

Local Law Filing

(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 Town Village
(Select one:)

of Port Jervis

STATE RECORDS
MAR 25 2024
DEPARTMENT OF STATE

Local Law No. 3 of the year 2024

A local law Amend Section 535 of the City Code of the City of Port Jervis, New York Modifying The
(Insert Title)

Permitted Uses Within The Mountain Conservation District and Waterfont Mixed-Use

Districts of the City

Be it enacted by the Common Council of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Port Jervis

as follows:

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

(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. 3 of 20²⁴ of the (County)(City)(Town)(Village) of Port Jervis was duly passed by the Common Council on February 26, 20²⁴, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the Mayor *(Elective Chief Executive Officer*)* and was deemed duly adopted on February 26, 20²⁴, 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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.

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) *(Name of Legislative Body)* (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. *(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 _____ above.

Bobbie Jo Muller

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 3/18/2024

(Seal)



CITY OF PORT JERVIS

INTRODUCTORY LOCAL LAW NO. 3 OF 2024

A LOCAL LAW AMENDING SECTION 535 OF THE CITY CODE OF THE CITY OF PORT JERVIS, NEW YORK MODIFYING THE PERMITTED USES WITHIN THE MOUNTAIN CONSERVATION DISTRICT AND WATERFRONT MIXED-USE DISTRICTS OF THE CITY

Be it enacted by the Common Council of the City of Port Jervis, County of Orange, State of New York, as follows:

Section 1. Statement of Intent

This Local Law is enacted to amend Port Jervis City Code Chapter 535 in order to: i) remove multi-family housing as a conditional use within the Mountain Conservation District; ii) add single-family housing as a permitted use within the Waterfront Mixed-Use District; and iii) with respect to multi-family dwellings within the Waterfront Mixed-Use District, requiring that a commercial enterprise be operated on the ground floor of such dwellings.

Section 2. Chapter 535, Article IX Amended

The City of Port Jervis Code, Section 535-35 entitled “Supplementary regulations applying to Mountain Conservation District only” is hereby amended as follows:

Replace Section B with the following:

B. Kinds of dwelling units permitted. Single-family homes (either detached or attached) shall be permitted within the Mountain Conservation District. In the case of attached structures, no more than five dwelling units shall be accommodated within any one structure.

Replace Section C(2) with the following:

(2) Minimum lot size. The minimum lot size in the Mountain Conservation District is set forth in Attachment 535-1 Table of Use and Bulk Requirements.

Section 3. Chapter 535, Article III Amended

The City of Port Jervis Code, Section 535-5 entitled “Districts established” is hereby amended as follows:

Include “trade shops” in the mixed-use zoning classification. Add the following underlined language to Section F:

F. WMU Waterfront Mixed-Use District.

(1) Purpose: To encourage the redevelopment of Port Jervis waterfront as a mixture of uses that will contribute to the City’s tax base, create jobs and integrate with the natural environment of the Delaware River, the downtown, the adjacent residential neighborhood and City bicycle/pedestrian trail systems. This shall be accomplished by providing zoning classification suitable for application to that portion of the waterfront where mixed uses, including recreation, public green space, entertainment, single-family, multifamily residential, trade shops, and retail and service-related commercial activity will be permitted.

Section 4. Chapter 535, Article II Amended

The City of Port Jervis Code, Section 535-4 entitled “Word Usage and Definitions” is hereby amended as follows:

“Camp” or “Camping” means to pitch, erect, create, use, or occupy camp facilities for the purposes of habitation, for no longer than twenty-nine (29) consecutive days, as evidenced by the use of camp paraphernalia inclusive of tent camping, RV camping, cabin camping, day camps, overnight summer camps, etc.

“Campsite” means any place where one or more persons have established temporary sleeping accommodations by use of camp facilities and/or camp paraphernalia.

“Camp facilities” include, but are not limited to, tents, huts, temporary shelters, or vehicles.

“Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city designated cooking facilities and similar equipment.

“Recreation Facility” A building or place used predominantly for indoor recreation or exercise, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis center, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, or a registered club.

Section 5. Chapter 535, Article IV Amended

The City of Port Jervis Code, Section 535-12 entitled “Prohibited Uses” is hereby amended to remove the term “recreational vehicle campgrounds” from subsection “C” and shall read as follows:

- C. Manufactured home. Use of a manufactured home or a camping trailer as a dwelling; and manufactured home courts.**

Section 6. Chapter 535, Article IX Amended

The City of Port Jervis Code, Section 535-35 entitled “Supplementary Regulations Applying to Mountain Conservation District Only”, subsection C(8) entitled “Utilities and Services” is hereby amended to remove provision (a) relating to central water supply and central sewage treatment requirements and shall now read as follows:

C(8) Utilities and Services

- (a) Roof-mounted cooling systems shall be completely screened from view.**
- (b) Surface water retention facilities shall be developed so that the rate of stormwater runoff after construction is no greater than the rate of runoff prior to development.**
- (c) On-site lighting shall be directed downward and shall not reflect on adjacent properties.**

Section 7. Chapter 535, Article XV Amended

- A. The City of Port Jervis Code, Section 535-81 entitled “Stated policy relative to the Central Business and Neighborhood Mixed-Use Districts” is hereby amended to reflect the following section title:

“Stated policy relative to the Central Business, Neighborhood Mixed-Use and Waterfront Mixed-Use Districts.”

- B. Subsection A of Section 535-81 shall be amended to read:

Policy. Relative to the Central Business, Neighborhood Mixed-Use and Waterfront Mixed-Use Districts, it is the stated policy of the City of Port Jervis to:

C. Subsection B(1) of Section 535-81 shall be amended to read:

Multistory, multi-use structures. The scale of operation of the Central Business, Neighborhood Mixed-Use and Waterfront Mixed-Use Districts requires an optimum high density of usage for each and every property located therein. In order to support the higher costs of traffic control and parking facilities, pedestrian circulation, street furniture and lighting, and police and fire protection, multistoried and, wherever appropriate, multi-use structures should be encouraged, but not required.

D. Subsection B(4) of Section 535-81 shall be amended to read:

Loading facilities. The standards of § 535-67 of this chapter shall prevail relative to deliveries to, and shipping from, all new or enlarged structures in the Central Business, Neighborhood Mixed-Use and Waterfront Mixed-Use Districts. In order to avoid, to the greatest extent possible, the use of City streets and sidewalks for these purposes, the Planning Board shall assist the applicant in exploring all possible alternatives, including joint ventures among two or more property owners in the provision of alleys via which loading facilities would obtain access.

Section 8. Attachment 535-1 Table of Use and Bulk Requirements Amended

Attachment 535-1 entitled Table of Use and Bulk Requirements shall be revised to reflect the amendments to the City Code set forth in this Local Law.

Section 9. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council of the City of Port Jervis hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 10. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 11. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

ZONING

MC - Mountain Conservation District

A		B			C			D Bulk Requirements							
Principal Uses		Conditional Uses			Accessory Uses			Lot Area Square Feet	Minimum Lot Width (feet)		Minimum Yard Depth (feet)			Height (feet)	Maximum Percent Coverage
									Front	Both Sides	One Side	Rear			
									Depth (feet)						
One-family detached					Home professional office Customary home occupations Private playground Private swimming pool Private tennis court. Private recreation buildings.										
					Customary residential accessory uses		40,000	150	200	60	30	50	35	20%	
					Railroad and public utility structures and rights-of-way (according to § 535-84) Camping and lodging										
Places of worship and related facilities					Retail sales of Camping Paraphernalia as defined in City Code §535-4 and other camping-related products		25,000	100	100	30	15	40	45	30%	
Single-family attached (no more than five [5] dwelling units per structure)					Same Accessory Uses as One-Family Detached		80,000	100	100	30	15	40	45	20%	

