



ADAPTIVE REUSE PERMIT APPLICATION

315.393.7150 • (FAX) 315.393.7401
330 Ford Street • Ogdensburg, NY 13669
Department of Planning and Development

APPLICANT/OWNER

(REQUIRED INFORMATION)

APPLICANT NAME _____ ADDRESS _____

DAY-TIME TELEPHONE _____

E-MAIL _____

OWNER NAME (if different) _____ ADDRESS _____

DAY-TIME TELEPHONE _____

E-MAIL _____

PROPERTY

ADDRESS OR GENERAL LOCATION

DATE APPLICANT ACQUIRED PROPERTY

TAX MAP NO. _____ SIZE _____ ACRE(S)

DESCRIBE THE EXISTING USE OF LAND AND/OR BUILDING(S)

(attach additional sheets as necessary)

CHECK ALL LAND USES THAT OCCUR ON, ADJOINING, AND NEAR THE PROPOSED PROJECT.

- Urban Rural Industrial Commercial Single-Family Residential
 Multi-Family Residential Park Agriculture Aquatic/Waterfront
 Other (specify): _____

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SUBMITTAL REQUIREMENTS

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.

A WRITTEN STATEMENT DOCUMENTING THE REASON FOR THE REQUESTED PERMIT INCLUDING EVIDENCE THAT THE REQUEST COMPLIES WITH THE FOLLOWING CRITERIA AS REQUIRED FOR APPROVAL OF AN ADAPTIVE REUSE PERMIT.

ADAPTIVE REUSE DISTRICT SITE AND DEVELOPMENT REQUIREMENTS:

1. Be so designed as to create improved land use and development over the existing land use and development and in conformity with the Comprehensive Plan (LWRP) of the City of Ogdensburg, New York, including the applicable Brownfield Opportunity Area plan;
2. Promote economic development, create and maintain compatible land uses within the Adaptive Reuse District and with the surrounding area, promote land use and development having a functional and aesthetic value which is compatible with neighborhood and/or community character;
3. Provide sufficient and adequate access, parking and loading areas as prescribed by Off-street parking, §221-41;
4. Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
5. Provide adequately for drainage and public utilities; and
6. 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).
7. Provide sidewalks along public streets, and other full control of access frontages including, but not limited to, recreational trails as determined by the ZBA. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. If required to be installed, the ZBA shall be guided by the provisions of Chapter 189, Streets and Sidewalks and all relevant ADA accessibility requirements.
8. Other factors to be considered.
 - a. *Personal problems. If the hardship complained of is due to personal problems, as opposed to use of the land or buildings, then the Permit must be denied. **All land use within the Adaptive Reuse District shall be limited to the use or uses existing on the effective date of Article VII or approved by the application for an Adaptive Reuse Permit.***

SITE AND DEVELOPMENT PLAN MUST BE SUBMITTED AT A SCALE NOT MORE THAN 50 FEET TO THE INCH, AND SHALL INCLUDE LAYOUT AND ELEVATION PLANS FOR ALL PROPOSED BUILDINGS AND STRUCTURES. THE SITE AND DEVELOPMENT PLAN SHALL INDICATE:

1. 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.
2. Proposed Adaptive Reuse District uses.
3. Any existing uses, buildings, and structures.
4. Proposed buildings and structures. Off-street parking layout.
5. Vehicular entrances and exits and turnoff lanes.

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6. Setbacks.
7. Landscaping, screens, walls, fences.
8. Signs, including location, size and design thereof.
9. Storm drainage facilities.
10. Other utilities if aboveground facilities are needed.

PLANS SHOULD ALSO INCLUDE: 1) Scale and north arrow; 2) Location, dimensions, and surface type of off-street parking spaces and loading areas; and, 3) any other proposed features of the site which are applicable to the requested permit.

APPLICATION FEE IN ACCORDANCE WITH THE ATTACHED FEE SCHEDULE MADE PAYABLE TO THE CITY COMPTROLLER IS REQUIRED AT THE TIME OF SUBMISSION.

*IF ST. LAWRENCE COUNTY FEES APPLY, PLEASE MAKE CHECK PAYABLE TO ST. LAWRENCE COUNTY.

APPLICANT CERTIFICATION

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE WILL BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE _____

DATE _____

ADAPTIVE REUSE PERMIT APPLICATION

OFFICE USE ONLY

ACCEPTED BY _____

TAX MAP NUMBER _____

DATE SUBMITTED _____

APPLICATION NUMBER _____

DATE NOTICES MAILED _____

DATE NOTICE PUBLISHED _____

ZONING BOARD OF APPEALS MEETING DATE

To be completed by Planning Board Chairman:

DATE REFERRED TO PLANNING BOARD

RECOMMENDATION OF PLANNING BOARD

CONDITIONS

SIGNATURE OF CHAIRMAN _____ DATE _____

ADAPTIVE REUSE PERMIT APPLICATION

To be completed by Zoning Board of Appeals Chairman:

ZONING BOARD OF APPEALS DECISION

CONDITIONS

SIGNATURE OF CHAIRMAN _____ DATE _____

STAFF COMMENTS:

SIGNATURE OF PLANNING DIRECTOR

DATE

DATE REFERRED TO CITY COUNCIL

Business of the City Council
City of Ogdensburg

SUBJECT: Ordinance adding Article VII Entitled
"Adaptive Reuse District (ARD)"
to the Code of the City of Ogdensburg

FOR AGENDA OF: July 20, 2015

BILL #: 41

DEPT. OF ORIGIN: City Clerk

DATE SUBMITTED: May 29, 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 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. (Public hearing held at 6-22-15 meeting.)

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 #15 of 2015
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 (ARD)

§221-22. District and Map.

Ogdensburg's Adaptive Reuse District (ARD) 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) and are less than 2 acres in size. 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 (i) 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; (ii) to ensure that the developments within the district will be compatible with surrounding zoning districts and uses; and (iii) promote development, community compatibility and economic development by allowing the adaptive reuse of existing buildings and/or land uses, which may have become obsolete, after public review. Adaptive Reuse permits a wider range of land uses to be available to existing buildings and uses for the purpose of extending their useful life.

§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 Adaptive Reuse Permit has been filed with and approved on behalf of the City Council; and Zoning Board of Appeals ("ZBA") as hereinafter provided.
- 2) 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 Site Plan Review** including 239-m review when applicable.

- 3) 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 ZBA shall determine, after requesting and receiving within 30 days a report from the Planning Board, whether to approve, disapprove, or approve subject to any conditions, amendments or commitments, the proposed Adaptive Reuse Permit (ARP).

- 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 ARP, the ZBA shall assess whether the site and development plan, proposed uses, buildings and structures shall:

- i. Be so designed as to create improved land use and development over the existing land use and development and in conformity with the Comprehensive Plan (LWRP) of the City of Ogdensburg, New York, including the applicable Brownfield Opportunity Area plan;
- ii. Promote economic development, create and maintain compatible land uses within the Adaptive Reuse District and with the surrounding area, promote land use and development having a functional and aesthetic value which is compatible with neighborhood and/or community character;
- 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 ZBA. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. If required to be installed, the ZBA shall be guided by the provisions of Chapter 189, Streets and Sidewalks and all relevant ADA accessibility requirements.

§221-25. Public Hearing. The ZBA shall schedule and hold both a public hearing on all adaptive reuse applications. The public hearing shall be held within 30 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 request has been approved in accordance with this section.

§221-27. Zoning Board of Appeals review.

- A. The ZBA shall render its recommendation to City Council within 7 days prior to the date of the public hearing required by §221-28 A. The ZBA'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 adaptive reuse permit subject to any conditions, modifications and restrictions as required by the ZBA which will ensure the project meets the standards for review.
- B. Notice of the ZBA'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 within 62 days of receipt of a completed application in accordance with this chapter (see Article XVII) and consider the report and recommendation of the ZBA 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 by a majority vote of the full membership, and shall report its decision to the City's ZBA and Planning Board. Should the City Council wish to act contrary to any recommendation for disapproval or approval with modifications made by the City Zoning Board of Appeals or the County Planning Board under authority of § 239-m of the General Municipal Law, it may do so only with a majority plus one vote of its full membership.
- C. The City Council shall render a decision within 62 days following the completion of a public hearing 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 Director of Planning and Development shall endorse the City Council approval by signing the ARP and forward copies to the applicant and Code Enforcement Officer.
 - 2) Upon disapproval of the adaptive reuse permit application, the Director of Planning and Development shall so inform the Code Enforcement Officer, and the Code Enforcement Officer shall deny a building permit to the applicant. The Director shall also notify the applicant in writing of the decision and reasons for disapproval. The Director shall copy all correspondence to the chairperson of both the Zoning Board of Appeals and Planning Board.
- D. The time within which a decision must be rendered may be extended by mutual consent of the City Council and the Applicant.
- E. Upon the approval of an Adaptive Reuse Permit a final development plan, consistent with any required modifications, shall be submitted to the Planning Board for site plan review prior to issuance of a building permit. Procedures under Article XV, Site Plan Review, shall be followed for the review of proposed development within the ARD.
- F. Final as-built site plan. A building permit may be issued by the Code Enforcement Officer only after final as-built site plans have been found complete and approved by the Planning Board.

§221-29. Severability. If any provisions or clauses of this article or its application to any person, persons or corporation or circumstances is held to be unconstitutional or otherwise invalid, such decision shall not effect the remaining provisions or clauses of the article or applications thereto which can be implemented without such invalid provision or clause, and, to this end, the provisions and clauses of the article are declared to be severable.

§221-30. Appeals. Any person aggrieved by any decision of the City Council 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.

Calendar of Zoning Board of Appeals Activity
2016 - 2017

VARIANCE REQUESTS

ZBA MEETINGS

2016 Submission Deadline

2016 Meeting Dates

Monday, Jan 11, 2016
 " , Feb 8, 2016
 " , Mar 7, 2016
 " , Apr 11, 2016
 " , May 9, 2016
 " , Jun 13, 2016
 " , Jul 11, 2016
 " , Aug 8, 2016
 " , Sep 12, 2016
 " , Oct 10, 2016
 " , Nov 7, 2016
 " , Dec 12, 2016

Tuesday, Jan 26, 2016
 " , Feb 23, 2016
 " , Mar 22, 2016
 " , Apr 26, 2016
 " , May 24, 2016
 " , Jun 28, 2016
 " , Jul 26, 2016
 " , Aug 23, 2016
 " , Sep 27, 2016
 " , Oct 25, 2016
 " , Nov 22, 2016
 " , Dec 27, 2016

2017

2017

Monday, Jan 9, 2017
 " , Feb 13, 2017
 " , Mar 13, 2017
 " , Apr 10, 2017
 " , May 8, 2017
 " , Jun 12, 2017
 " , Jul 10, 2017
 " , Aug 7, 2017
 " , Sep 11, 2017
 " , Oct 9, 2017
 " , Nov 6, 2017
 " , Dec 11, 2017

Tuesday, Jan 24, 2017
 " , Feb 28, 2017
 " , Mar 28, 2017
 " , Apr 25, 2017
 " , May 23, 2017
 " , Jun 27, 2017
 " , Jul 25, 2017
 " , Aug 22, 2017
 " , Sep 26, 2017
 " , Oct 24, 2017
 " , Nov 21, 2017
 " , Dec 26, 2017

All Zoning Board meetings are held at 4:30 p.m. in the City Council Chambers unless otherwise noted.

*Regular meeting scheduled one week earlier due to conflict with holiday.

NOTE: All matters and/or materials which require Zoning Board of Appeals consideration or action must be submitted by the submission deadline.