

MEMORANDUM

CITY OF WATERTOWN PLANNING OFFICE

245 WASHINGTON STREET, ROOM 304, WATERTOWN, NY 13601

PHONE: (315) 785-7730 – FAX: (315) 782-9014

TO: Planning Board Members

FROM: Kenneth A. Mix, Planning and Community Development Coordinator *KAM*

SUBJECT: Amending the Zoning Ordinance, §310-1, Definition of Family and §310-34, Accessory Uses in Residence Districts

DATE: April 3, 2013

As you may be aware, an Ordinance that reinstates the allowance of taking in roomers as an accessory use in residential districts and modifies the definition of a family within the zoning ordinance was introduced by the City Council on April 1, 2013. A copy of the Ordinance and the Cover Report is attached.

The purpose of placing the proposed Ordinance on this month's agenda is to make the Planning Board aware of it. Staff memos will be prepared for the May 7 meeting describing the impacts of the proposed change and discussing related issues that should be considered.

Also attached is a letter from Mayor Jeffrey E. Graham to Chairperson Sara Freda outlining his reasons for this Ordinance.

Ord No. 1

March 26, 2013

To: The Honorable Mayor and City Council

From: Kenneth A. Mix, Planning and Community Development Coordinator

Subject: Amending the Code of the City of Watertown, Section 310-1, Definition of Family, and Section 310-34, Accessory Uses in Residence Districts

Mayor Jeffrey E. Graham requested that the attached Ordinance be drafted. The proposal makes two changes to the Zoning Ordinance.

The definition of family is changed by deleting the second sentence, “to distinguish a ‘family’ from club, fraternity or boarding house, not more than four members of a family shall be other than blood relatives.” That will leave the definition as “any number of individuals living together as a single housekeeping unit.”

The second change reinserts, “the taking of not more than four non-transient roomers, provided that no sign is displayed” as an accessory use in residential districts.

As with all zoning amendments, this Ordinance will have to be sent to the City and County Planning Boards for recommendations. After the recommendations are received, the City Council will have to schedule a public hearing and make a SEQRA determination before voting on the Ordinance.

ORDINANCE

Amending the Code of the City of Watertown, §310-1, Definition of Family and §310-34, Accessory Uses in Residence Districts

Page 1 of 1

Introduced by

- Council Member BURNS, Roxanne M.
- Council Member BUTLER, Joseph M. Jr.
- 2 Council Member MACALUSO, Teresa R.
- Council Member SMITH, Jeffrey M.
- 1 Mayor GRAHAM, Jeffrey E.

Total

YEA	NAY

WHEREAS it has been proposed to amend Chapter 310 of the Code of the City of Watertown, New York, by altering the definition of “family” and adding the taking of not more than four non-transient roomers as an allowed accessory use in Residential Districts, and

WHEREAS the City Planning Board reviewed the proposed amendments to §310-1 and §310-34 of the Code of the City of Watertown and made its recommendation on adoption, and

WHEREAS the Jefferson County Planning Board reviewed the proposed amendment pursuant to General Municipal Law Section 239-m, and

WHEREAS a Public Hearing was held on the proposed Zoning Ordinance Amendment after due Public Notice, and

WHEREAS the City Council has determined, pursuant to the State Environmental Quality Review Act that there will not be any significant environmental impacts caused by the adoption of this Ordinance, and

WHEREAS the City Council of the City of Watertown believes that it is in the best interest of the residents of the City of Watertown to make the following changes to Chapter 310 of the City Code,

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Watertown, New York, that §310-1. B. of the Code of the City of Watertown is hereby amended by deleting the sentence: “To distinguish a “family” from a club, fraternity or boarding house, not more than four members of a family shall be other than blood relatives” from the definition of family, and

BE IT FURTHER ORDAINED by the City Council of the City of Watertown, New York, that the following is added to §310-34.B: “(7) The taking of not more than four non-transient roomers, provided that no sign is displayed”, and

BE IT FURTHER ORDAINED that this Amendment to the City Code shall take effect as soon as published once in the official newspaper of the City of Watertown, New York, or printed as the City Manager directs.

Seconded by



CITY OF WATERTOWN, NEW YORK

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WATERTOWN, NEW YORK 13601-3380
(315) 785-7720

JEFFREY E. GRAHAM
MAYOR

April 3, 2013

Sara S. Freda
Chairman of the Planning Board
221 Paddock Street
Watertown, NY 13601

Dear Chairperson Freda:

Thank you again for meeting with me last month to discuss the aftermath of the zoning amendment passed in January, which eliminated an accessory use in residential zones.

As we discussed, I had drafted an Ordinance to restore the language that was deleted and further to amend the definition of "family" to a simpler and more generic form.

My decision to do this was because the original action had tremendous unintended consequences. What was viewed as a matter of protecting property values or addressing a neighborhood complaint mushroomed into a broad debate over social tolerance and the rights of property owners to live as they wish.

My interest is not in casting judgment or second-guessing the motivations or decisions in the past two months. My reason for proposing the change is to correct the problem and reverse a public relations episode that really has been debilitating for our City.

I have decided not to appear before the Planning Board as that only furthers the public spectacle. I also want the Board to know I have no expectations that this matter be pushed through quickly as I think we would be better served by thoughtful deliberation on this matter given the public debate so far.

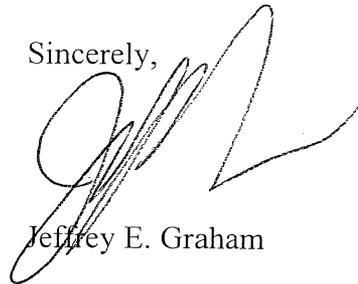
My original opposition to the Ordinance stemmed from a discussion with Mr. Mix, Planning and Community Development Coordinator, who told me deleting the accessory use language would do nothing to address the concerns of the Thompson Boulevard resident who had raised the issue. Further, in a discussion with our Code Enforcement Supervisor, Shawn McWayne, he told me in his 28 years there has never been a complaint related to this accessory use issue. Putting all other arguments aside, my view is the original action accomplished nothing and stirred a pot that is still bubbling today.

Not a day goes by that people don't raise the issue with me, including young soldiers, who, while in my business recently, were quizzing me on the law and expressing their fear they would not be able to find housing. I understand that is not the intent, but when people who don't normally have any interest in the deliberations of our municipal government suddenly are engaged, then you know there is something out there.

It is my hope you will recommend the Ordinance I have proposed, but more importantly, I am interested in your observations and suggestions. As a long time legislator, I fully understand that few items of contention make it through the whole process without alteration or amendment.

My deepest appreciation for your willingness to reconsider this matter and best wishes in your deliberations.

Sincerely,

A handwritten signature in black ink, appearing to be 'JEG', written over the printed name 'Jeffrey E. Graham'.

Jeffrey E. Graham

JEG:eg

cc: City Council Members
Planning Board Members
Kenneth A. Mix, Planning and Community Development Coordinator
Shawn R. McWayne, Code Enforcement Supervisor