



# MEMORANDUM

## City of Watertown Planning Office

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TO: Norman J. Wayte, II, Chairman

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

SUBJECT: LWRP Zoning

DATE: February 23, 2011

The City Council has referred the attached Zoning Ordinance Amendment to the Planning Board for review and recommendation. This is the start of the formal adoption process.

The initial draft of these revisions was included in the Local Waterfront Revitalization Program (LWRP). That draft was reviewed and revised on December 16, 2010 and February 10, 2011. These changes to the Zoning Ordinance must be made before the LWRP can be adopted by the City Council and the Department of State.

This amendment creates three new zoning districts and their regulations that will be used within the boundary of the LWRP. The new districts are "Downtown," "Open Space and Recreation" and "Waterfront."

**Appendix C**  
**Proposed Zoning Ordinance Changes**  
**2/10/11**

**Delete**

**Add**

**ARTICLE I Definitions and Word Usage**

**§ 310-1. Terms defined; word usage.**

- A. Words in the present tense include the future; the singular number includes the plural, and the plural the singular; the word “lot” includes the word “plot,” and the word “building” includes the word “structure.”
- B. For the purpose of this chapter, certain words and terms shall have the following meanings:

COMMERCIAL PARKING – Facilities that provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.

OFFICES – Activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services. Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; government and public utility offices; TV and radio studios; medical and dental clinics; and medical and dental labs.

ORDINARY HIGH WATER MARK – The highest level reached by a body of water that has been maintained for a sufficient period of time to leave evidence on the landscape.

PARKS AND OPEN AREAS – Uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Examples include parks, golf courses, cemeteries, public squares, plazas, recreational trails, botanical gardens, zoos, athletic fields, boat launching areas, and nature preserves.

RELIGIOUS ASSEMBLY - Uses intended to primarily provide meeting areas for religious activities. Examples include churches, temples, synagogues, and mosques.

RETAIL SALES AND SERVICE – Uses involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. These uses can be entertainment-oriented, personal service-oriented, repair-oriented or sales-oriented.

ENTERTAINMENT-ORIENTED RETAIL – A sub-category of Retail Sales and Service. Examples of uses include restaurants, cafes, delicatessens, taverns, and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels, and other temporary lodging with an average length of stay of less than 30 days.

PERSONAL SERVICE-ORIENTED RETAIL – A sub-category of Retail Sales and Service. Examples include branch banks; urgent medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, tattooing, body piercing and personal care services; tax preparers, accountants, real estate, legal, financial services; business, martial arts, and other trade schools; dance or music classes; and animal grooming.

REPAIR-ORIENTED RETAIL - A sub-category of Retail Sales and Service. Examples include repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; tailor; locksmith; and upholsterer.

SALES-ORIENTED RETAIL – A sub-category of Retail Sales and Service. Examples include stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales, and sales or leasing of consumer vehicles.

RIVER SETBACK –The minimum distance allowed between a building, structure, or parking area and the top-of-bank of a river or stream.

TOP-OF-BANK – The point of inflection on the river bank where the trend of the land slope changes by 10 percent to begin its descent to the ordinary high water mark of the river. If there is no major change within a distance of 50 ft from the ordinary high water mark, then the top of bank will be the elevation 2 ft above the ordinary high water level.

WATER-DEPENDENT USE – An activity that can only be conducted on, in, over or adjacent to a water body because such activity requires direct access to

that water body, and which involves, as an integral part of such activity, the use of the water.

WATER-ENHANCED USE – An activity that does not require a location adjacent to or over coastal waters, but whose location on land adjacent to the shore adds to the public use and enjoyment of the water’s edge. Water-enhanced uses are primarily residential, recreational, cultural, retail, or entertainment uses.

**ARTICLE II Establishment of Districts**

**§ 310-2. Enumeration of districts; Zone Map**

A. For the purpose of this chapter, the City of Watertown is divided into the following types of districts:

Residence A Districts -----	RA
Residence B Districts -----	RB
Residence C Districts -----	RC
Limited Business Districts -----	LB
Neighborhood Business Districts -----	NB
Commercial Districts -----	CD
Downtown Core Overlay District-----	DC
<u>Downtown District -----</u>	<u>DT</u>
Health Services Districts -----	HS
Light Industrial Districts -----	LI
Heavy Industrial Districts -----	HI
Riverfront Development Overlay District -----	RD
<u>Open Space and Recreation District -----</u>	<u>OS</u>
<u>Waterfront District -----</u>	<u>WD</u>
Planned Development Districts -----	PD

**ARTICLE III District Use Regulations**

**§ 310-9.1. Downtown District**

A. Purpose. The purpose and intent of this district is to regulate development in such a way that the compact pedestrian-oriented quality of the downtown area is maintained. This is primarily a commercially oriented district with a significant amount of upper floor housing where the synergy between the uses is intended to revitalize the activity in the area.

B. Permitted principal uses. In Downtown Districts no building or structure shall be erected, altered or extended, and no land, building, structure or part thereof shall be used for other than one or more of the following uses:

(1) Multifamily Dwelling, except on any street level floor

(2) Office

(3) Retail Sales and Service

(4) Religious Assembly

(5) Parks and Open Areas

(6) Commercial Parking

### **§ 310-11.1. Open Space and Recreation District**

A. Purpose. The purpose and intent of this district is to provide a suitable classification for sites designated for park, open space and/or recreational use.

B. Permitted principal uses. In Open Space and Recreation Districts no building or structure shall be erected, altered or extended, and no land, building, structure or part thereof shall be used for other than one or more of the following uses:

(1) Parks and Open Areas

### **§ 310-11.2. Waterfront District**

A. Purpose. The purpose and intent of this district is to allow the Black River to be used as an economic development catalyst while protecting its environmental characteristics. Priority is given to water dependent uses and then water enhanced uses. Providing public access to the river is an important policy that is promoted through these regulations.

B. Permitted principal uses. In Waterfront Districts no building or structure shall be erected, altered or extended, and no land, building, structure or part thereof shall be used for other than one or more of the following uses:

(1) Water-Dependent Use

(2) Water-Enhanced Use

Water - enhanced uses shall not be allowed on or over surface waters unless the proposed use meets all of the following criteria:

(a) The proposed use will not be sited so as to encroach upon water uses such as navigational channels.

(b) The proposed use will not be sited so as to degrade or diminish natural resources.

(c) The proposed use will not be sited so as to degrade or diminish significant scenic views.

- (d) The proposed use will not be sited so as to degrade or diminish the reasonable exercise of riparian rights by waterfront owners.
- (e) The proposed use will not create conflicts between potential water-dependent uses.
- (f) The proposed use shall provide meaningful public access.

(3) Parks and Open Areas

**ARTICLE IV Area and Yard Regulations**

**§ 310-13. Lot area.**

~~A. No building used in whole or in part for dwelling purposes shall be erected, altered or extended so as to provide for less lot area per family than specified below:~~

- ~~(1) Residence A: five thousand (5,000) square feet.~~
- ~~(2) Residence B: three thousand (3,000) square feet.~~
- ~~(3) Residence C: two thousand five hundred (2,500) square feet.~~
- ~~(4) Limited Business: one thousand (1,000) square feet.~~
- ~~(5) Neighborhood Business: one thousand (1,000) square feet.~~
- ~~(6) Commercial: one thousand (1,000) square feet.~~

~~B. Except as permitted by Sec. 310-14, no single family dwelling in any district shall be erected on a lot of less than five thousand (5,000) square feet and less than fifty (50) feet frontage for Residential C; six thousand (6,000) square feet and sixty (60) feet frontage for Residential B; seven thousand five hundred (7,500) square feet and seventy-five (75) feet frontage for Residential A.~~

~~C. This section shall not apply to housing for the elderly as described in federal or state statutes, provided that the housing facilities meet the applicable standards for project density land use of the statute of the federal or state government aiding such project.~~

**§ 310-13. Minimum Lot Sizes.**

Every parcel of land shall meet the following minimum sizes for the district it is located in:

<u>District</u>	<u>Lot Size</u>	<u>Lot Size/ Household</u>	<u>Lot Width</u>
<u>Residence A</u>	<u>7,500 sq. ft.</u>	<u>7,500 sq. ft.</u>	<u>75 ft.</u>
<u>Residence B</u>	<u>6,000 sq. ft.</u>	<u>3,000 sq. ft.</u>	<u>60 ft.</u>

<u>Residence C</u>	<u>5,000 sq. ft.</u>	<u>2,500 sq. ft.</u>	<u>50 ft.</u>
<u>Limited Business</u>		<u>1,000 sq. ft.</u>	
<u>Neighborhood Business</u>		<u>1,000 sq. ft.</u>	
<u>Commercial</u>		<u>1,000 sq. ft.</u>	
<u>Downtown</u>		<u>250 sq. ft.</u>	
<u>Health Services</u>		<u>2,500 sq. ft.</u>	
<u>Light Industrial</u>		<u>N.A.</u>	
<u>Heavy Industrial</u>		<u>N.A.</u>	
<u>Open Space and Recreation</u>		<u>N.A.</u>	
<u>Waterfront</u>		<u>500 sq. ft.</u>	

**§ 310-15. Lot coverage.**

In Residence and Neighborhood Business Districts, no building or structure shall be erected, altered or extended so as to cover more of the lot than prescribed below:

A. Residence A Districts: thirty percent (30%)

B. Residence B Districts: thirty-five percent (35%)

C. Residence C Districts: forty percent (40%)

D. Neighborhood Business Districts: forty percent (40%)

The total area of each parcel covered by buildings shall not exceed the following percentages:

<u>District</u>	<u>Maximum Lot Area Covered by Buildings</u>
<u>Residence A</u>	<u>30%</u>
<u>Residence B</u>	<u>35%</u>
<u>Residence C</u>	<u>40%</u>
<u>Neighborhood Business</u>	<u>40%</u>
<u>Downtown</u>	<u>100%</u>
<u>Open Space and Recreation</u>	<u>10%</u>
<u>Waterfront</u>	<u>30%</u>

**§ 310-16. Front yard requirements.**

In Residence, Limited Business, Neighborhood Business and Health Services Districts, there shall be provided in connection with all buildings and structures a front yard of at least twenty (20) feet in depth.

**§ 310-16. Minimum Setbacks.**

Every building shall be setback from property lines according to the minimum distances listed below:

District	Front Yard	Side Yard	Rear Yard
Residence A	20'	5'	25'
Residence B	20'	5'	25'
Residence C	20'	5'	25'
Limited Business	20'	5'	25'
Neighborhood Business	20'	5'	25'
Commercial	20'	5'	25'
Downtown	0'*	0'	0'
Health Services	20'	5'	25'
Light Industrial	0'	0'	0'
Heavy Industrial	0'	0'	0'
Open Space and Recreation	50'	50'	50'
Waterfront	20'	5'	50'**

\*Also the maximum.

\*\* Except as allowed by §310-21.1.

**§ 310-19. Required side yards.**

A. In Residence, Limited Business and Health Services Districts there shall be provided in connection with all buildings and structures, two (2) side yards of at least five (5) feet each.

B. In Neighborhood Business, Commercial, Light Industrial and Heavy Industrial Districts, no side yards will be required, except as required in Sections 310-20, 310-22 and 310-23.

**§ 310-21. Required rear yards.**

A. In Residence, Limited Business, Neighborhood Business, and Health Services Districts there shall be provided a rear yard of at least twenty five (25) feet in depth.

B. In Commercial, Light Industrial or Heavy Industrial Districts, no rear yard will be required, except as required in Sec. 310-22.

**§ 310-21.1. River setback.**

A. In Riverfront Development Overlay Districts, n No building, structure or parking area shall be constructed within 30 50 feet of the top-of-bank of any river or stream, except for structures built for water-dependent uses or that are designed and built specifically for the purpose of providing pedestrian access and travel along the bank,

for improving the safety of such access and travel, or for facilitating boat access to the river without disturbing pedestrian access.

**B. The setback from the top-of-bank may be reduced to 30 feet if public access to the river or stream bank, which has the potential for connecting with a continuous pedestrian trail along the river or stream, is provided through a permanent easement. A licensed engineer must certify that the soils within the reduced setback area are stable and suitable for development.**

## ARTICLE VII Parking and Loading

### § 310-44. Parking facilities or vehicle storage required.

- A. Except as provided in Subsections **B and C** of this section, for every building or structure hereafter erected or addition to a structure or building hereafter made, to be used for any of the purposes hereinafter set forth, there shall be provided parking facilities or vehicle storage as set forth in § 310-45 through 310-51.
- B. Off-street parking shall not be required for any use within the Downtown Core Overlay District **and Downtown District**.
- C. Because the property within Riverfront Development Overlay Districts **and Waterfront Districts** is valuable for recreational purposes and there exists little space for off-street parking, off-street parking is not required in this district for buildings within 300 feet of a public parking lot. **The distance is to be measured in a straight line from the nearest edge of the parking lot to the nearest edge of the building.**

## ARTICLE VIII Miscellaneous Provisions

### § 310-52.2. Signs.

- G. Signs Allowed With a Permit. All signs which are not classified under “General Prohibitions” or “Signs Allowed Without a Permit” are considered “Signs Allowed With a Permit” and are subject to the following requirements.

#### (1) Allowed Sign Surface Area.

- (a) A parcel is allowed a total sign surface area not to exceed two (2) square feet for each linear foot of building frontage. The total sign surface area may be allocated to the occupants of the parcel in any manner, except in no case shall the allocation per occupant exceed the maximum sign surface area listed in the following table:

District	Occupant Max. Sign Surface Area
Res. A, B, & C	4 sq. ft.

Limited Business	35 sq. ft.
Neighborhood Business	75 sq. ft.
Downtown Core Overlay	100 sq. ft.
Commercial	200 sq. ft.
<u>Downtown</u>	<u>100 sq. ft.</u>
Health Services	200 sq. ft.
Light & Heavy Industrial	200 sq. ft.
<u>Open Space &amp; Recreation</u>	<u>200 sq. ft.</u>
<u>Waterfront</u>	<u>100 sq. ft.</u>

- (b) In all districts, except Residence A, B, and C, each occupant located above the ground floor level of a multistory building is allowed window signs covering fifty percent (50%) of the window surface area of the space occupied by the business. This allowed window sign surface area is in addition to the total sign surface area allowed.
- (c) In all districts, except Residence A, B, and C, additional sign surface area is allowed on each parcel for directional and informational signs. One (1) directional sign, not to exceed four (4) square feet, and one (1) informational sign, not to exceed thirty-two (32) square feet, are allowed per parcel.
- (d) In Residence A, B, and C districts, churches, schools and other allowed institutions may have additional sign surface area of not more than thirty-six (36) square feet.
- (e) In Residence A, B, and C districts, subdivisions and multi-family dwellings may have additional sign surface area of not more than sixteen (16) square feet for each street on which it has a frontage.
- (f) In Planned Development Districts, unless signs are addressed in the regulations adopted at the creation of the PDD, as amended, the sign regulations within this section pertaining to Commercial Districts shall apply to commercial uses and sign regulations within this section pertaining to Residential Districts shall apply to residential uses.
- (g) Commerce Centers shall be allowed additional sign surface area to identify the center, up to the maximum per parcel for each district in the chart below:

District	Commerce Center ID Max. Sign Area
Limited Business	10 sq. ft.
Neighborhood Business	15 sq. ft.

Downtown Core Overlay	20 sq. ft.
Commercial	100 sq. ft.
<u>Downtown District</u>	<u>20 sq. ft.</u>
Light & Heavy Industrial	100 sq. ft.