

CITY OF PORT JERVIS

INTRODUCTORY LOCAL LAW NO. 2 OF 2023

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:

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, and retail and service-related commercial activity will be permitted. Permitted commercial uses will be limited to those uses that will not compete with downtown retail activity and will provide goods and services needed by the adjacent residential neighborhood and the employees and customers of businesses located on the waterfront.

Section 4. 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. Furthermore, a note shall be added to the bottom of the Table of Use and Bulk Requirements governing the WMU-Waterfront Mixed-Use District as follows:

“All newly constructed multi-family dwelling buildings within the WMU District shall provide for a principal or conditionally permitted commercial/business use on the ground floor of such building.”

Section 5. 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 6. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 7. 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.