

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~COUNTY~~

City

of Plattsburgh

~~TOWN~~

~~Village~~

Local Law No. 7 of the year 2005..

A local law AMENDMENT OF CHAPTER 270 OF THE CITY CODE (ZONING); DEFINITION

(Insert Title)

OF TOWNHOUSE; COMMON DRIVEWAY; SITE PLAN APPROVAL

Be it enacted by the Common Council

(Name of Legislative Body)

of the

~~COUNTY~~

City

of Plattsburgh

as follows:

~~TOWN~~

~~Village~~

1. City Code Section 270-4 is amended to redefine the following terms, as follows:

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. Horizontally separated residences may not be separately owned except as a condominium unit.

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. Horizontally separated residences may not be separately owned except as a condominium unit.

TOWNHOUSE RESIDENCE – A building designed for occupancy by two (2) or more families living independently of each other and containing two (2 or more residences or dwelling units separated by vertical walls, each with a separate access to the outside.

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

2. City Code Chapter 270 Schedule II is amended to incorporate by reference and make applicable to RC-1 and RC-2 zones, the area and bulk control standards that apply to low rise residential uses in R-2 zones, as set forth in the following revised part of Schedule II.

Zoning District and Land Use	Minimum Lot Size Requirements				Minimum Yard Requirements			Maximum Building Height		Minimum Open Space (percent)
	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)	
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 Per unit	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
Recreation and Related Use-1 Permitted Residential Uses	Note (i)	Note (i)	Note (i)	Note (i)	Note (i)	Note (i)	Note (i)	Note (i)	Note (i)	Note (i)
Other Permitted Uses	10,000	Not applicable	100	100	12	12/42	12	35/2-1/2	30	50
Recreation and Related Use-2 Permitted Residential Uses	Note (i)	Note (i)	Note (i)	Note (i)	Note (i)	Note (i)	Note (i)	Note (i)	Note (i)	Note (i)
Other Permitted Uses	15,000	15,000	125	75	15	30/90	30	49/3-1/2	15	75
Recreation and Related Uses-3 Permitted Uses	20,000	Not applicable	150	100	30	30/90	30	49/3-1/2	15	75

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. [Amended 3-9-89 by Ord. No. 89-1]
- (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.
- (i) Except where the table specifies otherwise, the area requirements for permitted residential uses in RC-1 and RC-2 zones is the same as the area requirement for the same type of permitted use in an R-2 zone.

3. City Code Section 270-25 is amended to include a new subsection which shall read as follows:

N. Common Driveways. Where the dwelling units in a two family, three family or Townhouse residence are separately owned and served by a common driveway the Planning Board shall require, as a condition of site plan or subdivision approval, that the rights and obligations of the dwelling unit owners to use and maintain such common driveway shall be in the form of a recorded, permanent easement. The Planning Board may require such terms and conditions in such easement (or other recorded instrument) as it finds are necessary to insure access, maintenance and an equitable allocation of costs between the users. Where the lot(s) on which a two family residence is located are of sufficient size to provide separate driveways for each dwelling unit, the Planning Board may decline to approve a common driveway.

4. City Code Section § 270-32, B, 1 (a) is amended to read as follows:

(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. The foregoing notwithstanding, site plan approval shall be required for the development of a two or three family residence or Townhouse where the dwelling units are under separate ownership and served by a common driveway.

(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. _____7_____ of 2005... of the ~~(County)~~(City)~~(Town)~~(Village) of Plattsburgh was duly passed by the Common Council on 20 December 2005, and was (approved)~~(not approved)~~~~(repassed after disapproval)~~ by the Mayor and was deemed duly adopted on 21 December 2005, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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

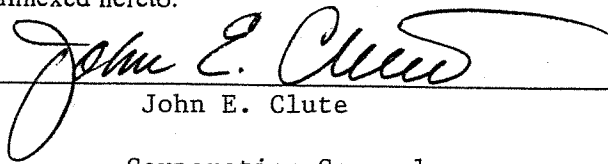
(Seal)

Date: _____ 21 December 2005 _____

(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 of Plattsburgh
~~TOWN~~
~~VILLAGE~~

Date: _____ 21 December 2005 _____