

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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 of Plattsburgh

~~TOWN~~

~~VILLAGE~~

Local Law No. 3 of the year 2009

A local law AMENDING CITY CODE CHAPTERS 270 AND 260 TO DEFINE AND ALLOW
(Insert Title)

COMMUNITY GARDENS AS A SEPCIAL PERMITTED USE AND EXEMPT THE USE FROM
SUBDIVISION REQUIREMENTS.

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

~~COUNTY~~

City of Plattsburgh as follows:

~~TOWN~~

~~VILLAGE~~

1. City Code § 270-4 is amended to add the following definition. .Community Garden. A lot, or part of a lot, licensed or leased to, or owned by, a not for profit corporation whose members use the property for the sole purpose of the growing fruit, vegetables, flowers, and plants for consumption or use by the members, donation to organizations who give food to people who cannot afford it, but not for sale.
2. A Community Garden shall be a special permitted use in all zoning districts and the table of permitted uses is hereby amended accordingly.
3. A new section, § 270-30 C (1), is added which shall read as follows:
§ 270-30 C Special Use Permit Conditions. The following special permitted uses shall be subject to the conditions set forth below and such other conditions as the Zoning Board of Appeals may impose.
(1) A Community Garden special use permit shall be subject to the following conditions:
 - a) The corporation shall be open to membership by any person who wishes to become a member and meets the corporation's membership requirements.
 - b) The property shall be shall kept in productive use during the growing season.
 - c) At the end of each growing season annual vegetation shall be cut down to a height of not more than 6 inches above ground level.
 - d) The property shall be maintained in accordance with city laws.

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

- e) If the property ceases to be used and maintained as a garden for more than one year after it is established, the special use permit shall expire.
- f) No structures shall be erected on the property, except that the Zoning Board of Appeals may permit the corporation to install or erect a building for storing garden tools and supplies and a fence. The location, size, materials, and design of the storage building and fence shall be approved by the Board
- g) The cultivated garden plot shall be set back a minimum distance of five feet from adjoining lots.
- h) The garden plot shall have suitable access to a public street.
- i) The special use permit may be revoked by the Zoning Board of Appeals for a material violation of the permit conditions, following a hearing.

4. A new section, City Code §260-32 Exemptions, is added, which shall read as follows:
§260-32 Exemptions. The following uses of land shall be exempt from the requirements of City Code Chapter 260 (Subdivisions).

A. A Community Garden when part of a lot is licensed or leased, but not sold, for use as a Community Garden for a term of not more than 5 years. ,

(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. _____ of 20⁰⁹ of the (County)(City)(Town)(Village) of _____ Plattsburgh was duly passed by the _____ Common Council on 30 April 2009, and was (approved)(not approved)(repassed after ~~disapproval~~) by the _____ Mayor and was deemed duly adopted on 5 May 2009, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

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)(repassed after disapproval) by the _____ on _____ 20____. 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.
(Elective Chief Executive Officer)*

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)(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 _____², above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body Keith A. Herkalo

(Seal)

Date: 13 May 2009

(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 Clinton

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 John E. Clute

Title Corporation Counsel

~~XXXXXX~~
County
City
~~XXXX~~
~~XXXX~~
Village

of Plattsburgh

Date: 13 May 2009