LOCAL LAW NO.: 2 - 2025

LOCAL LAW AMENDING THE TOWN OF DEWITT TOWN CODE CHAPTER 192 ENTITLED "ZONING" TO ESTABLISH A NEW SECTION 192-64.6 ENTITLED "JAMES STREET TWO TO THREE-FAMILY RESIDENTIAL OVERLAY DISTRICT."

Be it enacted by the Town Board of the Town of DeWitt as follows:

Section 1: This overlay district is created in accordance with the authority set forth in Section 192-64.6 of the Zoning Code of the Town of DeWitt for the purpose of "improving, developing and/or generally enhancing" the group of properties within this overlay district. The Town of DeWitt Town Code, being Local Law No. 1 of 1991, as has previously been amended, is hereby further amended to add a new Section 192-64.6 entitled "James Street Two to Three-Family Residential Overlay District." The following shall be added to the Town of DeWitt Code Chapter 192 Zoning:

192-64.6 James Street Two to Three-Family Residential Overlay District

A. Purpose. The purpose of the James Street Two to Three-Family Residential Overlay District is to recognize the unique character of this Overlay District area which is located in the zoning district of the Town, delineated as a Residential-2 District, and to include Two-Family Dwellings and Three-Family Dwellings, including their accessory uses, in such overlay district, which are compatible with the area.

B. Characteristics. The characteristics of this area include:

   1. Surrounding uses and land areas that support Two and Three-Family residential dwellings.

   2. Parcels of land which "front" on a significantly trafficked street and which have historically been utilized for both Single-Family Dwellings and Two or Three-Family Dwellings, some of which are non-conforming uses.

C. Goals. The Goal of the James Street Two to Three-Family Residential Overlay District is to add residential uses to this Residential R-2 District, which is applicable to this overlay district only:

   1. To improve and enhance the group of properties within this overlay district;

   2. To encourage residential development that will not impede the values and aesthetics of the surrounding properties;

   3. To encourage the highest and best use of the properties, recognizing the uniqueness of the land area affected;

   4. To encourage uses which are intended to enhance the economic viability of the area; and

5. To allow for uses which are compatible with the surrounding area.

D. Permitted uses. In addition to the uses permitted in the Residential R-2 District, the following uses will be allowed in the James Street Two to Three-Family Residential Overlay District:

1. Two-Family Dwelling; and

2. Three-Family Dwelling.

E. Regulations.

1. The following regulations shall apply to Two and Three-Family Dwellings within this overlay district:

a. Minimum road frontage on James Street of any individual lot shall be 80 feet.

b. Minimum lot depth of any individual fronting on James Street shall be 120 feet.

c. For any which has frontage on James Street and also a second street, the minimum road frontage requirement herein shall be reduced to 40 feet of frontage on James Street, provided the frontage on the second street is at least 145 feet. In such case, the 145 feet shall be considered the depth of the property for all Code purposes.

d. Any conversion of a Single-Family Dwelling or other structure to a Two or Three-Family Dwelling pursuant to this Chapter shall be subject to the requirements of Site Plan Approval of the Planning Board. In its site plan review, the Planning Board shall:

i. In its reasonable discretion, waive any strict requirements of submissions for Site Plan Review; and

ii. Consider the unique characteristics of the nature of this overlay district to ensure compatibility with the areas in architecture, paved areas and landscaping.

2. Nonconforming Two-Family Dwellings. Any Two-Family Dwelling within this overlay district which exists and has been operating and utilized as a Two-Family Dwelling as of the date of this legislation shall be considered a conforming structure and use within this district and shall not be subject to the requirement of Site Plan Approval, unless the currently existing Two-Family Dwelling is converted to a Three-Family Dwelling.

3. Except as specifically modified herein, all zoning regulations, including those applicable specifically to the Residential R-2 Zoning District shall be applicable to this overlay district.

F. The following definition shall be added to Section 192-14 entitled “Definitions”:

DWELLING, THREE-FAMILY

A dwelling designed for and occupied by not more than three families in separate dwelling units, each of which is totally separated from the other by a continuous wall extending from lowest floor to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall.

Section 2: Local Law No. 6 of 2008 and as amended, remains in full force and effect except as hereinabove amended.

Section 3: This local law shall take effect immediately upon posting and publication as required by law and filing with the Secretary of State.