

AGENDA
Council Meeting
Thursday, February 12, 2015
7:00 P. M.

I. Call to Order

II. Pledge of Allegiance

III. Proclamation

IV. Public Hearing

1. A public hearing regarding a resolution to increase City of Ogdensburg Parking Fines, effective March 1, 2015. (Bill #8)
2. A public hearing regarding an ordinance to add Chapter 38, Joint Planning and Zoning Commission, to the Ogdensburg Municipal Code. (Bill #10)
3. A public hearing regarding an ordinance to add Article VII, Adaptive Reuse District, to the Ogdensburg Municipal Code pending County review. (Bill #11)

V. Personal Appearance

(Anyone wishing to address the Council should notify the Clerk prior to the meeting)

VI. Correspondence

VII. Consent Agenda

(All Matters listed under this item are considered to be routine and will be enacted by one motion in the form below without separate discussion. If discussion is desired, the item will be removed from the consent agenda and considered separately.)

1. Approval of previous minutes
2. Approval of warrant

VIII. Appointments

IX. Items for Council Action

1. A resolution to increase City of Ogdensburg Parking Fines, effective March 1, 2015. (Bill #8)
2. An ordinance to add Chapter 38 entitled "Joint Planning and Zoning Commission" to the Ogdensburg Municipal Code. (Bill #10)
3. An ordinance adding Article VII entitled "Adaptive Reuse District (ARD)", to the Ogdensburg Municipal Code. (Bill #11)

XI. Old Business

XII. New Business

XIII. Items for Discussion

XIV. Executive Session

XV. Adjournment

Business of the City Council
City of Ogdensburg

SUBJECT: FOR AGENDA OF: 02/12/15
A resolution to increase City of Ogdensburg Parking Fines. BILL #: 8
DEPT. OF ORIGIN: Police Department
DATE SUBMITTED: 01/16/15
APPROVED AS TO FORM BY CITY ATTORNEY EXHIBITS: resolution
APPROVED BY CITY MANAGER FOR SUBMITTAL

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED: -0-	BUDGETED: -0-	REQUIRED: -0-

SUMMARY STATEMENT

A resolution to increase City of Ogdensburg Parking Fines effective March 1, 2015.

RECOMMENDED ACTION

Approval of resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR NELSON	_____	COUNCILLOR ASHLEY	_____
COUNCILLOR HOSMER	_____	COUNCILLOR MITCHELL	_____
COUNCILLOR MORLEY	_____	COUNCILLOR SKAMPERLE	_____
COUNCILLOR STEVENSON	_____		

**A RESOLUTION TO INCREASE
CITY OF OGDENSBURG PARKING FINES**

WHEREAS, the current City of Ogdensburg penalties for parking violations are insufficient to deter such violations on local streets, and

WHEREAS, the Ogdensburg Police Department is recommending that fines for certain parking violations be increased to be more effective deterrents to these violations; and

THEREFORE, BE IT RESOLVED, that the following City of Ogdensburg Parking Fines be increased, effective March 1, 2015, as follows:

<u>FINE \$</u>	<u>VIOLATION</u>
\$20.	All Night Parking (OMC 209.25)
\$40.	Fire Lanes (OMC 209.21-1)
\$20.	2-Hr Parking or Time Restricted Parking (OMC 209.22)
\$20.	No Standing (OMC 209.24)
\$20.	No Stopping (OMC 209.23)
\$20.	Alternate Side Parking (OMC 209)
\$20.	Alternate Side Parking (OMC 209)
\$20.	Blocking Driveway (NYS VTL 1202-2a)
\$20.	Parked Facing Wrong Way (NYS VTL 1213-b)
\$20.	Blocking Sidewalk/Crosswalk (NYS VTL 1202)
\$20.	Parked 20' of Crosswalk (NYS VTL 1202)
\$20.	Any other NYS VTL Parking Violation or violations other than parking or OMC, i.e. – expired registration, expired inspection, etc)

BE IT FURTHER RESOLVED, that fines not paid within ten (10) days of issuance will be doubled; and

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby approves the abovementioned Parking Fine Increases.

Business of the City Council
City of Ogdensburg

SUBJECT: Ordinance Adding Chapter 38 Entitled "Joint Planning and Zoning Commission" to the Code of the City of Ogdensburg

FOR AGENDA OF: February 12, 2015

BILL #: 10

DEPT. OF ORIGIN: Planning & Development

DATE SUBMITTED: January 20, 2015

APPROVED AS TO FORM BY CITY ATTORNEY

EXHIBITS: Ordinance

APPROVED BY CITY MANAGER FOR SUBMITTAL

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED: -0-	BUDGETED: -0-	REQUIRED: -0-

SUMMARY STATEMENT

An ordinance to add Chapter 38 entitled "Joint Planning and Zoning Commission" to the Ogdensburg Municipal Code. The primary purpose and responsibility of the Joint Commission is to advise the City Council, City staff and other agencies and boards on matters affecting community development as it relates to adaptive reuse of all lands public, quasi-public, and institutional in nature.

RECOMMENDED ACTION

Approval of ordinance.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR NELSON	_____	COUNCILLOR ASHLEY	_____
COUNCILLOR HOSMER	_____	COUNCILLOR MITCHELL	_____
COUNCILLOR MORLEY	_____	COUNCILLOR SKAMPERLE	_____
COUNCILLOR STEVENSON	_____		

ORDINANCE _____
ORDINANCE ADDING CHAPTER 38 ENTITLED
"JOINT PLANNING AND ZONING COMMISSION"
TO THE CODE OF THE CITY OF OGDENSBURG

BE IT ORDAINED AND ENACTED by the City Council of the City of Ogdensburg, New York, as follows:

ITEM ONE

That Chapter 38 entitled "Joint Planning and Zoning Commission" is hereby added:

Chapter 38

JOINT PLANNING AND ZONING COMMISSION

§38-1. Commission established.

- A. The City officially establishes a Joint Planning and Zoning Commission (hereafter referred to as the "Joint Commission"), to be appointed by the Mayor and City Council. The Planning and Zoning Boards, by the majority vote of each board, will recommend and present to the City Council the names of three (3) persons eligible and willing to serve on this Commission from each of their respective boards. The membership shall include three (3) members of the Zoning Board of Appeals, three (3) members of the Planning and Development Board, and three (3) members of City Council for a total of nine (9) volunteer commissioner's. Three alternate members may be appointed, one (1) from the Planning Board, one (1) from the Zoning Board of Appeals, and one (1) from City Council in the event that a regular member is unable to participate in matters before the Joint Commission because of a conflict of interest, illness or other absence.
- B. Commissioner's shall serve for terms of three (3) years, except that, of those first appointed, five (5) shall serve for one (1) year, three (3) for two (2) years and one (1) for three (3) years.

§38-2. Purpose.

The primary purpose and responsibility of the Joint Commission is to advise the City Council, City staff and other agencies and boards on matters affecting community development as it relates to adaptive reuse of all lands public, quasi-public, and institutional in nature.

§38-3. Meetings. Records. Quorum.

- A. Meetings. The Joint Commission shall have regularly scheduled meetings *or* shall meet at such other times as the Director of Planning and Development determines. The Joint Commission shall also advertise and hold public hearings as required. Notice of all public hearings shall be published in the official paper at least ten (10) days prior to the date of the meeting. All meetings of the Joint Commission shall be open to the public.
- B. Records. The Joint Commission shall keep minutes of its proceedings. All decisions of the Joint Commission shall be recorded in the minutes which shall fully set forth the

reasons for the decision of the Joint Commission and the findings of fact on which the decision was based, and such record of every official determination of the Joint Commission shall be filed in the office of the City Clerk as a public record.

- C. Quorum and voting. At least 3/4ths of the appointed members must be present to constitute a quorum; not less than 2 commissioners from each comprising board shall be present to constitute this quorum. Adoption of any resolution or action shall be by 2/3rds majority of all appointed members, not the number of filled positions, to make official decisions. In adaptive reuse permit applications referred to the County Planning Board, which recommends denial or approval with modifications, a majority plus one vote of the Board's full membership shall be required to act contrary to the County Planning Board's recommendation; however, the Joint Commission may deny any application by a simple majority vote of its full membership.

§38-4. Community Liaisons.

- A. The Joint Commission has the express authority to appoint community liaisons.
- B. Community liaisons shall be selected from interested property owners within the 400' radius of the proposed project site and shall be limited to the greater of 3 or 10% of the mailing list. In no instance shall one household have more than one (1) community liaison representation.
- C. Community liaisons shall be elected by the public at a date and time specified in the initial mailing and notice of hearing.
- D. Community liaisons may advise and assist the Joint Commission on neighborhood specific concerns pertaining to Adaptive Reuse Permit Applications, and shall be appointed on a case-by-case basis by the Commission.

ITEM TWO

This ordinance shall take effect ten (10) days after publication of a notice which shall give the title and describe same in summary form.

Business of the City Council
City of Ogdensburg

SUBJECT:	FOR AGENDA OF:	<u>February 12, 2015</u>
Ordinance Adding Article VII entitled	BILL #:	<u>11</u>
“Adaptive Reuse District (ARD)”	DEPT. OF ORIGIN:	<u>Planning & Development</u>
to the Code of the City of Ogdensburg	DATE SUBMITTED:	<u>January 20, 2015</u>
APPROVED AS TO FORM BY CITY	EXHIBITS:	<u>Ordinance</u>
ATTORNEY		

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED: -0-	BUDGETED: -0-	REQUIRED: -0-

APPROVED BY CITY MANAGER FOR SUBMITTAL

SUMMARY STATEMENT

An Ordinance adding Article VII entitled “Adaptive Reuse District (ARD)”, to the Ogdensburg Municipal Code. The purpose of this district is to recognize the public, quasi-public, and institutional nature of particular parcels of land and provide standards and guidelines for their continued use and future adaptive reuse; and to ensure that the public, quasi-public, and institutional structures and developments within the district will be compatible with surrounding zoning districts and uses.

RECOMMENDED ACTION

Approval of ordinance.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR NELSON	_____	COUNCILLOR ASHLEY	_____
COUNCILLOR HOSMER	_____	COUNCILLOR MITCHELL	_____
COUNCILLOR MORLEY	_____	COUNCILLOR SKAMPERLE	_____
COUNCILLOR STEVENSON	_____		

ORDINANCE _____

ORDINANCE ADDING ARTICLE VII ENTITLED
"ADAPTIVE REUSE DISTRICT (ARD) "
TO THE CODE OF THE CITY OF OGDENSBURG

BE IT ORDAINED AND ENACTED by the City Council of the City of Ogdensburg, New York, as follows:

ITEM ONE

That Article VII entitled "Adaptive Reuse District (ARD)" is hereby added:

ARTICLE VII
Adaptive Reuse District

§221-22. District and Map.

Ogdensburg's Adaptive Reuse District is specifically mapped to include parcels that exhibit pre-existing nonconforming land use patterns customarily associated with public, quasi-public and institutional development across the City. The parcels that make up this district have property class codes 600's (community service land uses) or 800's (public service land uses). Over time, parcels may be added into or removed from this zoning district as necessary through the standard zoning map amendment process.

§221-23. Purpose.

The purpose of this district is to recognize the public, quasi-public, and institutional nature of particular parcels of land and provide standards and guidelines for their continued use and future adaptive reuse; and to ensure that the developments within the district will be compatible with surrounding zoning districts and uses.

§221-24. Submission and Review Procedure.

The following regulations shall apply to all land within the Adaptive Reuse District

A. **Applicability of regulations for Adaptive Reuse Districts (ARD).**

- 1) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed site and development plan and landscape plan have been filed with and approved on behalf of the Joint Planning and Zoning Commission ("Joint Commission") as hereinafter provided. Such request shall be in the form of an application for an Adaptive Reuse Permit, following all requirements for plan submission and documentation of **Article XV** including 239-m review when relevant.
- 2) All land use within the Adaptive Reuse District shall be limited to the use or uses existing on the effective date of this article or approved by the application for an Adaptive Reuse Permit.

B. Site and development plan consideration. Upon the application for such permit, the Joint Commission shall consider and either approve, disapprove, or approve subject to any conditions, amendments or commitments, the proposed site and development plan and landscape plan.

1) **Plan documentation and supporting information.** All drawings submitted must be at a scale of not more than 50 feet to the inch. The site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:

- i. The names of all owners of record of all adjacent property, and the tax map number of the property, all as shown in the City's official tax records.
- ii. Proposed Adaptive Reuse District uses.
- iii. Any existing uses, buildings, and structures.
- iv. Proposed buildings and structures. Off-street parking layout.
- v. Vehicular entrances and exits and turnoff lanes.
- vi. Setbacks.
- vii. Landscaping, screens, walls, fences.
- viii. Signs, including location, size and design thereof.
- ix. Storm drainage facilities.
- x. Other utilities if aboveground facilities are needed.

2) **Site and development requirements.** Parcels in the Adaptive Reuse District are subject to the following site and development requirements. In review of the proposed site and development plan, the Joint Commission shall assess whether the site and development plan, proposed uses, buildings and structures shall:

- i. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan (LWRP) of the City of Ogdensburg, New York, including the applicable Brownfield Opportunity Area plan;
- ii. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Adaptive Reuse District and with adjacent uses;
- iii. Provide sufficient and adequate access, parking and loading areas as prescribed by Off-street parking, §221-41;
- iv. Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- v. Provide adequately for drainage and public utilities; and
- vi. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan (LWRP).

- vii. Provide sidewalks along public streets, and other full control of access frontages including, but not limited to, recreational trails as determined by the Joint Commission. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. If required to be installed, the Joint Commission shall be guided by the provisions of Chapter 189, Streets and Sidewalks and all relevant ADA accessibility requirements.

§221-25. Public Hearing. The Joint Commission shall schedule and hold both a preliminary review and a public hearing on all adaptive reuse applications. These meetings shall be held separately, and within 30 days of one another. The public hearing shall be held within 62 days of the receipt of a complete application submission or completion of the SEQR review and shall be advertised in the City's official newspaper at least ten (10) days before the public hearing. All property owners within a 400' radius of the parcel under review shall receive a direct mailing informing them of the request and meeting dates.

§221-26. Adaptive Reuse Permit requirements. No building or structure shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated in Ogdensburg's Adaptive Reuse District, without an Adaptive Reuse Permit, and such permit shall not be issued until the proposed site and development plan, and landscape plan has been approved in accordance with this section.

§ 221-27. Joint Planning and Zoning Commission decisions.

- A. The Joint Commission shall render its recommendation within 62 days following receipt of a complete application for an adaptive reuse permit. The Joint Commission's final action, rendered in writing, shall consist of either:
 - 1) Approval of the adaptive reuse permit based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this section;
 - 2) Disapproval of the adaptive reuse permit based upon a determination that the proposed project does not meet the standards for review set forth in this section, and stating such deficiencies; or
 - 3) Approval of the site plan subject to any conditions, modifications and restrictions as required by the Joint Commission which will ensure the project meets the standards for review.
- B. Notice of the Joint Commission's recommendation shall be given in writing to the applicant and City Council.

§221-28. City Council Action

- A. Prior to authorizing any Adaptive Reuse Permit, the City Council shall hold a public hearing in accordance with this chapter (see Article XVII) and consider the report and recommendation of the Joint Commission and all other relevant comments, reviews and statements.

- B. The City Council shall act to approve, disapprove or approve with modifications, the application for an Adaptive Reuse Permit and preliminary development plan, and shall report its decision to the City's Joint Commission and Planning Board. Should the City Council wish to act contrary to any recommendation for disapproval or approval with modifications made by the Joint Commission or the County Planning Board under authority of § 239-m of the General Municipal Law, it may do so only with 4 affirmative votes of the City Council.
- C. The City Council shall render a decision within 30 days following receipt of a recommendation from the Joint Commission for an adaptive reuse permit.
- 1) Upon approval of the adaptive reuse application and payment by the applicant of any and all fees due to the City, the Joint Commission shall endorse its approval by having the acting Chairperson sign the final site plan and forward copies to the applicant and Code Enforcement Officer.
 - 2) Upon disapproval of the adaptive reuse application, the Joint Commission shall so inform the Code Enforcement Officer, and the Code Enforcement Officer shall deny a building permit to the applicant. The Joint Commission shall also notify the applicant in writing of its decision and its reasons for disapproval.
- D. Failure of the City Council to take final action within the specified time period shall be deemed approval. The time within which a decision must be rendered may be extended by mutual consent of the applicant and the Joint Commission.

§221-29. Appeals. Any person aggrieved by any decision of the Joint Commission may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within 30 days after filing of a decision in the office of the City Clerk.

ITEM TWO

That the existing Article VII – Industrial and Institutional District (I/I) to Article XX – Adult Entertainment Uses and all existing subsections and references thereto be renumbered as follows:

ARTICLE VIII - Industrial and Institutional District (I/I)

- §221-30. Purpose
- §221-31. Permitted uses
- §221-32. Special Permit Uses
- §221-33. Prohibited uses

ARTICLE IX - Mobile Home District (MH)

- §221-34. Purpose.
- §221-35. Permitted Uses.
- §221-36. Prohibited Uses

ARTICLE X - Planned Development District (PDD)

- §221-37. Purpose.
- §221-38. Minimum standards.
- §221-39. Submission and review procedure.
- §221-40. Expiration of permit.

ARTICLE XI - Waterfront Overlay District (W)

- §221-41. Purpose and loading.
- §221-42. Permitted uses.
- §221-43. Prohibited uses.

ARTICLE XII - Determination of Use

- §221-44. Determination of use.

ARTICLE XIII - Dimensional Regulations

- §221-45. Dimensional regulations.

ARTICLE XIV - Regulations Applicable to All Districts

- §221-46. Accessory uses and structures.
- §221-47. Open storage of inoperative or unregistered motor vehicles.
- §221-48. Public garages and gasoline filling stations.
- §221-49. Outdoor vending machines; outdoor Sales.
- §221-50. Off-street parking and loading.
- §221-51. Signs.
- §221-52. Usable open space.
- §221-53. Temporary uses and structures.
- §221-54. Nonconforming lots, uses and structures.

ARTICLE XV - Environmental Quality Review

- §221-55. Purpose.
- §221-56. Process completion required.
- §221-57. Applicability.
- §221-58. Classification of action.
- §221-59. Environmental assessment forms.
- §221-60. Lead agency.
- §221-61. Determinations of significance.
- §221-62. Acceptance of draft environmental impact statement.
- §221-63. Public comment period.
- §221-64. Public hearing.
- §221-65. Preparation of final environmental impact statement.
- §221-66. Notice of completion of final environmental impact statement.
- §221-67. Findings statement.

ARTICLE XVI - Site Plan Review

- §221-68. Legislative Authority.
- §221-69. Purpose.
- §221-70. Sketch plan conference.
- §221-71. Applications for site plan approval.
- §221-72. Application acceptance; referral to Planning Board.
- §221-73. Public Hearing
- §221-74. Referral to County Planning Board.
- §221-75. Planning Board decisions.
- §221-76. Standards for review.
- §221-77. Enforcement; inspections.
- §221-78. Amendment to approved plans.
- §221-79. Appeals.

ARTICLE XVII - Administration and Enforcement

- §221-80. Code Enforcement Officer and Zoning Administration Officer.
- §221-81. Planning Board.
- §221-82. Zoning Board of Appeals; appeals procedure.
- §221-83. Standards for granting variances.
- §221-84. (Reserved)
- §221-85. Building permit required.
- §221-86. Applications.
- §221-87. Issuance or denial of building permit.
- §221-88. (Reserved)
- §221-89. Certificates of occupancy and certificates of compliance.
- §221-90. Appeals.
- §221-91. Complaints; investigation.
- §221-92. Stop-work orders.
- §221-93. Revocation of permits.
- §221-94. Judicial review.

ARTICLE XVIII - Amendments

- §221-95. Legislative Authority.
- §221-96. Referral to Planning Board.
- §221-97. Referral to County Planning Board.
- §221-98. Public notice and hearing.
- §221-99. City Council vote; protests.

ARTICLE XIX - Application Fees

- §221-100. Application fees.

ARTICLE XX - Penalties for Offenses

- §221-101. Penalties for Offenses.
- §221-102. (Reserved)

ARTICLE XXI - Adult Entertainment Uses

- §221-103. Purpose.
- §221-104. Definitions.
- §221-105. Location; signs; blockage of view from public places; establishment of business.
- §221-106. Measurement of distances.
- §221-107. Penalties for offenses.
- §221-108. Severability.
- §221-109. When effective.

ITEM THREE

This ordinance shall take effect ten (10) days after publication of a notice which shall give the title and describe same in summary form.