

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 Peekskill

FILED
STATE RECORDS

MAR 04 2021

DEPARTMENT OF STATE

Local Law No. 1 of the year 2021

A local law AMENDING SECTIONS 575-12d, 23B(1), 24B(2), 34A(15), 38D, 39D, 40B(5)(b) & (d),

(Insert Title)

40C(2), 40D, 40.1D, 56E(8)(b), 56E(9), 56F(1)(d)[8], 57E AND 58I OF THE CITY OF

PEEKSKILL ZONING CODE.

Be it enacted by the THE COMMON COUNCIL of the
(Name of Legislative Body)

☐ County ☒ City ☐ Town ☐ Village
(Select one.)

of PEEKSKILL

as follows:

See Attached.

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

LOCAL LAW № 1 OF 2021

**MODIFYING SECTIONS 575-12D, 23B(1), 24B(2), 34A(15), 38D, 39D, 40B(5)(b) & (d), 40C(2), 40D, 40.1D, 56E(8)(b), 56E(9), 56F(1)(d)[8], 57E, AND 58I
OF THE CODE OF THE CITY OF PEEKSKILL**

BE IT ENACTED by the Common Council of the City of Peekskill as follows:

Section 1: The following sections of the Code of the City of Peekskill are hereby amended to read as follows:

§ 575-12 Off-street parking.

D. Location and ownership of required accessory parking facilities. Required accessory parking spaces, open or enclosed, may be provided upon the same lot as the use to which they are accessory or anywhere within 500 feet walking distance of such lot. In all cases such parking spaces shall conform to all the regulations of the district in which the parking spaces are located. Such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restriction, filed with the County Clerk, binding the owner and his heirs and assigns to maintain the required number of spaces available either throughout the existence of the use to which they are accessory or until such spaces are provided elsewhere.

§ 575-23 R-2 One- and Two-Family Residence District.

B.

(1) Two-family dwelling units; provided, however, that no special permit shall be issued or authorized by the Planning Commission unless the Planning Commission shall make an affirmative finding that all of the following conditions have been met:

§ 575-24 R-3 One-, Two- and Three-Family Residence District.

B.

(2) Three-family dwelling units; provided, however, that no special permit shall be issued or authorized by the Planning Commission unless the Planning Commission shall make an affirmative finding that all of the following conditions have been met:

§ 575-34 C-3 General Commercial District

A. Permitted uses.

(15) Art galleries

§ 575-38 M-1 Light Industrial District.

D. All uses, whether principal uses or accessory uses, other than off-street parking and outdoor storage, shall be carried on in buildings fully enclosed on all sides.

§ 575-39 M-2 General Industrial District.

D. All uses, whether principal uses or accessory uses, other than off-street parking and outdoor storage, shall be carried on in buildings fully enclosed on all sides. Accessory open storage, temporary or otherwise, shall at all times be fully screened from all adjacent properties and all adjacent roads, streets and highways.

§ 575-40 M-2A Design Industrial District.

B.

(5) Storage and sales of building materials.

(b) All outdoor storage shall be covered, with the exception of Subsection **B(5)(d)** below.

(d) Temporary uncovered outdoor storage is permitted, provided it does not exceed the percentage established in Subsection **B(5)(a)** above, and that it shall not exceed a duration of 10 business days, that it shall be stacked and stored in a neat and safe fashion, and that it shall be permitted only in areas of the site where it does not result in adverse visual impacts.

C. Accessory uses shall be as follows:

(2) Enclosed and outdoor storage.

D. All uses, whether principal uses or accessory uses, other than off-street parking and outdoor storage and storage and sales of building materials, shall be carried on in roofed buildings fully enclosed on all sides. The processing, mixing, grinding, preparation, indoor storage, and the loading for transport of all materials shall be carried on in roofed buildings fully enclosed on all sides except as may be permitted under a special permit issued pursuant to § **575-40B**. Accessory outdoor storage pursuant to a special permit, temporary or otherwise, shall at all times be fully screened from all adjacent properties and all adjacent roads, streets, highways and residential areas in accordance with the Design Guidelines.

§ 575-40.1 M-2B Design Industrial District.

D. All uses, whether principal uses or accessory uses, other than off-street parking and outdoor storage and storage and sales of building materials, shall be carried on in roofed buildings fully enclosed on all sides. The processing, mixing, grinding, preparation, indoor

storage, and the loading for transport of all materials shall be carried on in roofed buildings fully enclosed on all sides except as may be permitted under a special permit issued pursuant to § **575-40B**. Accessory outdoor storage pursuant to a special permit, temporary or otherwise, shall at all times be fully screened from all adjacent properties and all adjacent roads, streets, highways and residential areas in accordance with the M-2A District Design Guidelines.

§ 575-56 Site plan approval.

E. Procedures

(8)

(b) Said performance deposit may be in cash or an irrevocable letter of credit in form and substance satisfactory to the Corporation Counsel of the City of Peekskill and the City Engineer. All improvements on public property or necessary to serve the public at large must be secured by cash or an irrevocable letter of credit. The remainder of the performance deposit not covered by cash or an irrevocable letter of credit may be in the form of a bond satisfactory in form and substance to the Corporation Counsel. Their cost shall be provided by the applicant on the most current performance deposit form and certified by the Director of Public Works and the Director of Planning. Such exterior improvements covered by the performance deposit include, but are not limited to, proposed screening, landscaping (including planting and maintenance thereof for one year), stormwater drainage systems, public and private streets and drives, water systems, sanitary sewer systems, outdoor lighting and off-street parking areas, loading areas, means of vehicular access and egress to and from the site onto public streets, formal street dedication for public roads, recreation areas, including playgrounds, garbage collection stations, retaining walls including finishes, Knox boxes and fire alarm systems if any. Other items deemed appropriate by the City Manager may be added to the performance deposit form.

(9) Time limit on validity of approval. Approval of a site plan by the Planning Commission shall be valid for a period of six months from the date thereof for the purpose of obtaining a building permit. Failure to secure a permit during the period shall cause the site plan approval to become null and void. Upon application and upon a finding by the Department of Planning that the conditions prescribed in conjunction with the issuance of the original approval have been maintained and that no physical changes or amendments in the project site, the original plan or the immediate environs have occurred since the time of original approval, the Director of the Department of Planning shall have the right to extend the period of approval for an additional six months. Upon application, the Planning Commission shall have the right to extend the period of approval to not more than two years from the date of original approval. After expiration of the two year extension, the Planning Commission may, without hearing and without any further extension, subject to the payment of a renewal fee, renew an application approval for a period not to exceed

one year upon a finding that the conditions prescribed in conjunction with the issuance of the original approval have been maintained and that only minor physical changes or amendments in the project site, the original plan or the immediate environs have occurred since the time of original approval. It shall be the responsibility of all Applicants to demonstrate compliance with all conditions of approval to the satisfaction of the City Building Inspector and/or Director of Planning.

F. Site plan elements.

(1)

(d)

[8] Location of fire alarm boxes, Knox boxes and connections to the City fire alarm system.

§ 575-57 Special permits.

E. In authorizing the issuance of a special permit, it shall be the duty of the Council or Planning Commission to attach such conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, ensure initial and continual conformance to all applicable standards and requirements and further the general objectives of this chapter. In all cases, the approval authority shall retain continuing jurisdiction. It shall be the responsibility of all Applicants to demonstrate compliance with all conditions of approval to the satisfaction of the City Building Inspector and/or Director of Planning.

§ 575-58 Procedure.

I. Notice of zoning map changes shall be provided to all affected properties and all adjacent properties within 250 feet of the action.

Section 2: This local law shall take effect immediately upon filing in the Office of the Secretary of State.

(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. 1 of 2021 of the (County)(City)(Town)(Village) of PEEKSKILL was duly passed by the COMMON COUNCIL on February 22, 2021, 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. _____ 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 _____ and was deemed duly adopted (Elective Chief Executive Officer*) on 20 ☐ ☐ , 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 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 1____ above.


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


Date: February 23, 2021

(Seal)

(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 Westchester

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
Corporation Counsel
Title

County
City of Peekskill
Town _____
Village _____

Date: February 23, 2021