **[added by Ordinance 9-30-93.]**

§270-22. Amusement uses.

A Amusement center, bowling alley and similar places of amusement

(1) Such uses shall be conducted entirely within an enclosed structure.
(2) Off-street parking areas shall be screened from adjoining residential properties in accordance with Sec

270-19 of this chapter.
(3) A principal structure shall be not less than twenty (20) feet from any property line.
(4) There shall be no offensive noise or vibration.
(5) No bowling alley, skateboard facility or roller-skate or roller blade rink shall be maintained or operated within three hundred (300) feet of an entrance or exit of a public or private school, public library, church, hospital, children's home or homes for the aged and other similar public or semipublic institutions.

B. Commercial outdoor recreational facilities.

(1) Such uses include golf courses, ice-skating rinks, amusement parks, beach swimming facilities, swimming pools, tennis courts and similar facilities.
(2) In any district where permitted, no building shall be located within fifty (50) feet of any property line;
(3) In any district where permitted, there may be permitted retail sales which are clearly secondary to the principal use.
(4) Unenclosed recreational facilities shall be located not less than twenty-five (25) feet from any property line, except where greater distances are otherwise required herein, and shall be effectively screened from adjoining residential uses in accordance with the provisions of Sec 270-19 of this chapter.
(5) Illuminated signs and other lights shall be directed away or shielded from adjoining residential properties in such a way as not to disturb the occupants thereof.
(6) No public address system shall be permitted, except where such system is inaudible at any property line.
(7) All commercial outdoor recreational facilities shall not occupy a lot or parcel of less than twenty thousand (20,000) square feet, and such lot or parcel shall not be less than one hundred twenty (120) feet in width nor less than one hundred fifty (150) feet in depth.
(8) All commercial outdoor recreational facilities shall provide suitable off-street parking facilities in accordance with § 270-25 of this chapter.

C. Private swimming pools. Such uses shall include permanent and portable swimming pools and hot tubs, as defined herein, and such swimming pools shall be accessory to a principal use and shall be regulated as follows:

(1) Such use may be erected or constructed only on the same lot as the principal structure.
(2) Such use may be erected or constructed only in the rear yard of such structure, and the waterline shall be distant not less than ten (10) feet from the rear lot line nor less than five (5) feet from any side yard, principal structure or accessory structure attached thereto.
(3) Such use shall be fully enclosed by a secure fence not less than four (4) feet in height.

D. Adult use or entertainment establishments.
(1) No adult use and entertainment establishment, shall be located (a) within 500 feet or the boundary of any residential zoning district, or (b) within 500 feet of the property line of any pre-existing residential property, church, synagogue, mosque or other place of worship, school, day-care facility, park, or playground, (c) within 200 feet of the center line of the NYS routes 3, 9, and 22.
(2) The adult use shall be conducted entirely within an enclosed building. No "specified anatomical area" or "specified sexual activity" (as defined herein) shall be visible at any time from outside the building. This requirement shall also apply to any sign of display.

(3) No outside displays or advertising other than an approved sign shall be permitted.
(4) Such use will be allowed only by a "special use permit."
(a) Definitions. The following terms, as used in this section, have the following meanings:

SPECIFIED ANATOMICAL AREAS: (a) Less than completely and opaquely covered: human genitals, pubic region, buttocks, female breast below a point immediately above the areola, or (b) human male genitals is a discernable turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: (a) Human genitals in a state of sexual stimulation or arousal, or (b) acts of human masturbation, sexual intercourse or sodomy, or (c) fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

§ 270-23. Community facilities.

A. Public utilities services.

(1) Enclosed essential services; permanent structures. Such uses shall include electric substations, transformers, switches and auxiliary apparatus serving a distribution area and water pumping stations in R Districts and shall be subject to the following regulations:
   a) Such facility shall not be located on a residential street, unless no other site is available, and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
   b) The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.
   c) Adequate fences, barriers and other safety devices shall be provided and shall be landscaped in accordance with the provisions of § 270-19 of this chapter.
   d) Noise emitted from electric substations shall be kept at a minimum.

(2) Open essential services. Such uses shall be limited to the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment; and accessories in connection therewith which is reasonable and necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings, and, where applicable, the landscaping regulations of § 270-19 of this chapter shall apply.

B. Fire stations and police stations. Such facilities shall be permitted in all R Districts, provided that:

(1) Such facility is necessary to serve the surrounding residential area where it is not possible to serve such area from a facility located in B-1 Districts or less restrictive districts. **[Amended 3-1-84[6]]**
(2) Such facility shall not be located on a residential street, unless no other site is available, and shall be so located as to draw a minimum of vehicular traffic to and through such streets.

C. Hospitals, institutions, philanthropic uses, sanatoriums and nursing and convalescent homes.

(1) No building or structure or group of buildings or structures shall occupy a lot area of less than four (4) acres. No building or structure shall be located closer than thirty (30) feet from any front lot line

[6] **Editor's Note: This ordinance further provided that it shall become effective 3-16-84**

and fifty (50) feet from any side or rear lot line. Hospital facilities of fifty (50) beds or less shall comply with all regulations of this subsection, except that a minimum lot area of two (2) acres is required.

(2) Off-street parking requirements shall be in conformance with the standards established in § 270-25 of this chapter.

D. Nursery schools and day-care facilities. Such use shall be subject to the following minimum requirements:

(1) There shall be a minimum lot size of twenty thousand (20,000) square feet, with an additional one thousand (1,000) square feet of lot area for each child cared for or enrolled in excess of five (5).
(2) There shall be provided one hundred (100) square feet of outdoor play area for each child.
(3) The use shall be screened in accordance with § 270-19 of this chapter.
(4) One (1) parking space shall be provided for each one hundred (100) square feet of gross floor area.

§ 270-24. Retail and manufacturing regulations.

A. Drive-in business. Such businesses, where persons are served in automobiles, shall be not closer than two hundred (200) feet to an R District and shall be located on a public street having a pavement width of not less than thirty-six (36) feet and shall provide ingress and egress so as to minimize traffic congestion. The number and location of curb cuts shall be subject to the review and approval of the Police Department.

B. Automobile washing establishments. In addition to meeting the minimum yard and lot coverage requirements, these establishments shall be subject to the following regulations:

(1) Such establishments shall not be closer than two hundred (200) feet to an R District.

(2) Such establishments shall be located on a public street having a pavement width of not less than thirty-six (36) feet and shall provide ingress and egress so as to minimize traffic congestion.

(3) Such establishments, in addition to meeting the standard off-street parking and loading requirements of § 270-25 of this chapter, shall provide at least fifteen (15) off-street automobile waiting spaces on the lot in the moving lane to the automobile washing building entrance so as to reduce the number of waiting automobiles in the public street.

C. Automobile service and repair establishments. In any district where permitted, automobile service stations and repair garages shall conform to the following:

(1) All repair work and storage shall be within a completely enclosed building, with no openings in the side or rear walls less than fifteen (15) feet from any lot line.

(2) No access drive shall be within a radius of two hundred (200) feet of a school, public library, theater, church or other public gathering place, park, playground or fire station.

(3) Service stations shall be permitted only on lots of ten thousand (10,000) square feet or more, with a minimum frontage of one hundred (100) feet. Gasoline pumps and other such facilities shall be located at least twenty (20) feet from a street right-of-way line and twenty (20) feet from any side or

rear lot line.

D. Industrial districts.

(1) The following uses, new or expanded, shall not be located closer than two hundred (200) feet to any business district nor three hundred (300) feet to any residence district:
a) Building material processing.
b) Processing of animal matter.
c) Furnaces and forges. **[Amended 3-1-84[7]]**
d) Heavy fabricating machinery. **[Amended 3-1-84[8]]**
e) Milling or processing of flour, feed or grain.
f) Petroleum processing or storage. **[Amended 3-1-84[9]]**

(2) Contractors' Yard- A yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein. A contractor's yard shall be located at least one hundred (100) feet from a district boundary and shall be completely screened and enclosed by a six-foot fence.

(3) Where an industrial district abuts any residence district or a recreation-commercial district, a landscaped area, at least twenty (20) feet in width, shall be pro-vided along any such district boundary. Such area shall be screened from adjoining properties in accordance with the provisions of § 270-19 of this chapter.

E. Excavation for extractive operations and soil mining.

(1) Any excavation operation shall not adversely affect the drainage or structural safety of adjoining lots and buildings or contribute to soil erosion by wind or water. Open excavations deeper than ten (10) feet or having a slope greater than thirty degrees (30^0) from the horizontal shall be surrounded by a fence at least six (6) feet high and no closer than fifty (50) feet to the edge of the excavation or other hazardous condition. The slope of a pile of any material excavated shall not exceed its normal angle of repose. No excavation shall take place nor shall any mechanical equipment be stationed or supplies or excavated material stored any closer than one hundred (100) feet to the lot line of the lot being excavated.

(2) Before excavation starts, plans indicating the extent of planned excavation and proposed site rehabilitation after excavation ceases shall be submitted to the Building Inspector and a performance bond posted with the City Clerk in an amount equal to the estimated cost of rehabilitation as determined by the Building Inspector. Such performance bond shall be released after the Building Inspector certifies that rehabilitation has been completed.

§ 270-25. Off-street parking and loading regulations.

[7] **Editor's Note: This ordinance further provided that it shall become effective 3-16-84**
[8] **Editor's Note: This ordinance further provided that it shall become effective 3-16-84.**
[9] **Editor's Note: This ordinance further provided that it shall become effective 3-16-84**

In all districts, off-street automobile parking spaces and truck loading areas for the various permitted uses shall be required at the time any of the main buildings or structures of such uses are constructed, moved or altered.

A. Off-street parking requirements.

1. Required off-street automobile parking spaces. The minimum cumulative number of spaces shall be determined by the amount of dwelling units, guest rooms, floor area, members, equipment, employees and/or seats contained in such new or moved buildings or structures or added by such alteration of buildings or structures, and such minimum number of spaces shall be maintained thereafter. The occupancy rating of a structure shall be determined by the Building Inspector in accordance with the density requirements of the 1-1-63 City of Plattsburgh Housing Code.

2. The number of off street parking spaces required for uses is set forth in the following table. When a proposed use is not listed, the Building Inspector shall base his determination of the parking requirement on the most analogous use.

USE	PARKING SPACES	MEASUREMENT UNIT
ALL OFFICE USES	1	250 sf.
PRIVATE RECREATION FACILITIES	2	each, lane, court, or similar facility
DANCE HALLS AND SKATING FACILITIES	1	each 50 sf of dance or skating area + parking required as specified herein for other uses
EATING AND DRINKING ESTABLISHMENTS	1 1	per 50 sf. customer area per 250 sf. other area
ELEMENTARY SCHOOLS	2	per classroom
HIGH SCHOOLS AND COLLEGES	5	per classroom
FUNERAL HOMES	1 1	per 50 sf. reception per 4 auditorium seats
HOME OCCUPATIONS	# required for residential occupancy plus 1 space	
HOSPITALS	1 1	per 2 beds per 300 sf of other space

HOTELS AND MOTELS, LODGING AND BED AND BREAKFAST	1	per rental unit
INDUSTRIAL OPERATIONS	1	per 400 sf.
INDUSTRIAL STORAGE	1	per 2000 sf.
LIBRARIES	1	per 200 sf.
MOBILE HOME PARKS	1	per mobile home unit
LICENSED NURSING HOMES AND GROUP RESIDENCES	1	per 500 sf.
MUSEUMS	1	per 500 sf.
OUTDOOR STORAGE AND VEHICLE SALES OR RENTAL LOTS	1	per 3,000 sf. of lot area
AUDITORIUMS, THEATERS, STADIUMS, MEETING HALLS	1	per 4 seats of maximum seating capacity
USE	PARKING SPACES	MEASUREMENT UNIT
RETAIL SALES, SERVICE, BANKS AND GOVERNMENT BUILDINGS	1	per 250 sf. open to public + spaces required as provided elsewhere for areas not open to public
Residential Dwellings	# spaces	
SINGLE FAMILY HOME TWO FAMILY HOMES, TOWNHOUSES AND CONDOMINIUMS	1 +	per dwelling unit; plus one (1) additional space for each adult member of a family over two.

(1,40)

THREE FAMILY AND MULTI-FAMILY DWELLINGS	2 1.75	per dwelling unit for the first 10 units; + per dwelling unit over 10 units + one (1) additional space per dwelling unit for each adult occupying the unit over two.

B. OVERLAY PARKING DISTRICT(s).

a. Two overlay parking districts are hereby established to provide parking for lots within such districts that are of insufficient size to provide on site parking. Such districts are designated as:

i. OLP-1 which is located in the Downtown area of the City. See zoning maps annexed.

ii. OLP-2 which is located on the Old Base part of the former Plattsburgh Air Force Base. See zoning maps annexed.

b. The underlying zoning district parking requirement applies to lots located within an Overlay Parking District. The parking requirement of the underlying district may be satisfied by public parking upon a determination by the Building Inspector, or the Zoning Board of Appeals, that:

a. The land and building, when constructed or occupied, will be subject to the parking district special assessment, or the lot owner has agreed to make a payment equal to such assessment and in lieu thereof.

b. There is insufficient land to meet all or part of the parking requirements on the lot.

c. Each lot within the district shall be presumed to be entitled to use a number of public parking spaces equal to the minimum number of spaces required in the underlying zone. In the case of a combination of uses, the total requirements for off-street automobile parking spaces shall be the sum of the requirements for the various uses, unless it can be proven to the Building Inspector that staggered hours of use would permit modification. Whenever an ultimate fraction of a space is required, a full space shall be provided.

d. The property's parking demand is not likely to be greater than the minimum number of spaces required in the underlying zone.

e. If the parking demand is determined to be greater than the required minimum number of spaces, the Building Inspector, or the Zoning Board of Appeals, may permit the property to be used or occupied for the owner's intended purpose if it is determined there are sufficient public parking spaces to meet such demand, and the property owner agrees to pay an additional parking assessment for such excess parking.

f. The Building Inspector or Zoning Board of Appeals may require the lot owner to provide a parking survey, in such form as he/it determines is appropriate, to assist him/it in making the determinations required by this section.

C. Off- street parking design standards

a) Every such space provided shall be at least nine (9) feet wide and eighteen (18) feet long, and every space shall have direct and usable driveway access to a street or alley, with minimum maneuver area between spaces as follows:

[1] Parallel curb parking: five (5) feet additional between each eighteen foot space, with a twelve foot aisle width for one-directional flow and a twenty-four-foot aisle for two-directional flow

[2] Thirty-degree parking: thirteen-foot aisle width for one-directional flow and twenty-six-foot aisle width for one-directional flow and twenty-six-foot aisle width for two-directional flow.

[3] Forty-five-degree parking: sixteen-foot aisle width for one-directional flow and twenty-six-foot aisle width for two-directional flow.

[4] Sixty-degree parking: twenty-one-foot aisle width for one-directional flow and twenty-six foot aisle width for two-directional flow.

[5] Perpendicular parking: twenty-six-foot aisle width for one-directional and two-directional flow.

b) The above standards may be modified by the Planning board as part of the site plan review process under the provisions of Sec 270-36 of this chapter.

(b) Location of parking areas.

a) In R-1, R-2 and RH zones off-street automobile parking spaces and maneuver areas shall be provided in the rear or side yard, or on a paved driveway in the front yard not more than twelve feet wide for lots under one hundred feet in width, or twenty feet wide for lots more than one hundred feet in width.

b) In all other zoning districts parking spaces shall be provided on the same lot as the principal use. The Zoning Board of Appeals may grant the lot owner a special use permit for off site parking on a lot not more than five hundred feet from such principal use, provided said lot is restricted by deed for use as parking so long as the principal use remains.

G. Location of driveways. Driveways shall be located three (3) feet from any property line, except when a common drive is provided.

H. Entrances and curb cuts.

a) Entrance drives and/or curb cuts shall be limited in width to sixty percent (60%) of the total lot frontage, but in no instance shall the aggregate width of such drives total more than seventy (70) feet on any one street frontage. The maximum width of any single drive shall be thirty (30) feet, and there shall be a minimum landscaped island of not less than five (5) feet in width between drives.

b) The remaining lot frontage shall be physically separated from the street by means of a curb or a landscaped area at least five (5) feet in width.

I. Construction of parking and maneuver areas. All open parking shall be paved with impervious material, such as bituminous concrete, asphalt or concrete, of sufficient depth to support the anticipated load factor of the area in accordance with standard accepted engineering practice and shall be adequately drained.

J. Off-street loading requirements.
Off-street loading requirements shall be as follows:

(a) The required number of loading berths for general business, retail, commercial eating establishments, offices and service establishments shall be as follows:

1. One (1) for ten thousand (10,000) to twenty-five thousand (25,000) square feet of floor area.
2. One (1) for each additional twenty-five thousand (25,000) square feet of floor area or major fraction thereof.

(b) The required number of loading berths for hotels/ motels shall be as follows:

(1) One (1) for ten thousand (10,000) to twenty-five thousand (25,000) square feet of floor area.
(2) One each additional twenty-five thousand (25,000) square feet of floor area or major fraction thereof.

(c) The required number of loading berths for wholesale, warehouse and industrial uses shall be as follows:

(1) One (1) for zero (0) to ten thousand (10,000) square feet of floor area.
(2) One (1) for each additional twenty-five thousand (25,000) square feet of floor area or major fraction thereof.

(d) Dimensions for off-street loading berths. Each required loading berth, open or enclosed, shall have minimum dimensions of thirty-five (35) feet long, twelve (12) feet wide and fourteen (14) feet high, except that berths for funeral homes may be twenty (20) feet long, ten (10) feet wide and eight (8) feet high.

(e) Location of required berths. Open off-street loading berths or areas shall not be located within required front yards.

K. Required screening. All loading berths or parking areas of ten (10) cars or more which are adjacent to a residential lot line shall be screened by a solid wall or fence or continuous hedge at least six (6) feet in height.

L. Barriers. On premises containing five (5) or more parking spaces, all such spaces within fifteen (15) feet of the boundaries of the premises shall be equipped with barriers not less substantial than a four inch-square horizontal timber anchored and located so as to confine vehicles entirely within said premises, except in those cases where a wall is provided on the boundaries of the premises which, in the opinion of the Building Inspector, is of such construction as to suitably protect the adjoining property and/or right-of-way.

M. No motor vehicle shall be parked on any property owned by the City of Plattsburgh that lies between the improved bounds of a city street and the lot line(s) of any lot. **[added by Ordinance 9-30-93; amended 9-14-95.]**

§ 270-26. Signs.

No sign or other device for advertising purposes of any kind may be erected or established in the City of Plattsburgh except and provided as follows:

A. Purpose. The purpose of this section is to promote the public welfare and safety by regulations existing and proposed signs. It is intended hereby to reduce sign distractions and obstructions that may contribute to traffic accidents, to reduce hazards that may be caused by signs in disrepair or of faulty construction and to curb deterioration of natural beauty, open space and community environment. It is intended that the display of signs will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification.

B. Definitions. For the purposes of this section, the following terms shall have the meanings indicated

ANIMATED SIGN – Any listed sign on an intermittent flashing circuit or the movement of any light used in connection with any sign; such as a blinking, traveling, flaring or changing degree of intensity.

AREA OF SIGN:

(1) For cut-out letters, "area" 'shall be computed by taking three-fourths (3/4) of the area enclosed within the smallest single geometric figure needed to completely encompass all letters, including vertical and horizontal spacing between letters.

(2) For signs other than cutout letters, the "area" shall be computed by taking the total area of the facing or the total area within the outer edge of any existing border of the sign.

All faces of the sign shall be counted in computing the area.

BANNERS and PENNANTS – Any advertising device affixed to poles, wires or ropes, such as banners, pennants, streamers, wind-operated propellers, string lighting or other similar advertising media, but not to include properly displayed flags of the city, state or county.

BILLBOARD SIGN – Any sign which is not appurtenant to any business conducted on the property where the sign is located.

CONSTRUCTION OR PROJECT SIGNS – Any sign or advertising device erected on a project site prior to or during a construction period.

CUT-OUT or CUT-OUT LETTERS – Letters, numbers, emblems and symbols which are detached or separately molded from the material from which they were made. Not to include vinyl letters, which will be treated as paint at building inspector's discretion.

DIRECTIONAL SIGN – A sign not exceeding three (3) square feet per sign face and with lettering not

exceeding six (6) inches in height, designed to direct and inform the public as to the location of exits, entrances, service areas, loading and unloading areas or similar wording of an informational nature.

ERECT – To build, construct, attach, hang, place, suspend or affix and shall also include the painting of wall signs.

FREESTANDING SIGN – A sign detached from any building.

LOT – A parcel of land or contiguous parcel of land under the same or substantially the same ownership or under the same or substantially the same management or control.

NAMEPLATE SIGN – Any sign not more than one (1) square foot in area used to identify the owner or owners of a private residence.

PARAPET WALL – A low wall along the edge of a roof and being a portion of the wall which extends above the line of the roof, with the exterior of the extension forming a continuous plane with the wall below.

PERSON Includes any person, firm, partnership, association, corporation, company or organization of any kind.

PROJECTING SIGN – Any sign attached to a building or other structure and extending, in whole or in part, more than six (6) inches beyond the building line.

ROOFLINE – The point where any part of the roof structure first touches or bears upon the external wall, with the exception of mansard roofs. See also "wall."

ROOF SIGN – Any sign erected in any way upon a building or structure which extends above the roofline of the building or structure.

SIGN – Includes every sign, billboard, bulletin board, freestanding sign, wall sign, window sign, roof sign, illuminated sign and projecting sign and shall include any letter, word, number, model, mural, decoration, banner, flag, of lights used or placed as an announcement or declaration to identify, advertise or promote the interest of any person when the same is placed in view of the general public from outside the structure on which the sign is placed.

WALL – The surface area of any major plane unit of any side or face of a building. The lower slope of a mansard roof shall, for the purposes of this section, be deemed part of the "wall," and signs shall be permitted in this area.

WALL SIGN – A sign attached to, painted on or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the face of said wall, including any interior sign, whether attached to windows or otherwise, which is placed in view of the general public from outside the building or structure. A "wall sign" shall not project from the wall in excess of six (6) inches.

C. Permits required. It shall be unlawful for any person to erect, alter, establish or relocate within the City of Plattsburgh any sign, as defined in this section, without first obtaining a sign permit from the Building Inspector in accordance with all the provisions of this section.

D. Application for a sign permit. Applications for sign permits shall be made upon forms provided by the Building Inspector. The Building Inspector shall review the application within three (3) working days after receipt of all the required information and permit fee as specified in Subsection E of this section. If the proposed sign does not conflict with the provisions of this section, he shall issue the permit. If, however, he determines that the proposed sign does not comply with all the provisions of this section, he shall disapprove the application, with reasons for disapproval, within ten (10) days after receipt of the application in full.

E. Permit fees. Every applicant, before granted a permit hereunder, shall pay a permit fee or fees as determined by the Common Council of the City of Plattsburgh.[13]

F. Permissible signs. Signs shall be limited to advertising the legal use of the premises on which they are located. Any sign not expressly permitted by the provisions of this section is expressly prohibited.

(1) Freestanding signs. Freestanding signs are permitted only in accordance with the following provisions:

(a) All freestanding signs and the premises surrounding same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition and free and clear of all obnoxious substances, rubbish and weeds.

(b) Except as provided in Subsection M of this section, there shall not be more than one (1) freestanding sign for each separate lot. No part of a freestanding sign shall be placed in such manner as to obstruct traffic, nor closer than five (5) feet to any street line. No freestanding sign shall exceed one hundred (100) feet in area, nor twenty (20) feet in height, as measured from the point where the base of the sign enters the ground to the highest point of said sign. **[Amended 11-25-86 by Ord. No. 86-4]**

(2) Wall signs. Wall signs shall be permitted only in accordance with the following provisions: The total area of all wall signs for each separate lot, except as provided in Subsection M of this section, shall either not exceed seventy-five (75) square feet or not exceed two (2) square feet per linear foot of frontage or principal facade of the building up to a total of not more than one hundred fifty (150) square feet, whichever is less restrictive.

(3) Wall openings. A wall opening is any opening exclusively provided for a window, door or removable panel, and it shall be unlawful for any person to erect, alter, maintain or relocate any wall sign that covers, wholly or partially, any wall opening or that projects beyond the ends or top of the wall to which it is attached.

G. General sign requirements. The following requirements shall apply to all signs:

(1) Maintenance. All signs and other advertising structures, together with all their supports, braces, guys and anchors, shall be of substantial and sturdy construction, shall be kept in good repair and shall be painted or cleaned as often as necessary to maintain a clean, neat, safe and orderly appearance.

[13] **Editor's Note: For the Current sign permit fees, as determined by the common council, consult the office of the city clerk.**

(2) Wind pressure and dead load requirements. Any sign or advertising structure, as defined in this section, shall be designed and constructed to withstand wind pressures and receive dead loads as required by recognized engineering and construction practices in the City of Plattsburgh.

(3) Obstruction to doors, windows or fire escapes. No sign shall be erected or relocated so as to prevent free ingress to or egress from any door, window or fire escape. No sign shall be attached to a standpipe or fire escape.

(4) Signs constituting traffic hazards prohibited. In order to secure and maintain reasonable traffic safety, it shall be unlawful for any person to erect any animated sign as defined in this chapter. No sign shall be erected in such a manner as to obstruct free and clear vision or so as to distract the attention of the driver of any vehicle by reason of the position, shape or color thereof. Pursuant to the foregoing, no sign shall be erected in such a manner as to be likely to interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.

(5) Roof signs. It shall be unlawful for any person to erect, alter or relocate a roof sign as defined in this section; provided, however, that a sign may be erected on a parapet wall if such parapet is an integral part of and architecturally consistent with the entire building and is not erected solely to receive the sign. Any such sign shall not extend above said parapet wall.

(6) Banners or pennants. It shall be unlawful for any person to erect, alter or relocate banners or pennants as defined in this section, except as authorized by the Building Inspector. However, properly displayed flags of a city, state or country shall be permitted, but not in excess of three (3) different flags per lot. In addition, a business may display one (1) flag, not exceeding six (6) square feet, on which is depicted its name, emblem or logo.

(7) Projecting signs. It shall be unlawful for any person to erect, alter or relocate any projecting sign as defined in this section.

(8) Billboard signs. It shall be unlawful for any person to erect, alter or relocate any billboard sign as defined in this section.

(9) Animated signs. It shall be unlawful for any person to erect, alter or relocate any animated sign.

H. Signs in residential areas.

1. There shall be no signs in a residential district as classified under the City of Plattsburgh Zoning Ordinance, except that one (1) sign may be erected and maintained for a lot on which a valid nonconforming use exists under the City of Plattsburgh Zoning Ordinance or for which a variance or special use permit has been granted by the Zoning Board of Appeals, provided that the sign does not exceed twenty-four (24) square feet.

2. Notwithstanding any provisions herein to the contrary, an identification sign not exceeding twenty-four (24) square feet for purposes of identifying a multifamily complex, such as apartment duplexes, condominiums and townhouses, or a dental or medical clinic is permitted in a residential district upon approval of the Building Inspector.

3. Notwithstanding any provisions herein to the contrary, a sign identifying a home occupation, as defined by the City of Plattsburgh Zoning Ordinance, in a residential district shall not exceed two (2) square feet.

I. Lighting.

(1) Indirect or interior lighting may be used to illuminate any sign, provided that the source of light shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.

(2) String lighting shall not be allowed.

J. Design standards. Signs shall be designed and constructed in such a manner and of such materials as to be consistent with the following design standards, unless the applicant can establish to the satisfaction of the Building Inspector that any standards which are not met are inapplicable, unnecessary or would create an extraordinary and unreasonable hardship:

(1) Freestanding signs shall be surrounded by permanent landscaping.

(2) Freestanding signs shall be so designed as to be self-supporting, without the need for guy wires, cables, chains, lines or other similar ancillary supports.

(3) No sign shall be located on a tree or painted or drawn upon a rock or other natural feature.

(4) All signs and the standards and posts supporting them shall be of substantial and sturdy construction. Breakaway standards and posts are permitted if of substantial and sturdy construction.

(5) No signs or the lighting of the same shall employ bare bulbs which are visible to persons viewing the sign.

(6) Signs shall not dominate the lot on which they stand or the building to which they are attached, but shall be compatible with the same.

(7) Signs or emblems indicating membership in national or regional organizations, including credit card signs or informing the public that gifts, trading stamps or similar promotional items are available on the premises, shall not be separately fastened to the outer edge of the principal sign or post, but shall be displayed against the background of a conventional geometric shape or incorporated into the principal sign.

(8) Display of pornographic and lewd signs shall not be permitted.

K. Exemptions.

(1) The provisions and regulations of this section shall not apply to the following signs; provided, however, that said signs shall be subject to the provisions of Subsections F, G, H, I, J(2) and (3) and N:

(a) Except in Residential zones, banners or pennants, as defined in this section, which temporarily promote or announce a convention, provided that said banners and pennants are placed only on the premises in which the convention is located and limited to the duration thereof as approved by the Building Inspector.

(b) Memorial signs or tablets, names of buildings and date of erection when cut into any stone or masonry surface or when constructed of bronze or other incombustible materials and not exceeding six (6) square feet in total area.

(c) One (1) residential nameplate sign as defined in this section.

(d) Traffic signs and legal notices.

(e) Signs or billboards, approved by the Planning Board, that advertise the City of Plattsburgh in genera or provide a community directory to the recreational and commercial facilities offered in the city.

(f) Construction or project signs not exceeding ninety-six (96) square feet in area and sixteen (16) feet in height and not illuminated; provided, however, that if a sign is erected pursuant to this provision and actual construction does not begin within six (6) months, the sign shall be removed at the expiration of such six-month period and shall not thereafter be erected again until actual construction has begun. There shall be only one (1) such sign per project, and it shall remain only until completion of the project.

(g) Directional signs; provided, however, that the Building Inspector may order the removal of directional signs upon a finding by him that same are unnecessary, not within the definition set out in Subsection B of this section or are otherwise contrary to the provisions hereof.

(h) Bona fide seasonal decorations displayed during a period not to exceed six weeks.

(i) Warning, danger, no-trespassing or similar signs, in size and quantity as reasonably required to accomplish their intended purpose.

(j) Signs advising the public that the property on which same is displayed is available for sale or lease, provided that such signs do not exceed six (6) square feet or a maximum of two (2) signs, three (3) square feet each, in residential districts and thirty-two (32) square feet in all other districts.

(k) Signs in such numbers, sizes, location and design as approved by the Building Inspector and advertising the opening of a new retail establishment on the lot where such signs are located. Any signs under this provision shall be maintained for a maximum period of fifteen (15) days and shall comply with the requirements of Subsection G(2), (3), (4) and (9) of this section.

(l) Signs for charitable or political purposes displayed on a wall or window.

(m) String lighting shall be allowed for nonpermanent, seasonal or charitable businesses with permission by the Building Inspector.

L. Nonconforming signs.

(1) Every sign in existence on the effective date of this section shall be allowed to continue in use. However, if any existing sign is removed, relocated, altered or replaced, it shall be removed, relocated, altered or replaced so as to conform to the provisions of this section.

(2) In the case of any sign not lawfully in existence immediately prior to the enactment of this section or in the case of any violation of or nonconformity with the provisions of Subsections N and/or O of this section, the removal, alteration or repair of the violating or nonconforming sign shall be effected within ten (10) days, and replacement and removal cost shall be borne by the owner.

(3)Character alterations.

(a) This subsection shall not be construed to prohibit character alterations of signs lawfully in existence on the date of the original adoption of this section if said alterations:

[1] Are duly approved by the Building Inspector.
[2] Do not include an increase in size to the existing sign or in any other fashion would increase the nonconformity characteristics of the existing sign.
[3] Do not promote a new business or occupancy, including a change in business name, change expansion or reduction in use or uses and/or change in ownership or tenancy of the business, change expansion or reduction in use or uses and/or change in ownership or tenancy of the business.

(b) Permitted character alterations to a nonconforming sign under this subsection shall not be construed to affect the nonconformity classification of the sign.

M. Commercial lots with multiple occupancy. A lot on which there is located commercial development consisting of two (2) or more distinct and separate businesses shall be en-titled to signs as follows:

1. Freestanding sign. One (1) freestanding sign not over twenty (20) feet in height shall be permitted on the lot. The bottom of free standing sign shall be no closer than seven (7) feet from the ground. The one (1) freestanding sign is allowed an area of one hundred (100) square feet, plus twenty-five (25) square feet per commercial occupancy in excess of one (1) on the lot, with the total sign area not to exceed two hundred (200) square feet.
2. Wall sign. Each separate business shall be permitted wall signs in accordance with the provisions of Sub-section F(2) of this section.

N. Unsafe and unlawful signs. If the Building Inspector shall find that any sign is unsafe or insecure or is a menace to the public or has been constructed, erected or is being maintained in violation of the provisions of this section, he shall immediately give written notice, served by certified mail with return receipt requested. If the owner fails to re-move or alter the structure so as to comply with the standards herein set forth, at the discretion of the Building Inspector after receipt of such notice, said sign or structure may be removed by the Building Inspector at the expense of the owner of the property upon which it is located, and such expense of removal shall be the joint and several liability of all such owners. The City Building Inspector may cause any sign which is an

immediate peril to persons or property to be removed summarily and without notice.

O. Removal of certain signs.

(1) Any sign now or hereafter existing which no longer identifies a bona fide business conducted or a product sold on the lot on which it is located shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found on the lot on which located within ten (10) days after written notification from the Building Inspector, and upon failure to comply with such notice within the time specified in such order, the City Building Inspector is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure or lot to which the sign is attached or is located.

(2) Any sign located in the street right-of-way of the City of Plattsburgh in violation of this chapter shall be removed within thirty (30) days after written notification from the Building Inspector.

P. Insurance requirements. Owners of all projecting signs that overhang city property shall provide the office of the Building Inspector with certificates of insurance covering the City of Plattsburgh as an additional insured, in a minimum amount to be established by Council resolution, as long as the signs remain projecting over city property.

§ 270-27. Mobile homes and mobile home parks.

A. Nonresidential uses. Structures constructed within the general parameter of the definition of mobile home, as de-fined herein, but originally designed or subsequently adapted for nonresidential use shall not be permitted.

B. Location of mobile homes. All mobile homes shall be located in an approved mobile home park, except that any mobile home used for living or sleeping purposes, but not located in a mobile home park which shall have been in existence and was so used and occupied at the time of the adoption of this chapter, shall be a nonconforming use while so used or occupied. However, if any such mobile home shall be removed or when title to the property changes hands, then said nonconforming use of the land shall cease.

C. Existing mobile home parks. A mobile home park in existence on the date of adoption of this chapter may maintain, as a minimum, the conditions then present as to lot size and area and bulk provisions, with the exception of floor area ratios and open space, provided that a minimum of ten (10) feet of clearance is provided between a mobile home and an adjacent mobile home or structure and a five-foot clearance to access road edge and lot line. Also, each peripheral property line setback shall be in conformance with district regulations.

D. Area and bulk requirements.

(1) Minimum size. Each mobile home park shall have a minimum of one hundred seventy-five thousand (175,000) square feet in area of adjoining and contiguous land

(2) Development intensity. For the purposes of this chapter, each mobile home or mobile home site shall be considered a single-family residence, and the mobile home park must conform to

the requirements of Schedule II, Area and Bulk Controls.[14]

(3) Design controls. For the purposes of this chapter, each mobile home park shall be considered a planned unit development and must conform to and be approved in accordance with the provisions of § 270-20 of this chapter.

§ 270-28. Miscellaneous uses.

A. Conversions. Conversions shall be permitted in all R-2 Districts in accordance with the following provisions:

(1) R-2 Districts. Conversions are permitted, provided that:

(a) There shall not be more than the maximum number of dwelling units than are permitted in the respective districts.
(b) Such conversions may be permitted on lots of not less than the minimum required for the district where situated, except that a substandard lot width in itself shall not preclude conversion.
(c) Off-street parking shall be provided in an amount not less than as set forth in accordance with the provisions of § 270-25 of this chapter.
(d) All provisions of the State Multiple Residence Law[15] are met.

(2) Non-dwelling structures. No commercial or manufacturing structure originally designed for other than residential use shall be converted to a dwelling structure nor shall any such structure which was so converted prior to the adoption of this chapter be further converted to provide for additional dwellings unless, in either case, such building meets all the requirements of Schedule II for that zone, except that substandard lot width shall not in itself preclude conversions.[16]

B. Home occupations. In the zoning districts, a home occupation may be operated in any dwelling unit only if it complies with all of the following conditions:

(1) A home occupation may be permitted within a single dwelling unit or in a building or other structure accessory to a dwelling unit and only by the person or per-sons maintaining a dwelling therein, and not more than one (1) additional person may be employed or otherwise engaged in the performance of the home occupation.

(2) The home occupation shall not display or create out-side the building any evidence of such home occupation, except that one (1) unanimated, non-illuminated flat or window sign having an area of not more than sixty (60) square inches shall be permitted on the lot on which the building is situated.

(3) The home occupation shall not utilize more than twenty percent (20%) of the gross floor area of the dwelling unit, and the use, if in accessory structure shall not detract from the required parking space area, except that medical and dental offices may utilize not more than thirty percent (30%) of the gross floor area of the dwelling unit.

[14] **Editor's Note: Schedule II, providing area and bulk controls for all districts, is included at the end of this chapter.**
[15] **Editor's Note: See Multiple Residence Law 1 et seq.**
[16] **Editor's Note: Schedule II, providing area and bulk controls for all districts, is included at the end of this chapter.**

(4) Permitted uses shall be as defined herein and may include not more than one (1) of the following types of uses, provided that such uses are clearly incidental and secondary to the use of the dwelling unit for residential purposes:

b. Medical and dental offices.

c. Other offices, including lawyer, engineer, architect, public accountant, financial planner, stock broker, insurance agent, bookkeeper, real estate agent with up to one (1) sales person and similar uses.

d. Custom dressmaking, seamstress and milliner.

e. Artist or musician providing instruction to one (1) pupil at a time.

f. Tutoring for not more than three (3) students at a time.

g. Telecommunicating, telemarketing or computer based business.

(5) Permitted home occupants shall also comply with the following standards:

(a) The use shall not noticeably affect the residential character of the property or the neighborhood.

(b) The use shall not generate pedestrian or vehicular traffic in excess of that which is normally expected from a residence.

(c) The use shall not create offensive glare, noise, odor and/or vibration.

(d) The use shall not include wholesale or retail sales of products or materials on the premises.

(e) The use may include only incidental stocking or warehousing of products or materials [five percent (5%) of the gross floor area of the dwelling unit or less].

C. Outdoor storage areas. Such uses shall not be located within twenty (20) feet from the nearest R District, and the operation thereof shall be governed by the following provisions and any other conditions as may be required by the Planning Board to protect the public health, safety, comfort, convenience and general welfare and especially with regard to abutting properties and the occupants thereof:

(a) Screening, fencing and setbacks. All outdoor storage facilities shall be enclosed by a fence or wall and shall be screened to adequately conceal such facilities and the contents thereof from adjacent property in accordance with the provisions of § 270-19 of this chapter. Such Walls and fences shall be distant not less than twenty-five (25) feet from any public street.

(b) Deposit of materials and wastes. No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural causes or forces and vandalism.

(c) Hazardous materials. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored out-doors only in closed containers.

D. Excavations. In any district, excavation relating to the construction on the same lot of a building for which a building permit has been issued shall be permitted. In the event that construction of a building is stopped prior to completion and the building permit is allowed to expire, the premises shall immediately be cleared of any rubbish or building materials, and any excavation shall immediately be filled in and the topsoil replaced.

E. Cemeteries. No burial or memorial plots or buildings shall be located closer than fifty (50) feet to any residential lot line, except that, when a dense evergreen hedge or a wall or fence at least six (6) feet in height is provided, such burial or memorial plots of less than six (6) feet in height may be located no closer than twenty (20) feet to any residential lot line. Entrances and exits shall be located, wherever possible, on major roads and streets, but under no circumstances shall minor residential streets be used as a principal means of access to cemeteries.

F. Retaining walls. Retaining walls shall be permitted anywhere on a lot, provided that the following conditions are met:

(a) Height. The vertical height of any retaining Wall shall not exceed three (3) feet. In cases where topographic features require retaining walls of greater height, the retaining wall shall be terraced with not less than three (3) feet of horizontal surface for each three (3) feet of vertical rise. Where terracing is not feasible, a special use permit shall be required, and the top of the wall shall be secured with a four-foot-high fence and screened in accordance with the provisions of § 270-19 of this chapter.
(b) Construction. Retaining walls shall be constructed of masonry, concrete, pressure-treated timber or similar material and shall be installed in accordance with commonly accepted engineering and design standards.
(c) Maintenance. Maintenance of retaining walls shall be the responsibility of the owner of the property upon which such walls are located. Retaining walls shall be maintained in such a manner as to assure that there is no soil erosion or other hazard affecting adjacent properties.

G. Fences and walls. Walls and fences to provide for security, privacy or screening of a property shall be permitted any-where on a lot, provided that the following conditions are met:

(1) Corner clearance. Any wall or fence constructed on a corner lot shall comply with the provisions of § 270-13C of this chapter.

(2) Street frontage height requirement. Any wall or fence located in the required front yard or the required setback from a street right-of-way shall have a height of no more than four (4) feet.

(3) Height in other yards. The maximum height of any wall or fence located in a rear or side yard may not exceed six (6) feet in a residence district and eight (8) feet in any other district.

(4) Special use permit conditions. The maximum height of any wall or fence located in a rear or side yard may be ten (10) feet in a residence district and may exceed eight (8) feet in other districts, provided that the property owner has secured a special permit for such wall or fence.

H. Professional offices. In the R-2 or R-H District, professional offices, other than home occupations, may be permitted by special permit, provided that no structure in such use shall contain more than four (4) businesses and all parking and other regulations are met. And the total gross floor area is no more than 10,000 square feet.

I. **Standards for Accessory Apartments**

Permits. A Special Permit shall be required. Special Permits shall be issued for a three year period, after which time they shall expire if they are not renewed.

Renewals. Renewal permits for an additional three year period shall be granted by the Code Enforcement Officer following: (1) submission of a renewal application form by the applicant, (2) an inspection of the premises by the Code Enforcement Office, and (3) submission of a signed statement by the applicant stating that the conditions as originally set forth in granting the Special Permit have not changed in any way. The Code Enforcement Officer shall determine that the premises still meet the standards of the New York State Fire Protection and Building Code, and that the original qualifying conditions still exist.

Owner-occupancy required. The owner(s) or contract vendee of the lot upon which the accessory apartment is located shall occupy and maintain as a legal full-time resident at least one of the dwelling units on the premises, except for temporary absences not to exceed eighteen (18) months in any five-year-period. Longer absences will result in revocation of the temporary permit, except by approval of the Board of Appeals. Owner-occupants must maintain an interest of thirty-three and one-third (33 1/3) percent in the property. In the event of the transfer of the property, either by deed or land contract or lease, to other than the owner's spouse or other family member residing on the premises, the permit shall automatically expire, and a new owner or contract vendee must apply for a renewal permit.

Occupancy. An accessory apartment may be occupied by no more than one family, as defined herein.

Location. An accessory apartment must be established within the existing residential structure, and not within a garage or other accessory building.

Size. The floor area of an accessory apartment shall not exceed 33 and one-third (33 1/3) percent of the of the total habitable floor area of the building in which it is located. Each accessory apartment shall be limited to a maximum of two bedrooms.

Area requirements. A residential structure containing one accessory apartment shall meet the area and bulk requirements for a two-family dwelling.

Parking: No accessory apartment shall be permitted unless there is provided one on site parking space in addition to the parking spaces required for other uses in the building.

Exterior appearance. The entry to the building and its design shall be such that the appearance of the building shall remain as a single-family residence. New or additional front entrances or windows are discouraged but in any event must be in keeping with the architectural style of the rest of the structure. Exterior stairways may only be constructed in the rear, except where an alternate location would be less publicly visible.

Deed restriction. Within thirty (30) days of an accessory apartment permit, the owner(s) must record at the Clinton County Clerk's office a declaration of covenants on the subject property, with cross-referencing to the original deed, and provide proof of such recording and cross-referencing to the Code Enforcement Officer, who may then issue a building permit. The declaration shall state that the right to let an accessory apartment ceases upon transfer of the title. The Code

Enforcement Officer shall note the existence of an accessory apartment on the record of the property.

§ 270-29. General use standards.

In any district, the following standards for uses shall apply:

A. Vibration, odor and glare. No offensive or objectionable noise, vibration, odor or glare shall be noticeable at or beyond the property line.

B. Restriction of activities. No activity shall create a physical hazard by reason of fire, explosion, radiation or other such cause to persons or property in the same or adjacent district.

C. Discharge of wastes. There shall be no discharge of any liquid or solid waste into any stream or body of water or any public or private disposal system or into the ground or any materials of such nature that may contaminate any water supply, including groundwater supply.

D. Storage of materials. There shall be no storage of any material, either indoors or outdoors, in such a manner that it facilitates the breeding of vermin or endangers health in any way.

E. Restrictions on emissions. The emission of smoke, fly ash or dust which can cause damage to the health of persons, animals, plant life or to other forms of property shall be prohibited.

§ 270-30. Special use permits.

A. General procedure. Application for a zoning and building permit shall be made to the Building Inspector prior to the commencement of the excavation for or the construction of any building or structure or the use of land as required under the provisions of § 270-51 of this chapter. If, upon receipt of such application, the Building Inspector deter-mines the excavation, construction or use of land for which the application is made requires the issuance of a special use permit, the Building Inspector shall forward a copy of such application to the Zoning Board of Appeals in accordance with the specific procedures in § 270-54 of this chapter.

B. Standards. Such special use permits, however, may be authorized by the Zoning Board of Appeals only upon satisfaction of each instance of such conditions as to the general character, height and use of the structure or structures; as to the provision of surrounding open space and the treatment of grounds; as to the general fitness of the structure or use to its proposed location; as to the provision for automobile parking or storage; and as to street capacity and use as, in the opinion of the Board, may be necessary to safeguard public health, convenience and as may be required for the preservation of the general character of the neighborhood in which such building and/or structure is to be placed or such use is to be conducted. Specifically, the standards established by this chapter shall be applied as they may be applicable to a specific request for a special use permit. To assist the Zoning Board of Appeals in its determination, an application for a special use permit shall be accompanied by plans and other descriptive matter sufficient to clearly portray the intentions of the applicant, and such plans and other descriptive matter shall become a part of the record.

§ 270-31. Historic sites.

A. General procedure. Application for a zoning and building permit shall be made to the Building Inspector prior to the commencement of the excavation for or the construction of any building or structure or the use of land as required under the provisions of § 270-51 of this chapter. Upon receipt of the application, the Building Inspector shall review the application to determine if the proposed action is located on an historic site.

If the action is located on an historic site or within an historic district, the applicant shall be required to secure an historic site approval prior to undertaking proposed actions. In such cases, the Building Inspector shall forward a copy of the application to the Planning Board for its review and approval or denial of activities affecting an historic site in accordance with the specific procedures set forth in § 270-54of this chapter. Documentation to be submitted shall be as may be required by the Building Inspector and/or the Planning Board. Scale drawings of site plans, building design, elevations and narrative explanation shall be submitted in sufficient detail to allow the Planning Board to review the proposed activity in light of the standards found in Subsection B below. At a minimum, the documentation shall meet the requirements of Subsection B(1) below.

B. Standards. In reviewing applications for an historic site permit, the Planning Board shall consider the compatibility of the proposed action in light of guidelines and standards which may be established from time to time by the Secretary of the United States Department of the Interior *"Standards for Historic Preservation Projects with Guidelines for Applying Standards"*, as well as the following standards:

(1) Every reasonable effort should be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment or to use a property for its originally in-tended purpose.

(2) The distinguishing original qualities or character of a building, structure or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(3) All buildings, structures and sites should be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance should be discouraged.

(4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance should be recognized and respected.

(5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site should be treated with sensitivity.

(6) Deteriorated architectural features should be repaired, rather than replaced, wherever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(7) The surface cleaning of structures should be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials should be discouraged.

(8) Every reasonable effort should be made to protect and preserve archaeological resources affected by or adjacent to any project.

(9) Contemporary design for alterations and additions to existing properties should not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and the character of the property, neighbor-hood or environment.(10) Wherever possible, new additions or alterations to structures should be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

ARTICLE VI
Site Plans

§ 270-32. Submission.

A. An application for a building and zoning permit and approval of a site plan shall be made to the Building Inspector prior to the commencement of the excavation for or the construction of any building or structure or the use of land.

B. Site plan approval is not required for the following development, unless requested by the Building Inspector under subparagraph C.

1.Residential uses.
(a) In R1, B1, B2, C, 1, RC1, and RC2 zoning districts: Application for construction of a single structure designed for residential use and which requires a area for ten (10) parking spaces or less.
(b) In RH and RC3 zoning districts: Applications for construction of a single structure designed for residential use and which requires a parking area of four (4) parking spaces or less.

2. Nonresidential uses. Applications for construction of a single structure designed for nonresidential use, but containing less than ten thousand (10,000) square feet of gross floor area.

3. Accessory uses. The construction of accessory uses to single, two, and three-family detached residences, such as private garages, tool houses, gardens, green-houses, swimming pools or other similar uses.

4. Repairs and improvements. Repairs or improvements to the interior of a building that do not involve a structural change or enlargement of the building, as determined by the Building Inspector.

5. Renovations. Renovations or alterations to a building exterior that do not involve a major structural change or enlargement of the building, as determined by the Building Inspector.

6. Conversions.

(a) Conversions of properties which do not otherwise exceed the minimum threshold criteria set forth above.

(b) If an application for a building and zoning permit for new construction, an addition or a revised or enlarged parking area is received for a lot where the existing use or the existing use and the pro-posed action exceed the minimum threshold criteria set forth above, then such application shall re-quire site plan approval, even though the work applied for may be within the minimum threshold criteria.

C. The Building Inspector, in his discretion, may require site plan approval if, in his judgment, the proposed construction, alteration or change of use will affect existing circulation, drainage, landscaping, lighting, off-street parking or other elements of environment affecting the quality of life in the city.

D.. The Building Inspector shall forward all such applications and site plans to the Planning Board. The specific administrative procedures to be used in the review of site plans submitted to the Planning Board shall be as set forth in § 270-54 of this chapter.

§ 270-33. Submission requirements and compliance with other local, county or state codes required.

The provisions of this Article shall not limit, in any way, the requirements for submission and compliance with other local, county or state codes or ordinances.

§ 270-34.Waiver of site plan requirements or guidelines.

Where an applicant can demonstrate to the satisfaction of the Planning Board that some of the site plan requirements or guidelines cannot be complied with due to unusual physical constraints of the property or other extraordinary and exceptional circumstances, the Planning Board shall have the right to waive the applicable site plan requirements and/or guidelines as specified in §§ 270-35 and 270-36 of this chapter.

§ 270-35. Required information for site plans.

All site plans shall comply with the following requirements and include the following information and data, where applicable:

A. Application information. The applicant shall supply to the Planning Board the following:

(1) Name and address of the owner. If the owner is a corporation, the name and address of the corporation and the names of the corporate officers shall be submitted.

(2) Title of development, if applicable.

(3) Tax Map designation and street address of proposed activities.

(4) Name, address and license number of the person pre-paring the site plan.

(5) Date of the site plan.

B. Location map. A location map, delineating the location of the site with reference to surrounding areas and existing street intersections within two hundred (200) feet, shall be submitted. This map should also include a North arrow, scale, the location of buildings within two hundred (200) feet and the identification of zoning district boundaries within two hundred (200) feet.

C. Site plan details. The information listed below shall be included on the site plan, which shall be prepared by a professional engineer, land surveyor or architect. Maps, as required, shall be drawn to a scale of not less than one (1) inch equals fifty (50) feet and shall include a North arrow and legend. The following details shall be included on the site plan:

(1) Existing features.
(a) Layout of proposed buildings or structures.

(b) Existing lot line dimensions in feet and all relevant bearings in tenths of seconds.

(c) Boundaries of the property, including required building or setback lines and lines of existing streets, lots and easements, and areas dedicated to public use, including grants, restrictions and rights-of-way.

(d) All distances, as measured along right-of-way lines, of existing streets abutting the property to the nearest intersection with any other street.

(e) Location of existing buildings on the site which shall remain and all other structures such as walls, fences, culverts and bridges. Structures to be re-moved shall be indicated by dashed lines.

(f) Location and elevation of all storm drainage structures, whether publicly or privately owned, with pipe sizes, grades and directions of flow.

(g) Existing contours at one-foot intervals, where slopes are less than ten percent (10%), and five-foot intervals, where slopes are greater than ten percent (10%). Where any changes are proposed, finished grades should be shown as solid lines and existing grades as dashed lines.

(h) The location of significant natural features, such as rock outcrops, watercourses, ponds, marshes, wooded areas, depressions and flood lines.

(2) Proposed activities.

(a) A survey, prepared and sealed by a licensed surveyor or engineer, showing the boundaries of the parcel and the limits of all proposed streets, recreation areas and other property to be dedicated to public use. The plan shall be accompanied by such other exhibits of an architectural nature as may be required by the Planning Board.

(b) All proposed easements and public and community areas, all proposed streets with profiles indicating grading and cross sections showing road-way widths, the locations and widths of sidewalks and the location and size of proposed utility lines.

(c) The proposed use or uses of land and buildings, including floor space, number of employees, housing units or any other capacity measurement, as relevant.

(d) All proposed means of vehicular ingress and egress to and from the site, including the location and size of driveways and curb cuts, and the organization of traffic channels and controls, as applicable.

(e) All proposed building materials and architectural treatments.

(f) The location and design of any proposed off-street parking areas and/or loading areas, showing the size and location of parking bays, aisles and barriers.

(g) Location of all proposed waterlines, valves, hydrants, sewer lines or alternative means of water supply or sewage disposal and treatment.

(h) The proposed location, kind, direction and intensity of illumination and time of proposed outdoor lighting.

(i) The proposed screening, landscaping and planting and natural vegetation to remain; the areas to be planted; and the type of vegetation to be utilized. Existing trees of three (3) or more inches in caliper shall also be shown.

(j) The location, dimensions and details of all signs.

(k) Any additional information or data as may be required by the Planning Board.

§ 270-36. Guidelines for review.

The site plan and site design shall be consistent with the follow-mg guidelines. These guidelines establish general standards to accomplish the objectives of this chapter. These guidelines are in-tended to supplement other applicable codes and ordinances in the city, but in no case shall these guidelines waive any more restrictive regulation contained in other codes and ordinances. Guidelines for various considerations shall be as follows:

A. Residential.

1. Every residential building shall have sufficient open space to permit convenient access for maintenance, fire protection, adequate light and ventilation of habit-able rooms and reasonable indoor privacy.
2. In a site development, consideration shall be given to the needs of the residents for non-vehicular open space for active and passive recreation. Adequate night lighting for the safe use of streets, parking areas, walks and steps shall be provided or arrangements made for its provision by public authority.
3. The open space of each property shall provide for the following:
   a. The immediate diversion of water away from buildings and disposal from the site.
   b. The prevention of soil saturation detrimental to structures and lot use.
4. Where appropriate, paved walks, parking areas, driveways, exterior steps and landscaping.
5. Access to each dwelling unit shall be provided without passing through any other dwelling unit.
6. All dilapidated portions of existing properties or blighted structures which are not economically repairable shall be removed.
7. All alterations, repairs and other improvements shall be harmonious with existing conditions to remain on the site.
8. Vehicular access shall be designed to provide maximum safety and ease of circulation and to eliminate traffic conflicts.

B. Nonresidential.

(1) All nonresidential structures shall be constructed, improved and/or maintained to a level necessary to adequately provide for the delivery of goods and services to customers and to provide safe, healthy working conditions for employees.

(2) Entrances and exits to nonresidential and commercial uses shall be designed and maintained in such a manner as to encourage customer use, provide a safe means of ingress and egress for customers and employees and eliminate traffic conflicts.

(3) Off-street parking, off-street loading and unloading and pedestrian access shall be separated so as not to create conflicting movements.

(4) Store fronts, entrances and signs shall be of integrated design to enhance the appearance of the Central Business District and other commercial areas.

(5) Each structure shall have at least one (1) entrance with direct access to a public street.

(6) Where used for public access, all side and rear passageways shall be paved.

(7) Paved and unpaved areas shall be properly drained to sewers or underground drains. Roof drainage shall discharge in such a manner as to provide for accept-able drainage.

(8) All unpaved areas shall be properly landscaped.

C. General architecture.

(1) The location, general massing and character of building elements shall be organized to create a harmonious continuity of exterior spaces and an integrated overall site design.

(2) The design of individual buildings shall be scaled and proportioned to normally accepted design standards, with proper consideration given to their relationships to adjacent buildings, both existing and proposed, in terms of height, bulk, light, air, usable space, access and off-street parking.

(3) Building materials shall be selected for durability, harmonious relationships and, where appropriate, for continuity of treatment with neighboring structures.

(4) The treatment of the side and rear facings of new buildings shall be consistent with the treatment given their street frontage.

(5) Building appurtenances and accessory structures shall receive architectural treatment consistent with that of the principal building(s).

D. Streets, pedestrian walks and open space.

(1) Streets, pedestrian walks and open spaces shall be designed as integral parts of the overall site design and coordinated with adjacent development. They shall be properly related to existing and proposed

buildings, parks and other neighboring facilities and shall be appropriately landscaped and adequately and attractively illuminated.

(2) Landscaped and paved pedestrian walks shall be pro-vided along the lines of most intense use, particularly from building entrances to streets and off-street parking areas.

(3) The location and design of pedestrian walks shall pro-vide for maximum safety and separation from vehicular traffic and shall emphasize desirable views of new and existing development.

(4) Materials of paving, lighting fixtures, play areas, plantings, fences and other streetscape elements shall be durable and well designed, easily maintained and indicative of their function.

(5) Open spaces shall be located to provide maximum usability and to create a harmonious relationship of buildings and land.

E. Off-street parking and loading.

(1) Off-street parking and loading facilities shall be coordinated to minimize the number of entrances, exits and obstructions to pedestrian walks.

(2) Pedestrian access from parking facilities to uses served by such facilities shall not be in conflict with vehicular movements. Where this cannot be avoided, pedestrian crossing areas shall be well marked for both vehicles and pedestrians.

(3) Parking and loading facilities shall be landscaped and/or screened from public view, in accordance with the guidelines listed in Subsection F below, to eliminate the monotony and unattractive nature of large paved parking areas. All surface parking areas shall incorporate planting pockets and trees, where possible.

(4) Design standards.

(a) The Planning Board may approve parking areas meeting design standards which are less than those required in § 270-35 of this chapter; how-ever, in such instances, the applicant shall provide evidence that the use of such areas will be adequately controlled and restricted to allow such modification. In such cases, off-street parking spaces shall meet the following design standards:

[1] The size of off-street parking spaces shall be as follows:

[a] For subcompact cars: seven (7) feet nine (9) inches by fifteen (15). feet six (6) inches.

[b] For compact cars: eight (8) feet three (3) inches by sixteen (16) feet six (6) inches.

[c] For standard cars: eight (8) feet nine (9) inches by seventeen (17) feet six (6) inches.

[2] When less than ten (10) parking spaces are provided or required, all spaces shall conform to standard size car requirements. Where ten (10) or more spaces are provided or required, up to twenty percent (20%) of the spaces may be designed to accommodate subcompact cars, and up to twenty percent (20%) of the spaces may be designed to accommodate compact cars.

[3] Every space shall have direct and usable driveway access to a street or alley, with minimum maneuver area between spaces as follows:

[a] For parallel curb parking: four and one-half (4 1/2) feet additional between each space, with a twelve-foot aisle width for one-directional flow and a twenty-four-foot aisle width for two-directional flow.

[b] For thirty-degree parking: twelve-and-one-half-foot aisle width for one-directional flow and twenty-five-foot aisle width for two-directional flow.

[c] For forty-five-degree parking: fifteen-foot aisle width for one-directional flow and twenty-five-foot aisle width for two-directional flow.

[d] For sixty-degree parking: twenty-foot aisle width for one-directional flow and twenty-five-foot aisle width for two-directional flow.

[e] For perpendicular parking: twenty-five-foot aisle width for one-directional and two-directional flow.

(b) The Planning Board may modify these standards when off-street parking is provided in a parking structure or garage.

F. Landscape design.

(1) Landscaping shall be integrated into the overall site design and be properly related to adjacent and proposed buildings.

(2) Landscape materials should be appropriate to growing conditions of the city's environment.

(3) Existing trees and vegetation, wherever possible, should be integrated into the site and landscaping plan.

(4) Parking areas shall be unobtrusive and appropriately screened and landscaped to blend harmoniously with adjoining areas.

G. Solar access. Site plans shall be developed in such a manner as to provide maximum solar access for all users of the site as an energy conservation factor. The site plan shall specifically address this guideline, and the Planning Board Will consider the effectiveness of the developer's proposal in achieving maximum solar access in its review and may require modifications to achieve improved solar access.

§ 270-37. Posting of performance security .

In the event that, due to extraordinary circumstances, the property is to be occupied or a certificate of occupancy is required prior to one-hundred-percent completion of required improvements, the owner shall be obligated to post a performance security in accordance with the following:

A. The amount of the security shall be established based on the City Engineer's estimate of the cost of completion.

B. The security shall be posted with the Building Inspector with a schedule for completion.

C. The security may be in the form of a performance bond, cash, pledge of savings account or irrevocable letter of credit from bank or savings and loan.

D. Failure of the developer to complete construction as approved in accordance with the completion schedule shall result in forfeiture of the security.

E. The City may, at its discretion, complete approved remaining construction activities using security funds.

ARTICLE VII
B. Non-conforming Uses and Structures

§ 270-38 Continuance

Any lawful building or use of premises existing at the time of enactment of this chapter, or any subsequent amendment thereof applying to such building or use of premises, may be continued, although such building or use of premises does not conform to the provisions thereof provided that there is no increase or enlargement of the area or space occupied by or devoted to such non-conforming use and except as otherwise provided in this Article.

270-39. Termination.

Except as provided in section 270-43, if for a continuous period of twelve months, either the nonconforming use of land with minor improvements is discontinued, or the active operation of substantially all of the non-conforming uses in any building or other structure is discontinued, such land or building or other structure shall thereafter be used only for a conforming use. Intent to resume such nonconforming use shall not prevent such use's termination.

270-40. Change to another non conforming use.

A. Except in R-l and RH districts, if no external structural alterations are made, a non-conforming use of a building or land may be changed to another non-conforming use more nearly conforming to the requirements of the district in which it is situated. In R-l and RH districts no such change of use shall be made to all or part of building or land without a special use permit for the proposed new use authorized in accordance with the standards of Section 270-30 B of this chapter.

B. Within an RH district, in accordance with a special use permit issued by the Zoning Board of Appeals,

a non-conforming use may be converted to a more conforming use, in accordance with the following table. A non-conforming use appearing on the following list may be converted to a use appearing below the listed use.

Least Conforming
Repair Shops
Restaurants
Retail Businesses (including neighborhood convenience stores)
Laundry & Dry Cleaning Businesses
Day Care Centers
Banks, Beauty Salons
Funeral Homes
Multi Family Dwellings
Fewer Units in a Multi Family Dwelling
Duplex Dwelling
More Conforming

C. When a proposed use does not appear in the above table and the Zoning Board of Appeals finds such use is not closely analogous to a listed use, the Zoning Board of Appeals shall evaluate the conformity of such proposed use by considering such factors as the amount of noise, dust, odor, light and traffic the proposed use is likely to generate.

§ 270-41. Maintenance.

A nonconforming use is hereby required to be maintained in such condition as will not constitute a danger to the safety, health or general welfare of the public. Alterations and extensions of the nonconforming use, in order to comply with the provisions of this section, are permitted, provided that such alteration or extension shall not tend to increase the inherent nuisance nor shall such alteration or extension violate any provisions of this chapter regarding yards, lot area or lot coverage for the district in which it is situated or increase any existing violation of such provision.

§ 270-42. General requirements.

Nonconforming uses or structures in all zone districts shall conform to the following requirements:

A. Enlargement and extension. Any structure or use of land which is nonconforming because of use shall not be enlarged or extended in any manner whatsoever.

B. Alterations. Structural alterations may be made in a build-mg which is nonconforming because it fails to comply with use, height, area, yard, off-street parking or other like requirements of this chapter, so long as the structural alteration does not extend, enlarge or aggravate the nonconformance.

C. Re-conversion. A nonconforming use changed or altered to a conforming use may not thereafter be changed back to a nonconforming use, but nothing herein before stated shall prevent the strengthening or restoring to a safe and lawful condition of any part of any building declared unsafe by the Building Inspector or other city, county or state inspector.

D. Existing permits. Nothing in this chapter shall require any change in plans, construction or designated use of a structure or building for which a building permit has been heretofore validly issued if construction has been started and diligently pursued at the time of the adoption of this chapter.

E. Previous violations. Nothing in this chapter shall be construed as authorization for an approval of the continuance of the use of a building, structure or premises in violation of any Zoning Ordinances, rules or regulations in effect immediately preceding the time of the effective date of this chapter.

F. Enlargement. Any non-conforming structure that is non-conforming because it fails to comply with height, area, yard, off-street parking or other like requirements of this chapter shall not be changed or altered to enlarge the nonconformance.

§ 270-43. Damage by fire, flood or act of God.

A. Damage to a nonconforming use.

(1) Any building or structure containing a nonconforming use which is damaged by fire, flood, wind or other act of God or man to the extent of fifty percent (50%) or more of its assessed value immediately prior to damage shall not be reoccupied, reused and/or reconstructed, except in conformity with the provisions of this chapter.

(2) Any building or structure containing a nonconforming use which is damaged by fire, flood, wind or other act of God or man to the extent of more than twenty-five percent (25%) but less than fifty percent (50%) of its fair sales value immediately prior to damage shall not be repaired or reconstructed, except in conformity with this chapter, unless such reconstruction is completed within twelve (12) months of the damage.

B. Damage to a nonconforming building or structure.

(1) Any nonconforming building or structure which is damaged by fire, flood or other act of God or man to the extent of fifty percent (50%) or more of its fair sales value immediately prior to damage shall not be repaired or reconstructed, except in conformity with the provisions of this chapter.

(2) Any nonconforming building or structure which is damaged by fire, flood, wind or other act of God or man to the extent of twenty-five percent (25%) or more but less than fifty percent (50%) of its fair sales value immediately prior to damage shall not be re-paired or reconstructed, except in conformity with this chapter, unless such reconstruction is completed within twelve (12) months following the damage.

C. Exemption of dwelling buildings and structures. The limitations of this section shall not apply to a building or other structure utilized as a dwelling which is nonconforming only in respect to yard space or area per dwelling and nonconforming to the district in which located, except that no dwelling building shall be altered, added to or reconstructed to extend further into an already deficient yard space or to reduce an already deficient amount of land area per dwelling.

ARTICLE VIII
Flood Hazard Areas

§ 270-44. Findings, purpose and methods for reducing losses.

A. Findings of fact.

(1) The flood hazard areas of the City of Plattsburgh are subject to periodic inundation which results in the loss of life, property, health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood protection and relief; and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains, including ice, causing in-creases in flood heights and velocities and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed or otherwise protected from flood damages.

B. Statement of purpose. It is the purpose of this Article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Protect human life and health.

(2) Minimize expenditures of public money for costly flood control projects.

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

(4) Minimize prolonged business interruptions.

(5) Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges, located in floodplains.

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas.

(7) Ensure that potential home buyers are notified that property is in a flood area.

C. Methods of reducing flood losses. In order to accomplish its purposes, this chapter uses the following methods for:

(1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.

(4) Controlling filling, grading, dredging and other development which may increase flood damage.

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

§ 270-45. Definitions.

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

AREA OF ICE-RELATED FLOOD HAZARD- The land subjected to seasonal flood hazards due to the obstruction of the Saranac River by ice.

AREA OF SPECIAL FLOOD HAZARD - The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

BASE FLOOD - The flood having a one-percent chance of being equaled or exceeded in any given year.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, located within the area of special flood hazard.

EXISTNG MOBILE HOME PARK OR MOBILE HOME SUBDIVISION - A parcel or contiguous parcels of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets, is completed before the effective date of this chapter.

EXPANSION TO AN EXISTNG MOBILE HOME PARK OR MOBILE HOME SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed, including the installation of utilities, either final site grading or the pouring of concrete pads or the construction of streets.

FLOOD or FLOODING - A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - The Official Map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Hazard Boundary -Floodway Map, and the water surface elevation of the base flood.

FLOODWAY - The channel of a river or other water-course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

HABITABLE FLOOR - Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

MOBILE HOME - A structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after the effective date of this chapter.

NEW MOBILE HOME PARK OR MOBILE HOME SUBDIVISION - A parcel or contiguous parcels of land divided into ten (10) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets, is complete on or after the effective date of this chapter.

START OF CONSTRUCTION - The first placement of permanent construction of a structure, other than a mobile home, on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading or filling, nor does it include the installation of streets and/or walkways; nor does it include the excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as gar-ages or sheds, not occupied as dwelling units or not as part of the main structure. For a structure, other than a mobile home, without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within a mobile home park or mobile home subdivision, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed, including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads and installation of utilities, are completed.

STRUCTURE - A walled and roofed building that is principally above ground, as well as a mobile home.

SUBSTANTIAL IMPROVEMENT Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the assessed value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of

a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

§ 270-46. Basis for establishing flood hazard areas.

A. Special flood hazard areas. The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled, "The Flood Insurance Study for the City of Plattsburgh," dated April 17, 1978, with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps are hereby adopted by reference and declared to be a part of this chapter.

B. Ice-related flood hazard areas. The areas of ice-related flood hazard have been identified by the City of Plattsburgh based on historic and frequently occurring conditions of flooding. Such areas are delineated as being all land within two hundred fifty (250) feet horizontally of the base flood elevations of the Saranac River, as shown on the Flood Insurance Rate Map, excluding any land within two hundred fifty (250) feet that has an elevation over five and zero-tenths (5.0) feet above the base flood elevation. These areas have not been delineated by the Flood Insurance Study due to the unpredictable occurrence of ice flow and ice-related obstructions.

C. Compliance. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Article and other applicable regulations.

D. Warning and disclaimer of liability. The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazards or areas of ice-related flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Plattsburgh or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

§ 270-47. Administration.

A. Development permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 270-46A or any area of ice-related flood hazard established in § 270-46B. Application for a development permit shall be made to the Building Inspector on forms furnished by him and may include, but not be limited to, the following plans, in duplicate, drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill and storage of materials; drain-age facilities; and the location of the foregoing. Specifically, the following information is required:

(1) Elevation in relation to mean sea level of the lowest floor, including basement, of all structures.

(2) Elevation in relation to mean sea level to which any nonresidential structure has been flood proofed.

(3) Plans showing how any nonresidential flood proofed structure will meet the flood proofing criteria of § 270-49B(2) of this chapter and, after the structure is built, a certification by a registered professional engineer or architect that the structure, as built, meets the criteria of § 270-49B(2) of this chapter.

(4) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Designation of Building Inspector; powers and duties.

(1) The Building Inspector, or in his absence a designee from his office or the City Engineer, is hereby appointed to administer and implement this Article by granting or denying development permit applications in accordance with its provisions.

(2) The Building Inspector shall have the following power and duties:

(a) Permit review. He shall:

[1] Review all development permits to determine that the permit requirements of this Article have been satisfied.

[2] Review all development permits to require that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

[3] Review all development permits to determine if such proposed development is located within the floodway. If the proposed development is to be located in the floodway, a certification shall be obtained in accordance with § 270-49B(4)(a) of this chapter.

(b) Information to be obtained and maintained. He shall:

[1] Verify and record the actual elevation in relation to mean sea level of the lowest habitable floor, including basement, of all new or substantially improved structures.

[2] For all new or substantially improved flood-proofed structures:

[a] Verify and record the actual elevation in relation to mean sea level.

[b] Maintain the flood prooflng certifications required in Subsection A(3) of this section.

[3] Maintain for public inspection all records pertaining to the provisions of this Article.

(c) Alteration of watercourses. He shall:

[1] Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.

[2] Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(d) Interpretation of FIRM boundaries. The Building Inspector shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards or boundaries of the areas of ice-related flood hazards, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.

§ 270-48. Variances in Flood Zones

A. Appeal Board.

(1) The Planning Board, as established by the City of Plattsburgh, shall hear and decide appeals and requests for a variance from the requirements of this Article.

(2) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Building Inspector in the enforcement or administration of this Article.

(3) Any person aggrieved by the decision of the Planning Board or any taxpayer may appeal such decision to the Supreme Court as provided in Article 78 of the Civil Practice Law and Rules of the State of New York.

(4) In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and the following:

(a) The danger that materials may be swept onto other lands to the injury of others.

(b) The danger of life and property due to flooding or erosion damage.

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(d) The importance of the services provided by the proposed facility to the community.

(e) The necessity to the facility of a waterfront location, where applicable.

(f) The availability of alternative locations not subject to flooding or erosion damage for the proposed use.

(g) The compatibility of the proposed use with existing and anticipated development.

(h) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area.

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

(k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems, and streets and bridges.

(5) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that items in Subsection A(4)(a) through (k) above have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.

(6) Upon consideration of the factors listed above and the purposes of this chapter, the Planning Board may attach such conditions to the granting of a variance as it deems necessary to further the purposes of this Article.

(7) The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

B. Conditions for variances.

(1) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this subsection.

(2) Variances shall not be issued within any designated floodway if any significant increase in flood levels during the base flood discharge would result.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued upon the following:

(a) A showing of good and sufficient cause.

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or, as identified in Subsection A hereof, victimization of the public or conflict with existing local laws or ordinances.

(5) Any applicant to whom a variance is granted for a structure in the area of special flood hazard (this clause does not apply to a structure in the area of an ice-related flood hazard) shall be given written notice indicating the elevation below the base flood level, in feet, to which the lowest floor of the structure will be built, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

§ 270-49. Provisions for flood hazard reduction.

A. General standards. In all areas of special flood hazards and all areas of ice-related flood hazard, the following provisions are required:

(1) Anchoring.

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(b) All new mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

[1] Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations, with mobile homes more than fifty (50) feet long requiring one (1) additional tie per side.

[2] Frame ties shall be provided at each corner of the home, with five (5) additional ties per side at intermediate points, with mobile homes more than fifty (50) feet long requiring four (4) additional ties per side.

[3] All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

[4] Additions to the mobile home shall be similarly anchored.

(2) Construction materials and methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(3) Utilities.

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Subdivision proposals.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres.

B. Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in § 270-46A, the following provisions include:

(1) Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

(2) Nonresidential construction. New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyance A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in I 270-47B(2)(b)[2][b].

(3) Mobile homes.

(a) Mobile homes shall be anchored in accordance with I 270-49A(l)(b).

(b) For new mobile home parks and subdivisions; for expansions to existing mobile home parks and subdivisions; for existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or subdivisiong requirements shall be as follows:

[1] Stands or lots shall be elevated on compacted fill or pilings so that the lowest floor of the mobile home will be at or above the base flood level.

[2] Adequate surface drainage and access for a hauler shall be provided.

[3] In the instance of elevation on pilings, additional requirements shall include that:

[a] The lots are large enough to permit steps.
[b] The piling foundations are placed in stable soil no more than ten (10) feet apart.
[c] Reinforcement is provided for pilings more than six (6) feet above the ground level.

(c) No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.

(4) Floodways. Located within areas of special flood hazard established in 270-46A of this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions Apply:

(a) Encroachments, including fill, new construction, substantial improvements and other developments, shall be prohibited unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) If Subsection B(4)(a) of this section is satisfied, All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

(c) The placement of any mobile homes, except in fin existing mobile home park or existing mobile home subdivision shall be prohibited.

ARTICLE IX
Administration and Enforcement

§ 270-50. Designation of enforcing officer; powers and duties. [Amended l2-6-84]

A. Enforcing officer.

(1) The provisions of this chapter shall be administered and enforced by the Building Inspector or, in his absence, a person in the office of the Building Inspector designated by him to act in his absence, or the City Engineer, or Assistant City Engineer [referred to in this section as the Building Inspector], who shall have the power to make inspections of buildings or premises necessary to carry out their duties in the enforcement of this chapter.

(2) The building inspector, housing code inspector, municipal code inspector, police officer or parking enforcement officer may enforce the provisions of section 270-25 (E) of this chapter. [[Added by Ordinance 9-3O-93; amended by Ordinance 11–8-95]

B. Powers and duties.

(1) Records. It shall be the duty of the Building Inspector to keep a record of all applications for permits and a record of all permits issued, with a notation of all special conditions involved. The Building Inspector shall file and safely keep copies of all plans submitted, and the same shall form a part of the records of that office and shall be available for use of the Common Council and other officials.

(2) Permits and certificates. The Building Inspector shall issue building and zoning permits and certificates of occupancy upon compliance by an applicant with all provisions of this chapter, as well as other ordinances and administrative procedures of the city which require review of plans by other departments, such as police, fire, engineering, etc., and all county, state and federal regulations which require compliance insofar as they apply.

§ 270-51. Permit requirements; fees; certificates of occupancy. [Amended 12-6-84]

A. Zoning and building permits.

(1) Permit required. It shall be unlawful to change the use of any building or structure or to commence the excavation for or the construction of any building or structure, including accessory buildings, or to commence the moving or alteration of any building or structure, including accessory buildings, without a building and zoning permit for such work.

(2) Permit Application and Issuance. The building and zoning permit application shall include a plan to scale indicating the shape, size, height and location in relation to all property lines and to street or road lines of all buildings or structures to be erected, altered or moved and of any building or structure already on the lot. The applicantion shall also state the existing and/or intended occupancy and use of all such buildings and land and supply other information as may be required by the Building Inspector to ensure that the provisions of this chapter are being observed. If the proposed actions as set forth in the application are in conformity with the provisions of this chapter and other ordinances of the City of Plattsburgh then in force, the Building Inspector shall issue a permit for such actions.

(3) Refusal. If the application is denied, the applicant shall be notified promptly by regular mail.

(a) Fees. The fees for the issuance of zoning and building permits shall be established by resolution of the Common Council and kept on file in the office of the City Clerk and Building Inspector.

(b) For the purpose of calculating permit fees, the volume of a building shall be calculated using the exterior dimensions and shall include all enclosed space.

(c) Effect of permit. The issuance of a permit shall in no case be construed as waiving any provision of this chapter.

(d) Duration of permit.

a. A zoning and building permit shall become void six (6) months from the date of issuance unless substantial actual construction has been made by that date on the project described therein.
b. Construction must be completed within two (2) years of the date of issuance of the permit, except that construction valued at in excess of five hundred thousand dollars ($500,000.) shall be completed three (3) years after the date of issuance of the permit. The permit shall be void if construction is not completed in this time period.
c. Failure of a developer to meet the construction time requirements specified above shall void the zoning and building permit. In such instances, the Building Inspector shall not issue a new permit unless the developer has secured a variance from this section from the Zoning Board of Appeals.

B. Approval by other departments. No permit issued under this chapter shall be effective unless or until corresponding requirements of the Building Code, sanitary and health regulations, fire regulations and any other local, state or federal regulations shall have been complied with insofar as they apply.[18] Such compliance shall be the responsibility of the developer. The Building Inspector may refuse to issue the permit in cases where approval by a city department has been refused.

[18]**Editor's Note: As to building construction, sewers and sewage disposal, and fire prevention, see Chapters 149, 219, and 175, respectively.**

C. Certificate of occupancy. No land or building or other structure or part thereof hereafter erected or altered in its use or structure shall be used or occupied until the Building Inspector shall have issued a certificate of occupancy stating that such land, building, structure or part thereof and the proposed occupancy or use thereof is found to be in conformity with the provisions of this chapter.

270-52. Zoning Board of Appeals.

A. General provisions

(1) Creation. A Zoning Board of Appeals is hereby established in accordance with General City Law Sec. 81.

(2) Composition. **(amended by Ordinance 3-1-84 by L.L 94-5)** The Zoning Board of Appeals shall

consist of seven regular members and two alternate members. The alternate members shall serve only in the absence of a regular member, or where a regular member is unable to vote on an appeal due to conflict of interest considerations.

(3) Appointment. **(replaced by L.L. 94-5)** The Mayor shall appoint the regular and alternate members of the Zoning Board of Appeals, subject to confirmation by the affirmative vote of three members of the Common Council. The Mayor shall appoint a chairperson of the Zoning Board of Appeals from among the regular members. No member of the Common Council or the Planning Board of the City of Plattsburgh shall be eligible for appointment to the Zoning Board of Appeals.

(4) Term. **(replaced by L.L. 94-5)** Zoning Board of Appeals members whose terms expire in 1994 shall serve until December 31, 1994. Alternate members. Members whose terms expire in 1994 or thereafter and who are reappointed, or their replacements, shall be appointed to a seven (7) year term.

(5) Vacancies. Vacancies shall be filled by the Mayor. If vacancies shall occur otherwise than by the expiration of the term it shall be filled by appointment for the un-expired term.

(6) Chairperson. The chairperson of the Zoning board of Appeals shall be appointed by the Mayor and shall serve in such capacity at the pleasure of the Mayor.

B. General procedures.

(1) Meetings. Meetings of the Zoning board of Appeals shall be held at least once a month, unless there are no appeals to be heard, and at such other times as the Board may determine, or at the call of the Chairman. All meetings of such Board shall be open to the public.

(2) Oaths. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses.

(3) Minutes. The Zoning Board of Appeals shall adopt its own rules of procedure and shall keep minutes of its proceedings, showing the vote of each member upon every question or, upon absence or failure to vote, indicating such fact and shall also keep records of its examination and other official actions. Every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Building Inspector and shall be a public record.

(4) Quorum. A quorum shall consist of four (4) members (a majority). Voting shall be by voice vote or ballot.

C. Fees. Application fees shall be established by resolution of the Common Council.

D. POWERS. The Zoning Board of Appeals shall have the following powers:

(1) ADMINISTRATIVE REVIEW. The 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 building inspector or the administrative officer charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the building inspector and the administrative officer from whose order, requirement, decision, interpretation or determination the appeal is taken.

(2) SPECIAL USE PERMITS. To hear and decide applications for special permits as specified in this chapter and to authorize the issuance of special permits as specifically provided herein.

(3) VARIANCES.

A. USE VARIANCES. The board of appeals, on appeal from the decision or determination of the building inspector or administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.

(1) No such use variance shall be granted by a 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 board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

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

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

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

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

(2) The 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 proven 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.

B. AREA VARIANCES. The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the building inspector or administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.

(1) 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:

(a) 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;

(b) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

(c) whether the requested area variance is substantial;
(d) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
(e) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

(2) The board of appeals, in the granting of use and 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.

(3) Definition of Terms-- As used in this section:
(i) "Use Variance" shall mean the authorization by the Zoning Board of Appeals for the use of land, building, structure or premises for a purpose which is otherwise not allowed & is prohibited by the applicable zoning regulations.
(ii) "Area of Variance" shall mean the authorization by the Zoning Board of Appeals for the use of land, building, structure or premises and signs in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

C. Imposition of conditions. The board of appeals shall, in the granting of special use permits, 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. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

§ 270-53. General administrative procedures.

A. Tolling of period of approval heretofore or hereafter granted to an application for development the developer is barred or prevented, directly or indirectly, from proceeding with the development otherwise permitted under such approval by a legal action instituted by any state agency, political sub-division or other party to protect the public health and welfare or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health or welfare and the developer is otherwise ready, willing and able to proceed with said development, the running of the period of approval under this Article or under any ordinance repealed by this Article, as the case may be, shall be suspended for the period of time said legal action is pending or such directive or order is in effect.

B. Conditional approval. In the event that a developer submits an application for development proposing a development that is barred or prevented, directly or indirectly, by a legal action instituted by any state agency, political subdivision or other party to protect the public health and welfare or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the municipal agency shall process such application for development in accordance with this chapter, and if such application for development complies with this chapter, the municipal agency shall approve such application, conditioned on removal of such legal barrier to development.

C. In the event that development proposed by an application for development requires an approval by a governmental agency other than the municipal agency, the municipal agency shall, in appropriate instances,

condition its approval upon the subsequent approval of such governmental agency, provided that the city shall make a decision on any application for development within the time period provided in this chapter or within an extension of such period as has been agreed to by the applicant, unless the municipal agency is prevented or relieved from so acting by the operation of law.

D. Vote of absentee members. When any hearing before the Planning Board or Zoning Board of Appeals, as the case may be, shall carry over two (2) or more meetings, a member of the municipal agency conducting said hearing absent for one (1) or more of the meetings shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one (1) or more of the meetings; provided, however, that said member has available to him a transcript, recording or minutes of the meeting from which he was absent and certifies to the Board that he has read such transcript or minutes or listened to such recording prior to his voting or participating on any decision on the matter.

§ 270-54. APPLICATIONS; HEARINGS AND DECISIONS

A. The following provisions apply to applications for administrative reviews, variances, special use permits, site plan approvals, planned unit development and historic site approval made to the Zoning Board of Appeals or the Planning Board:

1. Meetings, minutes, records. Meetings of such Boards shall be open to the public to the extent provided in article seven of the public officers law. Such Boards shall keep minutes of their 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 their 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 Boards shall be filed in the office of the city clerk and the Building Inspector within five business days and shall be a public record.

3. Assistance to the Boards. Such Boards shall have the authority to call upon any department, agency or employee of the city for such assistance as shall be deemed necessary and as shall be authorized by the legislative body. Such department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance.

4. Voting. The concurring vote of a majority of the members of the whole membership of such Boards (4 votes) shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to grant a use variance, area variance, special use permit, site plan approval, and any other permit or approval under this Chapter.

5. Appeals. Appeals from reviewing any order, requirement, decision, interpretation, or determination, made by the building inspector or administrative official charged with the enforcement of any ordinance or local law adopted pursuant to this Chapter may be taken by any person aggrieved, or by an officer, department, board or bureau of the city.

6. Filing of administrative decision. Each order, requirement, decision, interpretation or determination of the of the Building Inspector or administrative official charged with the

enforcement of this chapter shall be filed within five business days from the day it is rendered, and shall be a public record.

7. Time Limits On Appeal. An appeal shall be taken within sixty days after the filing of any order, requirement, decision, interpretation or determination of the Building Inspector or other administrative official charged with interpreting or enforcing this Chapter, by filing with such building inspector and with the board of appeals a notice of appeal, specifying the grounds thereof and the relief sought. The building inspector shall forthwith transmit to the board of appeals all the papers constituting the record upon which the action appealed from was taken.

8. At least ten days before a hearing, the authorized board shall mail notices thereof to the applicant and to the county planning board or agency and regional planning council, as required by section two hundred thirty-nine-m of the general municipal law, which notice shall be accompanied by a full statement of, such proposed action as defined in subdivision two of section two hundred thirty-nine-m of the general municipal law. county planning board, which notice shall be accompanied by a full statement of such proposed action.

9. Compliance with state environmental quality review act. Such Boards shall comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations.

10. Rehearing. A motion to hold a rehearing to review any order, decision or determination of a Board not previously reheard may be made by any member of the board. A unanimous vote of all members of the board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

11. Resubmissions. Where an application is denied by vote of the Board, the same, or substantially the same, application may not be filed until one (1) year after the date of such denial. In cases where the appeal or application is withdrawn by the applicant after public notice of hearing, but before a decision by the Board, the same, or substantially the same, application may not be filed until ninety (90) days after the date of withdrawal.

12. An interested party, as defined herein, may make an apply for administrative reviews, permits or approvals under this Chapter, provided however, that any person applying for an interpretation, decision, permit or approval to improve a property must be the owner(s) of the property, or have the owner(s) written permission.

13. Applications are not considered filed until deemed complete by the Building Inspector. The Building Inspector shall promptly notify applicants if the application is deemed incomplete.

14. Stays. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the building inspector or person charged with the enforcement of such ordinance or local law, from

whom the appeal is taken, certifies to the board of appeals, or the planning board as the case may be, 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 board of appeals, or planning board as the case may be, or by a court of record on application, on notice to the building inspector or person from whom the appeal is taken and on due cause shown.

15. Public notice. Public notice shall be given of applications for variances and special use permits by the publication in the official paper of the City of Plattsburgh of a notice of such hearing, beginning not less than five (5) nor more than ten (10) calendar days before such hearing. The cost of sending or publishing any notices relating to such appeal or application, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the board prior to the hearing of such appeal.

16. Notice to affected property owners. Notice of an application for a variance or special use permit shall be given by first class mail at least five (5) calendar days prior to the date of hearing to all persons, firms or corporations listed as owner of record on the city tax record within the affected area of the location of the property upon which the use is proposed to be established. For purposes of this chapter, the "affected area" of an application for a variance shall be as follows:

    a. Use variance. A use variance shall include all applications for variances, except those defined in area variances below. In such cases, notice shall be given to all persons, firms or corporations listed as owner of record on the city tax records within five hundred (500) feet of the applicant for variance property.
    b. Area variance. An area variance shall include all applications for variance from yard and setback requirements and dimensional calculations for signage. In such cases, notice shall be given to all persons, firms or corporations listed on the city tax records as owners of adjoining property.
    c. Special Use Permit. Notice of an application for a special permit shall be given to all persons, firms or corporations listed as owner of record on the city tax record within five hundred (500) feet of the location of the property upon which the use is proposed to be established.
    d. Site Plan in Industrial Zone. Notice of an application for a permit requiring site plan review in an industrial zone shall be given to all persons, firms or corporations listed as owners in the city tax records and who own property located within five hundred (500) feet of the site reviewed. [Added 3-9-89 by Ord. No. 89-1]

17. Representation at Hearing. Upon the hearing, any party may appear in person, or by agent or attorney.

18. Time of Hearing. The Boards shall conduct a public hearing within sixty-two days from the day an application is received on any matter referred to them under this section.

19. Time of Decision. The Boards shall decide upon the application within sixty-two days after the

hearing. The time within which the Boards must render its decision may be extended by mutual consent of the applicant and the Board.

20. Filing and Serving Decisions. The decision of the Board(s) on the application after the holding of the public hearing shall be filed in the office of the city clerk within five business days after such decision is rendered, and a copy thereof mailed by first class mail to the applicant. (see § 27-b Gen. City.] The Board of Appeals shall notify the Common Council and the Planning Board of each special use permit and each variance granted under the provisions of this chapter. The Planning Board shall notify the Zoning Appeals Board of all site plan approvals.

21. Permit time provisions. If the special use permit, variance, site plan, planned unit development or historic site approval is granted, a building and zoning permit may be issued by the Building Inspector; however, such zoning approval shall become void six (6) months from the date of building permit issuance unless substantial actual construction has commenced.

§ 270-55. Grievance procedure.

A. Any person or persons jointly or severally aggrieved by any decision of the Board of Appeals or any officer, department, board or bureau of the city may apply to the Supreme Court for relief by a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York, and, provided such proceeding is commenced within thirty calendar days of filing the decision in the office of the Building Inspector.

B. Costs shall not be allowed against the Boards unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

§ 270-56. Remedies.

In case any building or structure is erected, constructed, re-constructed, altered, converted or maintained or any building, structure or land is used in violation of this chapter, the proper local authorities of the city, in addition to other remedies, may institute any appropriate actions or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, con-version, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

a) § 270-57. Penalties for offenses

(replaced by Ordinance 9-30-93)

A. For a violation of any section of this chapter, except those sections for which a separate fine is herein provided, the owner of a building or lot, or the lessee or tenant of the entire building or lot, or the lessee or tenant of a part of the building or lot where a violation exists or has been committed shall be guilty of a violation punishable by a fine not exceeding two hundred and fifty dollars for conviction of a first offense or violation; for a conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than two hundred and fifty dollars nor more than five hundred dollars; and upon conviction of a third or subsequent offense all committed within a period of five years, punishable by a fine not less than five hundred dollars nor more than seven hundred fifty dollars. Each week's continued violation shall constitute a separate additional violation or offense.

B. For a violation of section 270-25 M of this chapter, the registered owner or the operator of a vehicle parked in violation of this section, shall be guilty of a violation punishable by a fine not exceeding fifteen dollars for conviction of a first offense, for a conviction of a second offense both of which were committed within a period of one year, punishable by a fine not less than thirty five dollars nor more than seventy five dollars; and upon conviction of a third or subsequent offense all committed with a period of one year, punishable by a fine not less than seventy five dollars nor more than one hundred fifty dollars Each violation that continues for more than seventy two hours shall constitute a separate additional violation. (amended by Ordinance 11-8-95)

C. For a violation of Section 270-51 A (1) of this chapter, the person making the improvements shall be guilty of a violation punishable by a fine equal to twice the amount of the permit application fee.

D. The enforcing officer may serve a written notice of violation specifying a date by which the violation shall cease, and, if the violation does not cease with the time specified, the enforcing officer may institute such action as may be necessary to terminate the violation. Such notice shall be served personally, or by affixing such notice in a conspicuous place on the premises and mailing a copy by first class mail to the owner, lessee or tenant, or by mailing a copy of such notice by certified mail, return receipt requested, to the owner, lessee or tenant

E. The enforcing officer may prosecute a violation of this chapter by issuing an appearance ticket pursuant to the provisions of Article 150 of the Criminal Procedure Law.

F. For a violation of section 270-25 M the enforcing officer may serve an appearance ticket in the manner authorized for issuing an appearance ticket for a traffic infraction relating to parking (amended by Ordinance 11-8-95)

G. The provisions of this chapter may be enforced by any other court action or proceeding deemed appropriate by the corporation counsel.

§ 270-58 Amendments.

The Common Council may refer any request for amendment, supplement, change or repeal of the regulations, restrictions and boundaries established by this chapter to the Planning Board for report as may be provided by General City Law 30. The Common Council may amend, supplement, change or repeal regulations, restrictions and boundaries established by this chapter, as provided by General City Law 83.

Schedule I
Schedule of Permitted Uses Part A

Zoning District	Permitted Principal Uses	Accessory Uses	Uses Requiring Special Permit
R-1 Low-Density Residential	1. Single family residences. 2. Churches or other houses of worship. 3. Elementary and high schools. 4. Public parks and recreation facilities	1. Home occupations as permitted according to this chapter 2. Other uses customarily accessory to permitted principal uses as defined in this chapter.	1. Cemeteries. 2. Essential public utility facilities. 3. Private Clubs. 4. Nursing and rest homes
RH	1. Single Family Residence 2. Home Occupation	1. Public Park or Recreation Facility 2. Other uses customarily accessory to permit principal uses.	1. Nursing or Rest home 2. Conversion of an existing structure creating one accessory apartment.[1] 3. Professional Office 4. Photographic Studio or Art Gallery 5. Bed & Breakfast Establishment 6. Medical or Dental Clinic 7. Church or other house of worship. 8. Elementary or High School. 9. College or University 10. Fire Station
R-2 General Residential	1. Single-family residences. 2. Two-family residences 3. Three family residence 4. Multifamily residences. 5. Townhouse residences. 6. Churches or other houses or worship. 7. Hospitals and medical and dental clinics. 8. Elementary and high schools. 9. Essential public utility facilities 10. Public parks and	1. Home occupations as permitted according to this chapter. 2. Other uses customarily accessory to permitted principal uses as defined in this chapter. 3. Agricultural uses	1. Universities or colleges. 2. Neighborhood and convenience-type commercial facilities. 3. Cemeteries. 4. Hospitals and medical and dental clinics. 5. Essential public utility facilities. 6. Private Clubs. 7. Nursing and rest homes.

[1] Three Year Renewable Special Permit Required

(1,90)

Schedule I
Schedule of Permitted Uses Part A

Zoning District	Permitted Principal Uses	Accessory Uses	Uses Requiring Special Permit
R-2 ctd.	recreation facilities.		8. Funeral homes. 9. planned unit developments 10. Nursery schools and day-care facilities. 11. Professional offices.
B-1 General Business and B-2 Highway	1. Retail businesses and commercial uses commonly associated with neighborhood and a. Grocery stores, food specialty shops and supermarkets. b. Drug Stores. c. Hardware stores. d. Apparel stores. e. General department stores. f. Appliance, home decorating and furniture stores. g. Book and Stationery stores. h. Photographic studios and art galleries. i. Other similar uses 2. Personal and business service establishments, such as: a. Banks. b. Professional and administrative offices. c. Medical and dental clinics. d. Barber and beauty shops. e. Laundry establishments. f. Repair shops for shoes, watches,	1. Parking and loading areas. 2. Other uses customarily accessory to the permitted principal uses defined in this chapter.	1. Automobile service and repair shops. 2. Liquor stores. 3. Essential public utility facilities. 4. Automobile agencies. 5. Tractor, trailer, and boat sales establishments. 6. Building supply stores. 7. Television and radio broadcast facilities. 8. Hospitals. 9. Shopping centers. 10. Warehouses and storage facilities. 11. Drive-in businesses. 12. Dry-cleaning business. 13. Amusements and recreation areas. 14. Residential uses in B-1 Districts only. 15. Light Industrial Use[2]. 16. Adult use or entertainment establishments.[3] 17. Planned unit developments.

[2] **Where a Light Industrial Use is proposed to be established on a lot that abuts or adjoins an R-1 zone, such special use permit may be granted only on the condition that all structures and paving shall be set back 100 feet from the boundary line of the R-1 zoning district and said 100 foot area shall be maintained in a natural state and may be required to be planted with trees or other vegetation to screen the Light Industrial Use from adjoining R-1 lots.**

3. This use is subject to other location requirements and is not permitted throughout the zone.

(1,91)

Schedule I
Schedule of Permitted Uses Part A

Zoning District	Permitted Principal Uses	Accessory Uses	Uses Requiring Special Permit
B-1, B-2 ctd.	clocks, appliances, and similar uses. 3. Eating and drinking establishments 4. Hotels and motels. 5. Churches and or her houses of worship 6. Schools, excluding day-care and nursery facilities. 7. Public parks and recreational facilities. 8. Governmental, semipublic and or public institutions. 9. Private clubs. 10. Funeral homes. 11. Nurseries and supplies of flowers and/or plants. 12. Newspaper publishing facilities.		

(1,92)

Schedule I
Schedule of Permitted Uses Part B

Zoning District	Permitted Principal Uses	Accessory Uses	Uses Requiring Special Permit
C. Central Business	1. Retail businesses and commercial uses commonly associated with neighborhood and community shopping areas, such as: a. Grocery stores, food specialty shops and supermarkets. b. Drug stores. c. Hardware stores. d. Apparel stores. e. General department stores. f. Appliance, home decorating and furniture stores. g. Book and stationary stores. h. Photographic studios and art galleries. i. Other similar uses. 2. Personal and business service establishments, such as: a. Banks. b. Professional and administrative offices. c. Medical and dental clinics. d. Barber and beauty shops. e. Laundry establishments f. Repair shops for shoes, watches, clocks, appliances, and similar uses. 3) Eating and drinking establishments 4) Hotels and motels. 5) Churches and other houses of worship. 6) Schools, excluding nursery schools and daycare facilities. 7) Public parks and recreational facilities.	1. Parking and loading areas. 2. Other uses customarily accessory to the permitted principal uses as defined in this chapter.	1. Automobile service stations, repair shops and agencies. 2. Liquor stores. 3. Essential public utility facilities. 4. Automobile agencies. 5. Boat sales establishments. 6. Building supply stores. 7. Television and radio broadcast facilities. 8. Hospitals 9. Dry-cleaning business. 10. Amusement and recreation facilities. 11. Planned unit developments.

Schedule I
Schedule of Permitted Uses Part B

Zoning District	Permitted Principal Uses	Accessory Uses	Uses Requiring Special Permit
	8) Government, semipublic, and/or public institutional uses. 9) Private clubs. 10) Funeral homes. 11) Efficiency and one-bedroom residential uses above the first floor level.		
I Industrial	1. Manufacturing, assemblage, processing and storage operations that are not offensive by reason of the emission of odor, fumes, dust, smoke, noise and/or vibration or that would have a negative impact on the environment or living conditions within the city. 2. Research laboratories. 3. Warehouses and wholesale and retail distribution centers, including offices and showrooms. 4. Trucking terminals. 5. Food processing, packing and storage operations, 6. Bottling plants. 7. Public facilities. 8. Airports, including all support facilities such as landing fields, control towers, hangers, administrative buildings, and navigation equipment. 9. Airport allied uses, including aircraft and aircraft parts manufacture, air freight terminals, trucking terminals, aviation schools, aircraft repair shops, aviation research and testing laboratories, aircraft sales, equipment and parts storage. 10. Nurseries, greenhouses. 11. Parks and playgrounds.	1. Parking and loading areas. 2. Sale and service of products manufactured or assembled as principal use. 3. Other uses customarily accessory to the permitted principal use as defined in this chapter. 4. Administrative offices and office buildings. 5. Outdoor storage areas.	1. Other industrial uses but not including: a. Junkyards and automobile salvage yards. b. Cement manufacturing operations. c. Petroleum storage facilities. 2. Eating establishments serving the area and not serving alcoholic beverages. 3. Energy production, solid waste and resource recovery facilities. 4. Adult use or entertainment establishments. 5. Concert events 6. Planned unit developments.

(1,94)

Schedule I
Schedule of Permitted Uses Part B

Zoning District	Permitted Principal Uses	Accessory Uses	Uses Requiring Special Permit
Industrial ctd.	12. Public utility facilities. 13. Storage uses, including warehousing, building materials, storage yard or plant, sales of construction equipment, lumber yard, stone monument works. wholesale business, storage buildings, and warehouses, distribution plants, parcel delivery, ice and cold storage. 14. Spectator events, to include air shows, balloon shows, and vehicle racing, 15. Offices 16. Museums, libraries. 17. Private Clubs.		
– RC-1 Recreation and Related Uses	1. Multifamily residencies. 2. Townhouse residences. 3. Hotels and motels. 4. Eating and/or drinking establishments not serving alcoholic beverages. 5. Indoor and outdoor commercial recreation such as: a. Bowling. b. Tennis. c. Paddleball. d. Gymnasiums. e. Skating. f. Assembly facilities. g. Marinas and boat rides. h. Other similar uses. 6. Public recreation and related facilities. 7. Retail businesses and commercial uses commonly associated with recreation related and tourist areas, such as: a. Convenience type grocery stores and food specialty shops.	1. Parking and loading areas. 2. Pedestrian walkways, beach and related facilities. 3. Retail sales and services incidental to a permitted use. 4. Other uses customarily accessory to permitted principal uses as defined in this chapter.	1. Amusement parks, facilities and concessions. 2. Essential public utilities. 3. Eating and drinking establishments serving alcoholic beverages. 4. Drive-in businesses. 5. Recreation vehicle campgrounds. 6. Planned unit developments.

(1,95)

Schedule I
Schedule of Permitted Uses Part B

Zoning District	Permitted Principal Uses	Accessory Uses	Uses Requiring Special Permit
RC-1 ctd.	b. Drug stores. c. Apparel stores. d. Book and stationary stores. e. Gift and craft shops. f. Sporting goods and camping supply stores. g. Other similar uses. 8. Personal and business service establishments such as: a. Banks. b. Professional offices. c. Medical and dental clinics. d. Barber and beauty shops. e. Laundry establishments. f. Other similar uses.		
RC-2	1. Single-family residences. 2. Two-family residences. 3. Three-family residences. 4. Multi-family residences. 5. Townhouse residences. 6. Churches or other houses of worship. 7. Elementary and high schools. 8. Public parks and recreation facilities. 9. Professional offices, medical and dental clinics. 10. Hotels and Motels.	1. Home occupations as permitted according to this chapter. 3. Other uses customarily accessory to permitted principal uses as defined in this chapter. 4. Agricultural uses	1. Universities or colleges. 2. Neighborhood and convenience-type commercial facilities. 3. Cemeteries. 4. Essential public utility facilities. 5. Private clubs. 6. Nursing and rest homes. 7. Funeral homes. 8. Nursery schools and day-care facilities. 9. Eating and/or drinking establishments. 10. Conference Centers. 11. Planned unit developments.
RC-3	1. Churches and other houses of worship. 2. Elementary and high schools. 2. Public parks and recreation facilities.		1. Universities and colleges. 2. Cemeteries. 3. Essential public utility facilities. 4. Private commercial

(1,96)

Schedule I
Schedule of Permitted Uses Part B

Zoning District	Permitted Principal Uses	Accessory Uses	Uses Requiring Special Permit
RC-3 ctd.	3. Gymnasium		recreation facilities (e.g. marinas) 5. Planned unit developments.

(1,97)

Schedule II
Schedule of Area and Bulk Controls

	Minimum Lot Size Requirements				Minimum Yard Requirements			Maximum Building Height		
Zoning District and Land Use	**Area (square feet)**	**Area per Dwelling Unit (square feet)**	**Width (feet)**	**Depth (feet)**	**Front (feet)**	**Side One/ Both (feet)**	**Rear (Feet)**	**(feet stories)**	**Coverage (percent)**	**Minimum Open Space (percent)**
R-1 Low Density Residential Single-family residence	7,500	7,500	75	75	25	10/25	30	35/2.5	25	50
Other uses permitted	15,000	Not applicable	50	100	25	10/25	25	35/2.5	30	50
R-2 General Residential Single-family residence	5,000	5,000	50	100	20	10/25	25	35/2.5	30	50
Two-family residence	6,000	3,000	50	100	20	10/25	25	35/2.5	30	45
Three-family residence	7,500	2,500	60	100	20	10/25	25	35/2.5	30	45
Townhouse residence	2,500	2,500	25	100	20	0/0(a)	25	35/2.5	30	50
Multifamily residence Low-Rise	10,000	(b)	(b)	(b)	30	15/35	35	35/2.5	20	45
High-Rise	100,000	(b)	(b)	(B)	35	30/65	60	(b)	15	50
Neighborhood commercial	5,000	Not applicable	50	100	20	10/25	25	35/.2.5	30	50
Other permitted uses	10,000	Not applicable	100	100	20	10/25	25	35/2.5	30	50
B-1 General Business All permitted uses	5,000	Not applicable	50	100	20	(c)	(d)	35/2.5	40	15
B-2 Highway Business All permitted uses	10,000	Not applicable	50	100	40	(c)	(d)	30/2	50	15
C Central Business All permitted uses Low-rise	5,000	1,500	50	100	Not appli cable	(c)	(d)	36/3	100	Not applicable
High-rise	50,000	Not applicable	70	100	(b)	(b)	(b)	(b)	(b)	(b)
I Industrial All permitted uses	15,000	Not applicable	100	100	40	20/40	20	48/4	50(f)	20

(1.98)

Schedule II
Schedule of Area and Bulk Controls

	Minimum Lot Size Requirements				Minimum Yard Requirements			Maximum Building Height		
Zoning District and Land Use	**Area (square feet)**	**Area per Dwelling Unit (square feet)**	**Width (feet)**	**Depth (feet)**	**Front (feet)**	**Side One/ Both (feet)**	**Rear (Feet)**	**(feet stories)**	**Coverage (percent)**	**Minimum Open Space (percent)**
RC-1 Permitted residential uses Low-rise	10,000	(b)	(b)	(b)	40(e)	12/24	12	35/2.5	30	45
High-rise	50,000	(b)	(b)	(b)	40(e)	(b)	(b)	(b)	(b)	45
Other permitted uses Low-rise	10,000	Not applicable	(b)	(b)	40(e)	12/24	12	35/2.5	30	45
High-rise	50,000	Not applicable	(b)	(b)	40(e)	(b)	(b)	(b)	(b)	(b)
RC-2 Permitted Residential Uses	15,000	(b)	(b)	(b)	40	24/48	24	49/3.5	25	50[g]
Other Permitted Uses	15,000	(b)	(b)	(b)	40	24/48	24	49/3.5	25	50[g]
Recreation and Related Uses-3 Permitted Uses	20,000	Not applicable	150	100	30	30/90	30	49/3.5	15	75[g]

Notes:

(a) Except end units where one (1) yard must be a minimum of ten (10) feet and both yards must total (25) feet.

(b) See Schedule III, Calculation Formulas for Area and Bulk Controls, at the end of this chapter.

(c) None required; however, if a side yard is provided, it must be a minimum of twelve (12) feet in width.

(d) None required; however, if a rear yard is provided, adequate access to a public right-of-way for service and maintenance must be provided, and the yard must be a minimum of twelve (12) feet in depth.

(e) Except lakefront parcels located in the city's north end urban renewal project for the duration of currently approved urban renewal plan controls.

(f) In addition, the Zoning Board of Appeals is authorized to allow building coverage in Industrial Zones to be increased fifty percent (50%) to sixty-five percent (65%) by special use permit.

(g) The minimum open space requirement shall apply only to proposals that would diminish existing open space, such as the construction of new buildings or additions, or the creation of parking or storage areas or other paved areas. It shall not apply to a change in use of existing buildings or facilities that would not result in diminished open space Nor shall it apply to building expansions of less than twenty-five (25) percent in floor area.

(h) All area and bulk control requirements shall exclude land between the waterside property boundary and the high water elevation

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(1.99)

City of Plattsburgh
Schedule III
Calculations Formulas for Area and Bulk Controls

R-2 General Residential District

Low-Rise Multifamily Residences

$$2{,}500 - \frac{\text{(lesser of lot area of 2000.000 – 10.000)}}{190{,}000} \times 1{,}5000 = \text{area per dwelling unit}$$

Square root of lot area in square feet X 0.67= minimum lot dimension
Lot area in square feet X 12 = maximum height in feet

C. Central Business District

All Permitted Uses
(High-Rise)

$$1{,}500 - \frac{\text{(lesser of lot area or 2000.000 – 50.000)}}{150{,}000} \times 750 = \text{area per dwelling unit}$$

Square root of lot area in square feet X 0.67 = minimum lot dimension
Height in stories X 3 = minimum required yard (sides, front and rear)
Lot area in square feet X 0.0001 = maximum height in stories
Height in stories X 12 = maximum height in feet
Maximum building coverage = 100% of buildable portion of lot
Minimum open space = 100% of required yards

RC-1 Recreation and Related Uses District

Permitted Residential Uses
(Low-Rise)

$$2{,}500 - \frac{\text{(lesser of lot area or 200.000 – 10.000)}}{190{,}000} \times 1{,}750 = \text{area per dwelling unit in square feet}$$

Square root of lot area in square feet X 0.67 = minimum lot dimension

Permitted Residential Uses
(High-Rise)

$$2{,}500 - \frac{\text{(lesser of lot area or 200.000 –10.000)}}{190{,}000} \times 1{,}7500 = \text{area per dwelling unit in square feet}$$

Square root of lot area in square feet X 0.67 = minimum lot dimension
Height in stories X 5 = minimum required yard (sides, front and rear)
Lot area in square feet X 0.0001 X 0.5 = maximum height in stories
Height in stories X 12 = maximum height in feet

$$25 - \frac{\text{(lesser of building height in stories or 12-3)}}{9} \times 10 = \text{maximum building coverage percentage}$$

(1.100)

Permitted Other Uses
(Low-Rise)

Square root of lot area in square feet X 0.67 = minimum lot dimension in feet

Permitted Other Uses
(High-Rise)

Square root of lot area in square feet X 0.67 = minimum lot dimension
Height in stores X 5 = minimum required yard (sides, font and rear)
Lot area in square feet X 0.0001 X 0.5 = maximum height in stories
Height in stories X 12 = maximum height in feet

$$20 - \frac{\text{(lesser of building height in stories or 12-3)}}{9} \times 10 = \text{maximum building coverage percentage}$$

maximum building coverage percentage X 2 = minimum open space percentage

RC-2 Recreation and Related Uses District

Where an area dimension is specified in Schedule II, the requirement shall be the greater of: the amount specified in Schedule II or the amount derived by application of the following formula.

Permitted Residential Uses
(Low-Rise)

$$2{,}500 - \frac{\text{(lesser of lot area or 200,000 – 10,000)}}{190{,}000} \times 1{,}750 = \text{area per dwelling unit in square feet}$$

Square root of lot area in square feet X 0.67 = minimum lot dimension

Permitted Residential Uses
(High-Rise)

$$5{,}000 - \frac{\text{(lesser of lot area or 200,000 –10,000)}}{190{,}000} \times 3{,}000 = \text{area per dwelling unit in square feet}$$

Square root of lot area in square feet X 0.67 = minimum lot dimension
Height in stories X 5 = minimum required yard (sides, front and rear)
Lot area in square feet X 0.0001 X 0.5 = maximum height in stories
Height in stories X 12 = maximum height in feet

$$25 - \frac{\text{(lesser of building height in stories or 12-3)}}{9} \times 10 = \text{maximum building coverage percentage}$$

(1.101)

Permitted Other Uses
(Low-Rise)

Square root of lot area in square feet X 0.67 = minimum lot dimension in feet

Permitted Other Uses
(High-Rise)

Square root of lot area in square feet X 0.67 = minimum lot dimension
Height in stores X 5 = minimum required yard (sides, font and rear)
Lot area in square feet X 0.0001 X 0.5 = maximum height in stories
Height in stories X 12 = maximum height in feet

$$20 - \frac{\text{(lesser of building height in stories or 12-3)}}{9} \times 10 = \text{maximum building coverage percentage}$$

maximum building coverage percentage X 2 = minimum open space percentage

(1,102)

Schedule IV
City of Plattsburgh Waterfront Overlay District
Area and Bulk Controls

Zoning District	Land Use	Minimum Lot Size Requirements				Minimum Yard Requirements				Maximum Building Height	
		Area (square feet)	Area per Dwelling Unit (square feet)	Width (feet)	Depth (feet)	Front (feet)	Side One/Both (feet)[3]	Rear (Feet)	(feet stories)	Coverage (percent)	Minimum Open Space (percent)
	Other permitted uses	10,000	N/A	70	100	20	[2]10/40%	10	35/2.5	30	50
RC-1 Recreational & Related Uses	Permitted residential uses	10,000	current formula or 2,000	100	100	12	[1]12/30	10	35/2.5	40	40
	Other permitted uses	10,000	N/A	100	100	12	[1]12/30	10	35/2.5	40	40
RC-2	Permitted Residential	15,000	(a)	125	75	15	[1]15/30	20	49/3.5	25	50
	Other	15,000	(a)	125	75	30	[1]15/30	20	49/3.5	25	50
B-2	Permitted	10,000	N/A	70	100	30	[1]0/30	10	30/2	50	15

(1,103)

(a) see schedule III

Schedule IV
City of Plattsburgh Waterfront Overlay District
Area and Bulk Controls

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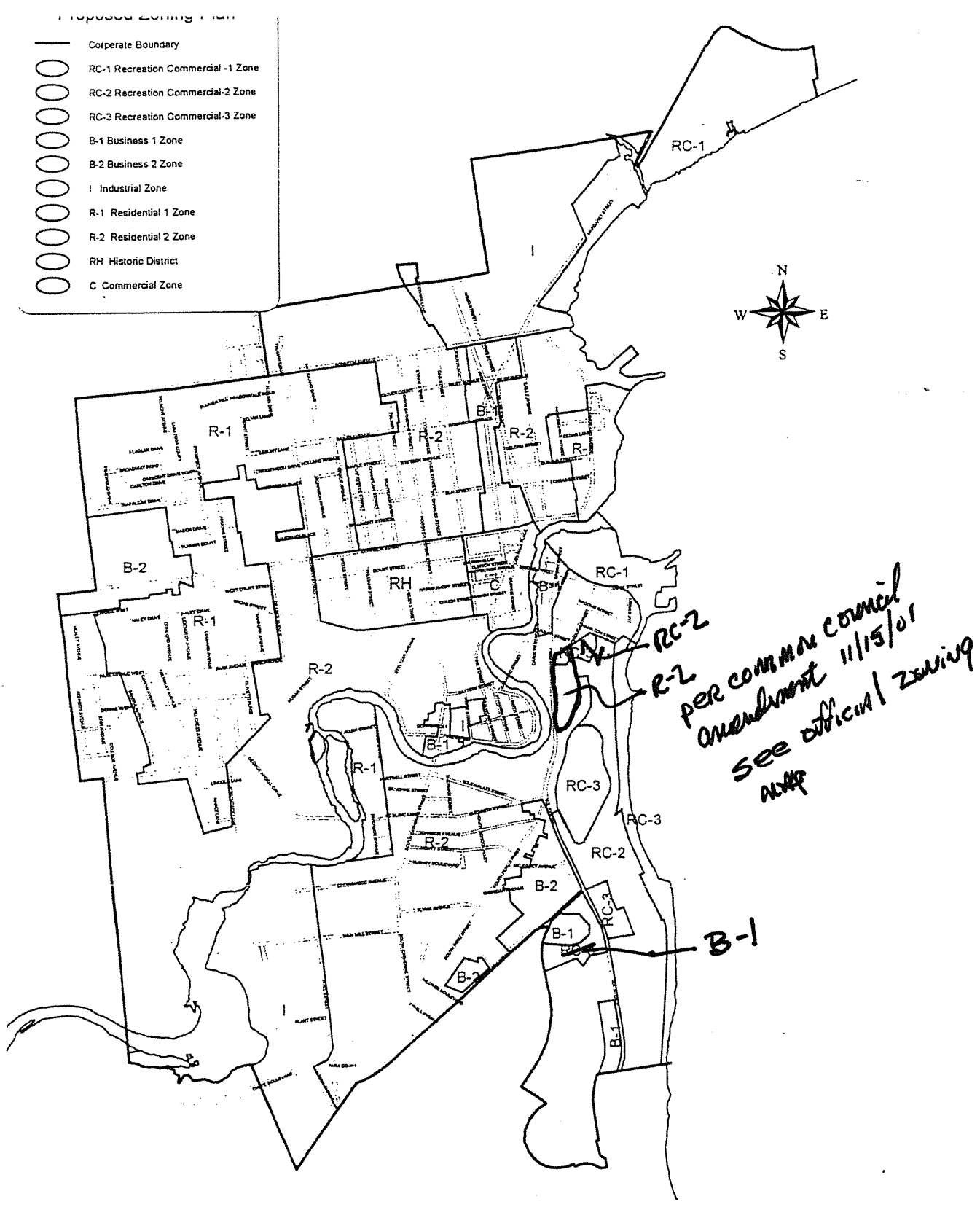
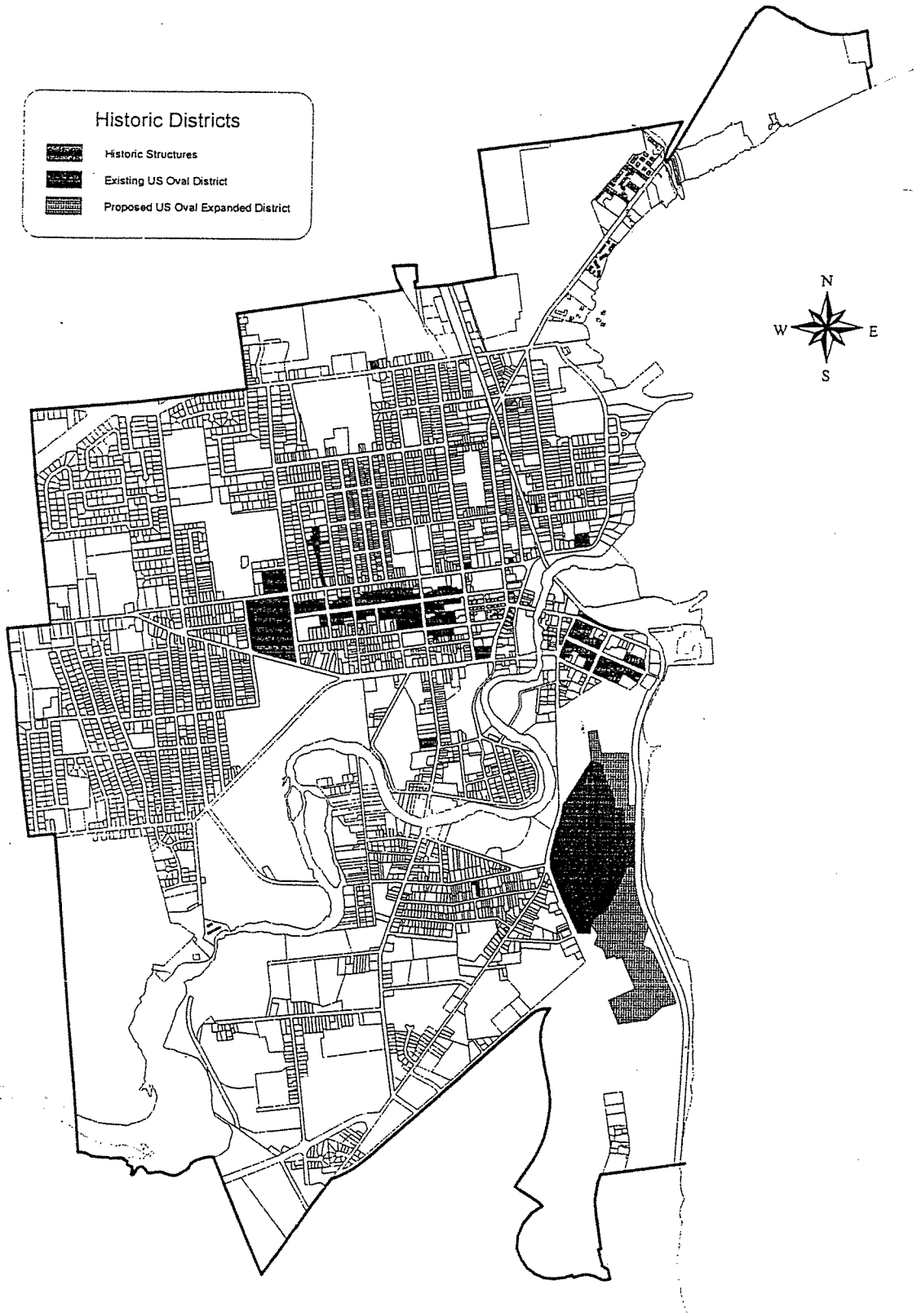
[3] No, fence, hedge, tree line, structure, or other permanent obstruction of greater height than three feet shall be permitted within the larger of the two side yard areas.
[1] 20% of setback can be used for parking
[2] No parking allowed in setback.

(1,107)



CITY OF PLATTSBURGH

(1.105)



CITY OF PLATTSBURGH

(1,106)

CITY OF PLATTSBURGH

(1,107)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. ---------- of 20------ of the (County)(City)(Town)(Village) of ---------- was duly passed by the ---------- on ---------- 20----, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. ----------5---------- of 2001 of the (County)(City)(Town)(Village) of ----------PLATTSBURGH---------- was duly passed by the ----------COMMON COUNCIL---------- on 15 NOVEMBER 2001, and was (approved)(not approved)(repassed after disapproval) by the ----------MAYOR---------- and was deemed duly adopted on --16 NOV------ 20-01,
(Name of Legislative Body) *(Elective Chief Executive Officer*)*
in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ---------- of 20------ of the (County)(City)(Town)(Village) of ---------- was duly passed by the ---------- on ---------- 20----, and was (approved)(not approved)(repassed after disapproval) by the ---------- on---------- 20----. Such local law was submitted
(Name of Legislative Body) *(Elective Chief Executive Officer*)*
to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on ---------- 20----, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ---------- of 20------ of the (County)(City)(Town)(Village) of ---------- was duly passed by the ---------- on ---------- 20----, and was (approved)(not approved)(repassed after disapproval) by the ---------- on ---------- 20---. Such local law was subject to
(Name of Legislative Body) *(Elective Chief Executive Officer*)*
permissive referendum and no valid petition requesting such referendum was filed as of ---------- 20----, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. ---------- of 20------ of the City of ---------- having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on---------- 20----, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. ---------- of 20------ of the County of ---------- State of New York, having been submitted to the electors at the General Election of November ---------- 20----, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body: Keith A. Herkalo

(Seal)

Date: 16 November 2001

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF CLINTON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature: John E. Clute

Title: Corporation Counsel

~~County~~
City
~~Town~~
~~Village~~ of PLATTSBURGH

Date: 16 NOVEMBER 2001