

**CITY OF WATERTOWN, NEW YORK**

**AGENDA**

**Monday, February 6, 2023**

**7:00 p.m.**

This shall serve as notice that the next regularly scheduled meeting of the City Council will be held on Monday, February 6, 2023, at 7:00 p.m. in the City Council Chambers, 245 Washington Street, Watertown, New York.

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**ADOPTION OF MINUTES**

**COMMUNICATIONS**

**PRIVILEGE OF THE FLOOR**

**RESOLUTIONS**

Resolution No. 1 - Approving Change Order #4 with Power & Construction Group, Inc. for the Public Square Traffic Signal Optimization and Coordination Project - NYSDOT PIN 7807.20 -

Resolution No. 2 - Approving Amendment #2 of the GHD Consulting Services Agreement for the Water Treatment Plant Disinfection By-Product Project

Resolution No. 3 - Approving the Grant Agreement with Transitional Living Services of Northern New York, for CDBG Funding for the 518 Pine Street Single-Room Occupancy (SRO) Program

Resolution No. 4 - Approving Agreement with North Watertown Cemetery Association for Use of Playground

Resolution No. 5 - Intent to Declare Lead Agency for the Adoption of an Ordinance Amending the Code of the City of Watertown, Chapter 310, Zoning (Zoning Ordinance Update)

Resolution No. 6 - Approving Contract Modification No. 1 to the Agreement for Professional Services with Elan Planning and Design, LLC Related to Preparing an Update to the City of Watertown's Zoning Ordinance

Resolution No. 7 - Authorizing Application for Assistance to Firefighters Grant (AFG)

## **ORDINANCES**

- Ordinance No. 1 - Amending the Code of the City of Watertown, Chapter 310, Zoning and Repealing Chapter 11, Boards and Commissions, Article I, Planning Commission

## **LOCAL LAW**

## **PUBLIC HEARING**

## **OLD BUSINESS**

## **STAFF REPORTS**

1. Complete Streets Annual Progress Report – Calendar Year 2022
2. Fire Department Staffing Report

## **NEW BUSINESS**

## **EXECUTIVE SESSION**

1. To Discuss the employment history of particular individuals.

## **WORK SESSION**

Next Work Session is scheduled for Monday, February 13, 2023, at 7:00 p.m.

## **ADJOURNMENT**

**NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING IS TUESDAY, FEBRUARY 21, 2023**

Res No. 1

January 27, 2023

To: The Honorable Mayor and City Council

From: Kenneth Mix, City Manager

Subject: Approving Change Order #4 with Power & Construction Group, Inc. for the Public Square Traffic Signal Optimization – NYSDOT PIN: 7807.20

The City entered into an Agreement with the NYSDOT for the Public Square Traffic Signal Optimization Project. The project improvements to signal timing and traffic signal coordination will reduce congestion in the area around and through Public Square, improve travel speeds and pedestrian safety and reduce idling and pollutants that are emitted during travel.

The limits of the project include all of Public Square, Arsenal Street from Massey Street to Public Square, Washington Street from Academy Street to Public Square, State Street from High Street to Public Square and Mill Street from Main Street to Public Square.

On June 21, 2021 the City Council accepted the bid of Power & Construction Group, Inc. in the amount of \$416,287.17 for installation of equipment for the project. Fisher Associates was retained for the construction inspection and construction management of the project. Three subsequent change orders brought the contract cost to \$426,463.31.

Change Order #4 is for rerouting the power supply, additional disconnect equipment and providing a separate conduit for electric service at the American Corner and Public Square at State St. to meet National Grids specifications and the current electric code at a cost of \$55,939.74. With the addition of this change order the new contract cost will be \$482,403.05

A resolution approving Change Order #4 has been prepared and is attached for Council consideration.

RESOLUTION

Page 1 of 1

Approving Change Order #4 with Power & Construction Group, Inc. for the Public Square Traffic Signal Optimization and Coordination Project, NYSDOT PIN 7807.20

Council Member HICKEY, Patrick J.

Council Member OLNEY III, Clifford G.

Council Member PIERCE, Sarah V.C.

Council Member RUGGIERO, Lisa A.

Mayor SMITH, Jeffrey M.

Total .....

YEA	NAY

Introduced by \_\_\_\_\_

WHEREAS the City desires to reduce traffic congestion through the Public Square corridor, and

WHEREAS on June 21, 2021, City accepted the bid of Power & Construction Group, Inc. in the amount of \$416,287.17 for installation of equipment for the Traffic Signal Optimization and Coordination project, and

WHEREAS the City entered into Agreement with Fisher Associates for the construction inspection and management of the Project, and

WHEREAS additional equipment and utility work to meet current Electric Code is necessary at the intersections of Arsenal St. and Sherman St. and Arsenal and Public Square, and

WHEREAS three previous change orders brought the current Contract amount to \$426,463.31, and

WHEREAS Fisher Associates along with the City Engineering Department recommends the additional work, and it is their recommendation that the City Council accept the agreed upon price of \$55,939.74, and

WHEREAS the City is financing this project using Federal and State Aid,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order #4 from Power & Construction Group in the amount of \$55,939.74, for a Contract total of \$482,403.05, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

Seconded by \_\_\_\_\_





Power & Construction Group, 96 River Road,  
Scottsville, N.Y. 14546  
Change Order Details

PIN 7807.20 Watertown Public Square

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**Description**

**Prime Contractor** Power & Construction Group  
96 River Road  
Scottsville, NY 14546

**Change Order** 4

**Status** Pending

**Date Created** 11/08/2022

**Type** Changed Conditions

**Summary** Correction of National grid power feed to an adjacent traffic signal

**Change Order Description** This agreed price workup is for the reconstruction of the electrical service at the intersection of Arsenal Street and Public Square for the city traffic signal (American corner) and the intersection of State Street and Public Square across from the Baptist church. National Grid will install the actual electrical wire from their service vault to the new traffic signal auxiliary cabinet  
This work is necessary to separate the electrical feed wire from the pedestrian signal conductor/traffic signal conductors being in the same pull boxes adjacent to the traffic signal pole on the southside of Arsenal Street and the south side of State Street. This is to comply with NYSDOT standard sheet 680-05, "underground service".

**Awarded Project Amount** \$416,287.17

**Authorized Project Amount** \$426,463.31

**Change Order Amount** \$55,939.74

**Revised Project Amount** \$482,403.05

## New Items

Line Number	Item ID	Unit	Quantity	Unit Price	Extension
<b>Section: 1 – Description</b>					
0420	950.03	LS	1.000	\$55,939.740	\$55,939.74

Force Account No. 03

**Reason:** Necessary work to separate the electrical service to the adjacent traffic signal from the signal conductor cables as directed by NYSDOT Standard Sheet 680-05. This work has been partially completed. The work remaining is for National grid to hookup the new # 6 wire, place the meter socket and special disconnect on the controller cabinet at both sites. This Change Order includes the approved stainless-steel cabinets to house National Grid's special 100KIC disconnect switches and the overall necessary installation costs.

1 item Total:	\$55,939.74
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## Attachments

### Document

Change\_Order\_\_4\_Watertown\_Optimization\_American\_Corners\_Agreed\_Price\_w-SS\_backup\_doc\_01-10-23.pdf

### Name

Change Order #4 Watertown Optimization American Corners Agreed Price w-SS backup doc 01-10-23.pdf

### Description

### Submission Date

01/10/2023  
03:10 PM EST

1 attachment

Program Manager \_\_\_\_\_

Contractor *[Signature]* 11/10/2023

Engineer In Charge *James W. Fraser* 01/10/2023

Owner \_\_\_\_\_

Res No. 2

January 27, 2023

To: The Honorable Mayor and City Council

From: Kenneth Mix, City Manager

Subject: Approving Amendment #2 of the GHD Consulting Services, Inc.,  
Agreement for the Water Treatment Plant Disinfection By-Product Project

An agreement was entered into on April 5, 2022, with GHD Consulting Services, Inc. for consulting and engineering services for the Water Treatment Plant Disinfection By-Product System Project with a cost of \$43,900.00.

The agreement was later amended to include pilot rental/commissioning, analysis, sampling, and reporting for an additional cost of \$663,000.

A proposal was requested from GHD for services related to a funding schedule, an interim report, SEQR, WIIA/IMG funding assistance, DCIP funding assistance, and project presentations. A credit of \$29,095 is to be given for work that was suspended from the original contract when the piloting began.

Amendment #2 was prepared for those services at a cost \$20,405. This will bring the total contract amount to \$727,305. A resolution approving Amendment #2 with GHD Consulting Services, Inc. is attached for City Council consideration.

# RESOLUTION

Page 1 of 1

Approving Amendment #2 of the GHD Consulting Services Agreement for the Water Treatment Plant Disinfection By-Product Project

Council Member HICKEY, Patrick J.  
Council Member OLNEY III, Clifford G.  
Council Member COMPO, Sarah V.  
Council Member RUGGIERO, Lisa L.  
Mayor SMITH, Jeffrey M.

YEA	NAY

**Introduced by**

Total .....

WHEREAS GHD Consulting Services Inc., and the City of Watertown entered into an Agreement dated April 5, 2022 to perform engineering services to design a disinfection by-products system to reduce TTHM’s and HAA5’s, in the amount of \$43,900.00; and

WHEREAS the solution required pilot testing to demonstrate turbidity removal and filter run length in addition to DBP precursor removal; and

WHEREAS The City amended the agreement with GHD to include the additional pilot rental/commissioning, analyses, sampling, and reporting services and increased the contract by \$663,000; and

WHEREAS the City has requested that GHD assist with seeking funding for the Project to include a funding schedule, an interim report, SEQR assistance, WIIA/IMG funding assistance, DCIP funding assistance, and additional services; and

WHEREAS all the design work from the original April 5, 2022 agreement is to be suspended with work invoiced to date totaling \$4,805.00; and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Amendment #2 of the GHD agreement, a copy of which is attached and made part of this resolution, to include the additional services with a net increase of \$20,405.00, bringing the contract total \$727,305.00, and

BE IT FURTHER RESOLVED that the City Manager, Kenneth A. Mix, is hereby authorized and directed to execute Amendment #2 on behalf of the City of Watertown.

**Seconded by**



# Q1403 Amendment No. 2

This Amendment No. 2 is effective this \_\_\_ day of \_\_\_\_\_ 2023, (the “Effective Date”) between GHD Consulting Services Inc. (hereinafter “GHD”) and City of Watertown, New York (hereinafter “Client”). In consideration of the mutual promises set forth herein, GHD and Client agree to modify the project details for the Original April 5, 2022 Agreement between GHD and Client referenced herein.

## Project details

<b>Project name:</b>	Water Treatment Plant Disinfection By-Products System Design	<b>Project number:</b>	12576729
<b>Effective Date of Original Agreement:</b>	April 5, 2022	<b>Project Manager:</b>	Natasha Duran

### Description of proposed change: Funding Assistance/Presentations

#### Background

The City is currently pilot testing, with assistance from GHD, treatment technologies for control of DBPs. The schedule for pilot testing is based on the requirements established by the New York State Department of Health (NYSDOH) with testing occurring over 4 seasons and concluding in August 2023. A final report of findings and recommendations is proposed to be completed to meet the USEPA Administrative Order deadline of January 1, 2024.

The City is interested in pursuing funding for the ultimate recommended project in 2023. Funding programs of interest to the City are:

1. New York State (NYS) Water Infrastructure and Investment Act (WIIA) grant program (potential for 60% grant up to \$5 million)
2. NYS Intermunicipal Grant Program (IMG) (potential for 40% grant up to \$30 million)
3. US Department of Defense Office of Local Defense Community Cooperation (OLDCC) Defense Community Infrastructure Pilot (DCIP) Program.

On behalf of the City, in June 2022 GHD submitted a project listing form to the New York State Department of Health (NYSDOH) for consideration of funding through the Drinking Water State Revolving Loan Fund (see attached). The project requirements were uncertain at that time and the project listing was based on the addition of a 15 MGD post filter granular activated carbon (GAC) water treatment facility, with a planning level project cost opinion of \$33,900,000 The project was included in the FY2023 DWSRF Intended Use Plan with a priority ranking on the multi-year list with a score of 90 and DWSRF project number of 19154.

<b>19154</b>	<b>Jefferson</b>	WATERTOWN, CITY OF / Watertown (C)	WTP Upgrades to address DBPs, Upgrade Water Treatment Plant	27,861	\$33,900,000	90	\$1,591,356,528
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To further refine the project, and consider pilot testing results to date, we propose to prepare an interim engineering report to detail the project requirements and update the opinion of project cost. The interim report and project cost update will not have the benefit of the entire pilot testing period, however, can be used to solicit funding through WIIA and IMG and assess environmental impacts through SEQR.

*GHD is not a registered Municipal Advisor under U.S. Securities and Exchange Commission (SEC) Municipal Advisors Rule and is not subject to the fiduciary duty to municipal entities that the Exchange Act imposes on municipal advisors. GHD will be providing engineering support for the City's pursuit of funding. GHD will not be acting as a municipal advisor to the City pursuant to this Rule. Our services will not include providing advice or recommendations regarding municipal financial products nor will we be able to provide any advice with respect to structure, timing, terms, or other similar matters concerning the issuance of municipal securities. The City will be responsible for retaining an independent registered municipal advisor for the provision of any such advice or recommendations.*

## **1. Proposed Scope of Services**

### **1.1 Funding Assistance**

#### **1.1.1 Funding Schedule**

Prepare a detailed funding schedule of activities and tasks needed to be completed before funding application deadlines, with start and finish dates and identification of responsible parties.

#### **1.1.2 Interim Report**

1. Prepare an Interim report of pilot testing results through pilot test period No. 3, summarizing the water quality and operational results received. The interim report will be prepared in accordance with New York State Environmental Facilities Corporation (NYSEFC) engineering report guidelines and is required to include an executive summary, project background and history, alternative evaluation, interim recommendations, interim cost opinion, project location map, detailed design and construction schedule, engineering report certification, Smart Growth Assessment Form and Capacity Development Evaluation Form.
2. Submit a draft of the interim report for City review and address comments received from the City in the final interim report. All report submissions will be electronic.
3. The budgeted fee for the interim report represents the additional effort above the originally proposed pilot test engineering report included in Amendment No. 1.

#### **1.1.3 State Environmental Quality Review (SEQR)**

1. SEQR is required for State funding (WIIA and IMG). SEQR will occur with the City acting as lead agency.
2. The environmental assessment will need to begin about 3 months before the funding application is due, and ahead of completed piloting and the interim report. The nominated project that will be assessed for environmental impacts will be a new sedimentation basin and ozonation/biological filtration addition to the WTP.
3. Prepare an Environmental assessment form for the nominated project and identify potential environmental impacts and present the importance of those impacts. The New York State Historic Preservation Office (SHPO) will be contacted relative to impacts to historic, archeological and cultural resources.
4. Assist the City in administering the SEQR process.
5. The potential environmental impacts of the project are not known at this time and will be assessed as part of the preparation of the interim report. The basis for our budgeted fee is that the project will be classified as a Type 1 Action under SEQR, requiring a coordinated review, and a negative declaration of impacts (SEQR) will be the finding of the environmental review (an Environmental Impact Statement (EIS) is not required).

#### **1.1.4 WIIA/IMG Grant**

Prepare an application to WIIA or IMG when the program opens for applications in 2023.

### 1.1.5 DCIP Program

1. Prepare a proposal to respond to the 2023 Notice of Funding Opportunity (NOFO) for DCIP funds (expected to be issued in March 2023). The proposal will be prepared in accordance with the NOFO. Based on uncertainty of final NOFO requirements, we are proposing our services as an estimated hourly budget. The proposal will include an unsigned Application for Federal Assistance SF424 using the City's Grants.gov account.
2. National Environmental Policy Act (NEPA) review is required for DCIP funded projects, however, is not required for the proposal or application, as such NEPA review is proposed to be completed as part of the project design.
3. If the DCIP proposal is accepted for application, assistance with the application would be provided as an additional service.

### 1.2 Additional Services - Project Presentations

Formal presentations of the results of the pilot testing were not included in the July 6, 2022 Amendment No. 1 to our Engineering Services Agreement. GHD has provided one presentation in December 2022 to the Regional Water Suppliers and have an additional two more scheduled for City Council in February 2023 and with the Regional Water Suppliers in April 2023. We anticipate one additional presentation at the conclusion of the pilot testing report. We have included a lump sum fee in this proposal for these additional services.

### 1.3 Suspend Original Authorization

All work of the \$43,900 design and pilot guidance budget authorized in the original April 5, 2022 agreement is suspended. Work completed and invoiced to date on the original authorization totals \$14,805, leaving a balance of \$29,095, to be removed from the total budget by this amendment.

## 2. Payments to the Engineer

The above scope of services will be completed for the following fees (not to exceed without prior written authorization):

Phase	Fee	Fee Type
1.1.1 and 1.1.2 Funding Schedule and Interim Report	\$15,400	Lump Sum
1.1.3 SEQR	\$11,500	Hourly
1.1.4 WIIA/IMG Funding Assistance	\$2,500	Hourly
1.1.5 DCIP Funding Assistance	\$9,900	Hourly
1.2 Additional Services - Project Presentations	\$10,200	Lump Sum
1.3 Suspend Original Authorization	(\$29,095)	
<b>TOTAL Amendment No. 2</b>	<b>\$20,405</b>	

Hourly services will be billed at standard hourly billing rates plus reimbursable expenses.

## 3. Schedule

Funding assistance will begin on written authorization to proceed and will conclude with the submission of an application for a WIIA or IMG grant (expected in Summer 2023). Proposals for DCIP funding are expected to be due in June 2023.



## 4. Work by Owner

The City shall provide the necessary resolutions, bonding resolutions and notice of estoppel, required authorizations/resolutions to sign and submit an application, secure bond counsel, provide SEQR lead agency declaration, SEQR negative declaration and publication in the Environmental Notice Bulletin, preparation of the Capacity Development Evaluation Form, preparation of a formal application to DWSRF for loan funding (if utilized), and preparation of intermunicipal agreements if an IMG grant is pursued. The City will also provide input to the overall funding application schedule (Scope item 1.1) relative to bonding requirements and meeting dates for SEQR actions. The City will also assist in the DCIP proposal preparation relative to DCIP funding priorities for military value, military resilience, and military family quality, provide detail on the City's past grant management history and solicit the Fort Drum Commander letter of endorsement of the project. The City will provide access to GHD to their Grants.gov and Sam.gov accounts for DCIP submission.

## 5. Terms and Conditions

April 5, 2022 Engineering Service Agreement as amended to date.

<b>Original budgeted effort \$</b>	\$43,900	<b>Current completion date:</b>	January 1, 2024
<b>Budget Prior to this Amendment \$</b>	\$706,900		
<b>This Amendment No. 2 (variation)</b>	\$20,405		
<b>Revised total budgeted effort</b>	\$727,305	<b>Revised completion date:</b>	January 1, 2024

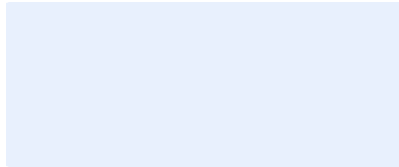
In witness whereof, GHD and Client have caused this Agreement to be executed by their duly authorized representatives as of the Effective Date.

**GHD**  
**Consulting Services Inc.**



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Kevin Castro, PE  
President  
1/31/2023

**Client:**  
**City of Watertown, NY**



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Kenneth Mix  
City Manager  
Date:

Resolution No. 3

January 31, 2023

To: The Honorable Mayor and City Council

From: Michael A. Lumbis, Planning and Community Development Director

Subject: Approving the Grant Agreement with Transitional Living Services of Northern New York, for CDBG Funding for the 518 Pine Street Single-Room Occupancy (SRO) Program

The Community Development Block Grant (CDBG) 2022 Annual Action Plan that was adopted by the City Council on June 20, 2022, included \$15,000 in funds to support the 518 Pine Street Single-Room Occupancy (SRO) project operated by Transitional Living Services of Northern New York.

The Grant Funds will be used to help pay for the salary of a Case Manager to support the Single Room Occupancy Program (SRO) at 518 Pine Street, an 18-bed facility which will provide safe, supervised, transitional housing to individuals experiencing homelessness. Case Managers will link and refer individuals to supportive services which may include but not be limited to treatment for mental illness and/or addiction, employment and/or mainstream benefits. The program will identify an individual's need not only for housing but also securing other resources needed to maintain housing stability such as food security, health insurance, vocational and education support, medical treatment, transportation, clothing and social connectedness.

An agreement between the City of Watertown and Transitional Living Services of Northern New York has been drafted and is attached for City Council consideration. Transitional Living will comply with all CDBG regulations and provide the City with a complete financial report on the use of grant funds.

The resolution prepared for City Council consideration approves the proposed agreement and authorizes the City Manager to sign it on behalf of the City Council.

# RESOLUTION

Page 1 of 1

Approving the Grant Agreement with Transitional Living Services of Northern New York, for CDBG Funding for the 518 Pine Street Single-Room Occupancy (SRO) Program

Council Member HICKEY, Patrick J.

Council Member OLNEY III, Clifford G.

Council Member PIERCE, Sarah V.C.

Council Member RUGGIERO, Lisa A.

Mayor SMITH, Jeffrey M.

Total .....

YEA	NAY

***Introduced by***

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WHEREAS the City of Watertown’s Community Development Block Grant (CDBG) Annual Action Plan for program year 2022 includes funding to support the Single-Room Occupancy Program at 518 Pine Street, and

WHEREAS the Action Plan identifies the 518 Pine Street Single-Room Occupancy Program to be \$15,000 in funding to help support a Case Manager salary to provide supportive services to individuals experiencing homelessness, and

WHEREAS the recipient of funds for the 518 Pine Street Single-Room Occupancy Program will be Transitional Living Services of Northern New York, and

WHEREAS a Grant Agreement between the City of Watertown and Transitional Living Services of Northern New York for the CDBG funds has been drafted,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the Grant Agreement with Transitional Living Services of Northern New York, a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Kenneth A. Mix, is hereby authorized and directed to sign the Grant Agreement and all contracts associated with implementing the award to Transitional Living Services of Northern New York for the 2022, 518 Pine Street Single-Room Occupancy Program.

***Seconded by***

## GRANT AGREEMENT

This Grant Agreement (“*Grant Agreement*”) is made this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the **City of Watertown**, a municipal corporation of the State of New York (hereinafter referred to as the “*Grantor*”) with offices at 245 Washington Street, Watertown, New York 13601, and **Transitional Living Services of Northern New York**, a 501(c)(3) Not-For-Profit Organization (hereinafter referred to as the “*Grantee*”) with offices at 482 Black River Parkway, Watertown, New York 13601.

The Grantor is the recipient of Community Development Block Grant (CDBG) funds from the U. S. Department of Housing and Urban Development (HUD). CDBG funds are provided under Title I of the Housing and Community Development Act of 1974, as amended, and all activities supported by those funds must comply with the federal regulations at 24 CFR Part 570 and specific provisions of the Funding Approval/Agreement between the Grantor and HUD for Grant Number B-22-MC-36-0121 dated September 6, 2022.

For good and valuable consideration, the sufficiency of which is hereby acknowledged, Grantor agrees to distribute a grant from its Community Development Block Grant funds in the amount of Fifteen- Thousand Dollars and 00/100 (\$15,000.00) (hereinafter referred to as the “*Grant Funds*”) to Grantee for the purposes and uses set forth in this Grant Agreement.

The Grant Funds shall be used exclusively to support the **Single Room Occupancy Program** (the “*Program*”) at **518 Pine Street** operated by the Grantee, an 18-bed facility which will provide safe, supervised, transitional housing to individuals experiencing homelessness. Case Managers will link and refer individuals to supportive services which may include but not be limited to treatment for mental illness and/or addiction, employment and/or mainstream benefits. The program will identify an individual’s need not only for housing but also securing other

resources needed to maintain housing stability such as food security, health insurance, vocational and education support, medical treatment, transportation, clothing and social connectedness.

Grant Funds shall be used to establish the Program and pay for the salary of a case manager (“*Grant Purposes*”) in support of the Program. Payment of grant funds to the Grantee shall be made on a reimbursement basis as expenses are incurred and claims are submitted. Grantee agrees to provide Grantor with a complete financial reporting regarding the use of the Grant Funds after they have been spent, including but not limited to payroll records, invoices, vouchers, receipts, etc. Reimbursement shall be made by the Grantor to the Grantee no more frequently than a monthly basis.

Grantor reserves the right to require a refund of any Grant Funds that have not been used for the Grant Purposes. All grant funds must be spent by December 31, 2024.

Grantee agrees to provide any information required for Grantor to comply with all federal regulations that apply to the use of CDBG funds for the Program, including but not limited to number of persons assisted and information on race and ethnicity.

Grantee will not discriminate on the basis of race, color, creed, national origin, sex, age, handicap, or family status in the implementation of the program.

Grantee agrees that no officer, employee, or agent of the Grantor who exercises any control or influence in connection with the Program will have any interest, direct or indirect, in how the Grant Funds are disbursed or in any contract related to the Program. Also, no member or delegate to the Congress of the United States shall have any interest in or derive any benefit from the Program.

Grantee hereby certifies that it is in its complete control to use the Grant Funds for the Grant Purposes. This document contains the entire agreement between Grantor and Grantee, and there are no terms or conditions, oral or written, governing the use of the Grant Funds other than those contained in this document. This agreement will be governed by the laws of the State of

New York. This Grant Agreement may be executed by Grantor and Grantee in separate counterparts. All such counterparts shall constitute one and the same agreement and shall become effective when one or more counterparts have been signed by each party and delivered to the other party. This Grant Agreement may be signed by facsimile signatures or other electronic delivery of an image file reflecting the execution hereof, and, if so signed: (i) may be relied on by each party as if the document were a manually signed original and (ii) will be binding on each party for all purposes.

IN WITNESS WHEREOF, the undersigned have caused this Grant Agreement to be executed as of the date first above written.

Transitional Living Services of Northern  
New York, a 501 (c)(3) Not-For-Profit  
Organization

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By: Maureen Cean  
Its: Executive Director

CITY OF WATERTOWN

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By: Kenneth A. Mix  
Its: City Manager

Res No. 4

February 1, 2023

To: The Honorable Mayor and City Council

From: Kenneth A. Mix, City Manager

Subject: Approving Agreement with North Watertown Cemetery Association for Use of Playground

The City has maintained and operated a playground on New York Avenue, known as the North Star Playground, for many years on property owned by the North Watertown Cemetery Association. The lease agreement for the property has lapsed.

A new 5-year lease agreement has been drafted. The terms remain the same as in the past. There is no money exchanged, but the City takes on the responsibility for a fence and the sidewalk along Superior Street. A resolution approving the lease agreement has been prepared for City Council consideration.



**RESOLUTION**

Approving Agreement with North Watertown Cemetery Association for Use of Playground

Council Member HICKEY, Patrick J.  
 Council Member OLNEY III, Clifford G.  
 Council Member PIERCE, Sarah V.C.  
 Council Member RUGGIERO, Lisa A.  
 Mayor SMITH, Jeffrey M.  
 Total .....

YEA	NAY

***Introduced by***

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WHEREAS North Star Playground, which is maintained by the City of Watertown is located on property owned by North Watertown Cemetery Association, and

WHEREAS the City Council wishes to continue to maintain a playground on Cemetery property, and

WHEREAS a lease for the use of the playground property has been drafted,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the lease with North Watertown Cemetery Association, a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the lease, on behalf of the City of Watertown.

**Seconded by**

## Lease Agreement

This Agreement is made in the City of Watertown, New York on the \_\_\_\_\_ day of February, 2023, between the City of Watertown, a municipal corporation duly created, organized and existing under and by virtue of the Laws of the State of New York (the "City") and the North Watertown Cemetery Association, a corporation duly organized and existing under and by virtue of the Laws of the State of New York and conducting the business of a cemetery association within the City ("North").

In consideration of the agreements, conditions, covenants, and terms on the part of the City, North hereby leases to the City the following property:

Beginning at a point in the Southerly side of New York Avenue said point being the Southwesterly comer of the North Watertown Cemetery Association property, running thence Southeasterly and along the westerly boundary of Parcel No. 120410 on New York Avenue and said line produced, about 222 feet to a point; thence running in a Northeasterly direction about 450 feet to a point, thence Northwesterly about 67 feet to a point which is a prolongation of the Southeasterly side of Parcel No. 122104 as occupied; thence Southwesterly about 62 feet to the Southeast comer of Parcel No. 122104 as occupied; thence Northwesterly along the occupied line of Parcel No. 122104, 136.75 feet to the Southerly margin of New York Avenue; thence along the Southerly margin of New York Avenue 388 feet to the place of beginning.

TO HAVE AND TO HOLD for a term commencing on February 1, 2023, and ending at twelve o'clock midnight on January 31, 2028, unless sooner terminated.

IT IS HEREBY AGREED that this Agreement is made upon the foregoing and upon the following conditions, covenants and terms:

1. That leased property is to be used as a playground or athletic field by the City of Watertown.
2. That the City shall maintain the existing fence on the easterly boundary of the playground, as it joins the lands of the party of the second part, which are used for the purposes of the cemetery.
3. The City will defend and hold the Cemetery Association harmless for all injuries sustained by persons on the leased premises.

4. That all apparatus, fences and other equipment or fixture placed upon the premises shall continue to be property of the City and may be removed by the City at the expiration of, or termination of this lease.

5. The City will relieve the Cemetery Association of the responsibility of operating and capital maintenance of the sidewalk along Superior Street.

By: \_\_\_\_\_  
Mayor, City of Watertown

By: \_\_\_\_\_  
Manager, North Watertown  
Cemetery Association

Res No. 5

January 31, 2023

To: The Honorable Mayor and City Council

From: Michael A. Lumbis, Planning and Community Development Director

Subject: Intent to Declare Lead Agency for the Adoption of an Ordinance Amending the Code of the City of Watertown, Chapter 310, Zoning (Zoning Ordinance Update)

Pursuant to the State Environmental Quality Review Act (SEQRA) and 6 NYCRR 617.6(b)(3)(i), the City Council should declare itself as the Lead Agency for the purposes of fulfilling the SEQRA requirements relative to the adoption of an Ordinance Amending the Code of the City of Watertown, Chapter 310, Zoning (Zoning Ordinance update).

Attached for City Council consideration is a Resolution which establishes the City as the Lead Agency.

After the City Council establishes itself as the Lead Agency for SEQR Review, a Full Environmental Assessment Form (EAF) will be prepared for review and consideration by the City Council for the February 21, 2023 meeting.

# RESOLUTION

Page 1 of 1

Intent to Declare Lead Agency for the Adoption of an Ordinance Amending the Code of the City of Watertown, Chapter 310, Zoning (Zoning Ordinance Update)

Council Member HICKEY, Patrick J.  
 Council Member OLNEY III, Clifford G.  
 Council Member PIERCE, Sarah V.C.  
 Council Member RUGGIERO, Lisa A.  
 Mayor SMITH, Jeffrey M.  
 Total .....

YEA	NAY

### *Introduced by*

---

WHEREAS the City of Watertown City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Quality Review Act (SEQRA), and the regulations promulgated pursuant thereto, and

WHEREAS 6NYCRR Part 617 of the SEQRA requires that a Lead Agency be established for conducting environmental review of projects in accordance with local and state environmental law, and

WHEREAS the SEQRA specifies that for actions governed by local environmental review, the Lead Agency shall be that agency which has primary responsibility to undertake, fund or approve the action, and

WHEREAS the City Council is considering the adoption of an Ordinance Amending the Code of the City of Watertown, Chapter 310, Zoning and Adopting a new Zoning Map, and

WHEREAS the proposed Ordinance is a Type I Action pursuant to (SEQRA), and

WHEREAS there are no other involved agencies for SEQRA review as that term is defined in 6NYCRR Section 617.2 (t),

NOW THEREFORE BE IT RESOLVED that the City of Watertown City Council declares its intent to act as Lead Agency in Environmental Review of the proposed adoption of an Ordinance Amending the Code of the City of Watertown, Chapter 310, Zoning and Adopting a new Zoning Map.

### *Seconded by*

Res No. 5

January 31, 2023

To: The Honorable Mayor and City Council

From: Michael A. Lumbis, Planning and Community Development Director

Subject: Intent to Declare Lead Agency for the Adoption of an Ordinance Amending the Code of the City of Watertown, Chapter 310, Zoning (Zoning Ordinance Update)

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Attached for City Council consideration is a Resolution which establishes the City as the Lead Agency.

After the City Council establishes itself as the Lead Agency for SEQR Review, a Full Environmental Assessment Form (EAF) will be prepared for review and consideration by the City Council for the February 21, 2023 meeting.

# RESOLUTION

Page 1 of 1

Intent to Declare Lead Agency for the Adoption of an Ordinance Amending the Code of the City of Watertown, Chapter 310, Zoning (Zoning Ordinance Update)

Council Member HICKEY, Patrick J.  
 Council Member OLNEY III, Clifford G.  
 Council Member PIERCE, Sarah V.C.  
 Council Member RUGGIERO, Lisa A.  
 Mayor SMITH, Jeffrey M.  
 Total .....

YEA	NAY

### *Introduced by*

---

WHEREAS the City of Watertown City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Quality Review Act (SEQRA), and the regulations promulgated pursuant thereto, and

WHEREAS 6NYCRR Part 617 of the SEQRA requires that a Lead Agency be established for conducting environmental review of projects in accordance with local and state environmental law, and

WHEREAS the SEQRA specifies that for actions governed by local environmental review, the Lead Agency shall be that agency which has primary responsibility to undertake, fund or approve the action, and

WHEREAS the City Council is considering the adoption of an Ordinance Amending the Code of the City of Watertown, Chapter 310, Zoning and Adopting a new Zoning Map, and

WHEREAS the proposed Ordinance is a Type I Action pursuant to (SEQRA), and

WHEREAS there are no other involved agencies for SEQRA review as that term is defined in 6NYCRR Section 617.2 (t),

NOW THEREFORE BE IT RESOLVED that the City of Watertown City Council declares its intent to act as Lead Agency in Environmental Review of the proposed adoption of an Ordinance Amending the Code of the City of Watertown, Chapter 310, Zoning and Adopting a new Zoning Map.

### *Seconded by*

Res No. 6

January 31, 2023

To: The Honorable Mayor and City Council

From: Michael A. Lumbis, Planning & Community Development Director

Subject: Approving Contract Modification No. 1 to the Agreement for Professional Services with Elan Planning and Design, LLC Related to Preparing an Update to the City of Watertown's Zoning Ordinance

The City Council approved a contract with Elan Planning on April 20, 2020 to completely update the City's Zoning Ordinance. The budget for that contract was based on the proposed budget contained in Elan Planning's Zoning Re-Write proposal, submitted to the City on February 21, 2020. In that proposed budget, the total estimated project fee was \$149,000.

Elan based that estimate in anticipation of conducting two (2) Open Houses for public comment, whereas the total open houses ended up being four (4). Additionally, hours were added to the revisions task to accommodate the additional edits to the zoning ordinance based on City Council, Zoning Re-Write Committee, staff and public input. Additional hours were also needed to accommodate extra City Council work session presentations, which occurred during the revision and adoption process. This is in addition to travel for additional meetings that will occur during the upcoming adoption process and additional training afterwards.

As such, Elan Planning has exhausted its estimated \$149,000 budget and has requested an amendment totaling \$18,000 to cover expenses related to the extra meetings and travel. Contract Modification No. 1 will increase the budget to a total amount not to exceed \$167,000.

Staff proposes to cover the cost of this increase using Community Development Block Grant (CDBG) funding from CDBG Program Year 2020-2021. CDBG funds were used to pay for the project initially. It should be noted that CDBG funds will pay for the entire \$18,000 increase and there is no out-of-pocket cost to the City.

A resolution approving Amendment No. 1 to Elan Planning's contract for an additional \$18,000 in Expenses has been prepared for City Council's consideration.



# RESOLUTION

Page 1 of 1

Approving Contract Modification No. 1 to the Agreement for Professional Services with Elan Planning and Design, LLC Related to Preparing an Update to the City of Watertown's Zoning Ordinance

Council Member HICKEY, Patrick J.

Council Member OLNEY III, Clifford G.

Council Member PIERCE, Sarah V.C.

Council Member RUGGIERO, Lisa A.

Mayor SMITH, Jeffrey M.

Total .....

YEA	NAY

### *Introduced by*

---

WHEREAS the City Council approved a Professional Services Agreement with Elan Planning and Design, LLC, on April 20, 2020, to completely update the City's Zoning Ordinance, and

WHEREAS additional tasks beyond the original scope of work have been completed, and

WHEREAS Elan Planning has requested to increase the total project expenses by \$18,0000 to cover the additional work, bringing the new project budget to \$167,000, and

WHEREAS the \$18,000 increase will pay for expenses related to two (2) additional public open houses and City Council work sessions as well as additional time for edits and revisions, as detailed in "Scope of Services" in the attached documentation,

NOW THEREFORE BE IT RESOLVED that the City Council approves Contract Modification No. 1 to the Agreement for Professional Services with Elan Planning and Design LLC in the amount of \$18,000, a copy of which is attached and made part of this resolution and

BE IT FURTHER RESOLVED that the City Manager, Kenneth A. Mix, is hereby authorized and directed to execute said Amendment on behalf of the City of Watertown.

### *Seconded by*



January 5, 2023

Ms. Jennifer Voss  
Senior Planner  
City of Watertown  
245 Washington Street  
Watertown, NY 13601

**RE: City of Watertown – Zoning Ordinance Update Contract Modification #1**

Dear Jen:

Elan Planning and Design, LLC (Elan) is pleased to provide the City of Watertown (Client) with this proposal for a contract modification for services associated with updating the City's Zoning Ordinance. The modification is in accordance with the Professional Services Agreement between Elan and the City dated April 20, 2020; Paragraph 5 'Miscellaneous Provisions' subparagraph 5.3 stating that the agreement may be amended only by written instrument signed by both Client and Elan.

Specifically, this contract modification is for work that is in addition to the base zoning ordinance update work to accommodate for an increase in number of revisions, public presentations, and City Council interaction that is above the stated amount in the original proposal.

## **SCOPE OF SERVICES**

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Elan's proposed Scope of Services is separated into the following tasks that correspond to the original proposal:

- Task 4 – Draft Zoning Ordinance & Zoning Map Updates & and Open House #2
  - » Hours were added to this task to accommodate for 2 additional open houses
- Task 5 – Final Zoning Ordinance & Zoning Map Updates
  - » Hours were added to this task to accommodate for additional edits to the zoning ordinance based on City Council and public input
- Task 6 – Adoption Assistance
  - » Hours were added to this task to account for additional City Council workshop meetings

## **FEE AND TERMS**

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Elan proposes to perform the above described services for a lump sum fee eighteen thousand dollars and zero cents (\$18,000.00) which is an increase from the original contract amount from \$149,000 to \$167,000. This amount does not include additional reimbursable expenses associated with travel.

Additional services, which are beyond the proposed scope of services, will be considered additional work, and will require additional compensation.

The proposed scope of services will be performed in accordance with the Standard Terms and Conditions as provided in the Master Professional Services Agreement between the City of Watertown and Elan, executed on April 20, 2020.

Should you have any questions regarding this proposal or care to revise its contents, please do not hesitate to contact the undersigned at your convenience. Should you find this proposal acceptable, please issue written authorization allowing us to proceed on your behalf.

We look forward to continuing to work with you on this project.

Very truly yours,



**Elan Planning & Design LLC**  
Lisa C. Nagle, AICP, RLA  
Principal

**ACCEPTED AND APPROVED:**

CITY OF WATERTOWN

By: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Res. No. 7

February 1, 2023

To: The Honorable Mayor and City Council

From: Kenneth A. Mix, City Manager

Subject: Authorizing Application for Assistance to Firefighters Grant (AFG)

The Fire Department is seeking City Council approval to apply for grant funding under FEMA's Assistance to Firefighters Grant (AFG) Program. Please see the attached memo from Fire Chief Matthew Timerman for the details.

A resolution authorizing the application has been prepared for City Council consideration.

# RESOLUTION

Page 1 of 1

Authorizing Application for Assistance to Firefighters Grant (AFG)

Council Member HICKEY, Patrick J.

Council Member OLNEY III, Clifford G.

Council Member PIERCE, Sarah V.C.

Council Member RUGGIERO, Lisa A.

Mayor SMITH, Jeffrey M.

Total .....

YEA	NAY

**Introduced by** \_\_\_\_\_

WHEREAS the City of Watertown Fire Department is seeking City Council approval to apply for grant funding under FEMA’s Assistance to Firefighters Grant (AFG) Program, and

WHEREAS the purpose of this program is for critically needed resources necessary for protecting the public and emergency personnel from fire and related hazards, and

WHEREAS the application, in an amount not to exceed \$145,454.00, with the City’s share not to exceed \$14,545.00, for total project cost not to exceed \$160,000.00, would provide funding to cover equipment, labor and training expenses related to CPR, for both City employees and the Community,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the Fire Department to submit a grant application under FEMA’s Assistance to Firefighters Grant (AFG) Program, and

BE IT FURTHER RESOLVED that Fire Chief Matthew Timerman is hereby authorized and directed to execute the grant application on behalf of the City of Watertown and for City Manager Kenneth A. Mix to approve the grant if awarded.

**Seconded by** \_\_\_\_\_



## CITY OF WATERTOWN FIRE DEPARTMENT

224 SOUTH MASSEY STREET  
WATERTOWN, NEW YORK 13601  
OFFICE: 315-785-7800  
FAX: 315-785-1821



**To:** City Manager Ken Mix  
**CC:** City Council  
**From:** Chief Timerman  
**Date:** January 31, 2023  
**Re:** Fiscal Year 2022 FEMA Assistance to Firefighters Grant Program

Manager Mix,

Since 2001, the Federal Emergency Management Agency's Assistance to Firefighters Grant Program (AFG) has helped firefighters obtain critically needed resources necessary for protecting the public and emergency personnel from fire and related hazards. The City of Watertown has received numerous AFG awards over the past two decades, totaling more than \$1,900,000. This year the department requests authorization to submit a grant application to cover purchase and replacement of cardiac resuscitation equipment, CPR training equipment; and CPR / firefighter rehab related training.

In calendar year 2022, the Watertown Fire Department responded to 334 cardiac related emergencies, 35 of those were cardiac arrests – double the amount from just five years ago. To better meet our primary mission, the protection of life, our department plans to improve cardiac arrest survivability with a multi-faceted approach:

- **Training equipment to support our Employee and Community CPR programs.**  
Over the past year we have spooled up our CPR training programs. We have trained eight new CPR instructors and provided CPR training not only to our own personnel, but to 57 other city employees and 36 members of the community. During this 1<sup>st</sup> year, we have borrowed CPR manikins and associated equipment from Jefferson County. This grant proposal would cover the cost to purchase our own manikins and equipment.
- **Replacing aging automated external defibrillators (AEDs) and purchasing additional resuscitation equipment.**  
FEMA recommends replacement of AEDs after 7 years; the manufacturer recommends replacement after 8 years. The department's AEDs are 17 years old. We also recommend adding additional CPR adjuncts (CPR feedback devices and automated chest compression devices) to meet best practices.
- **Additional training and equipment to focus on "high-performance CPR" and firefighter safety and rehabilitation.**  
Survivability rates from cardiac arrest hover around 10% nationally. Organizations that have focused on aggressive "high-performance CPR" coupled with quick defibrillation have seen significant improvement in their survivability rates. Additionally, firefighter cardiac arrests can be reduced by an active rehabilitation program. This grant proposal



## CITY OF WATERTOWN FIRE DEPARTMENT

224 SOUTH MASSEY STREET  
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would cover labor and training expenses for “high performance CPR” and firefighter rehabilitation program training.

To fund the project’s stated goals, I seek permission to submit an application to the Assistance to Firefighters Grant program for an amount not to exceed \$160,000. The budget is listed below. Dollar amounts are listed as not to exceed as we are still finalizing the specific amounts. As you may recall, the FEMA AFG program requires a 10% local match.

Project Budget	
Equipment Expenses	\$140,000 (not to exceed)
Labor and Training Expenses	\$20,000 (not to exceed)
<b>Total</b>	<b>\$160,000 (not to exceed)</b>
<b>Federal Cost Share</b>	<b>\$145,454 (not to exceed)</b>
<b>Local Cost Share</b>	<b>\$14,545 (not to exceed)</b>

To put the request into perspective, the cost to replace just our existing AEDs would be \$36,000 – nearly 2 ½ times the cost of the local share of this grant. This grant would buttress our CPR training program and help us provide this training to city employees and the community, in addition to our own personnel. The additional training and equipment would help to improve cardiac survivability in our community and lessen the likelihood of cardiac arrest among our firefighters.

The window for AFG grant applications is currently open and all submissions must be received by Friday, February 10<sup>th</sup> at 5:00 pm. Should it be approved, expenditures relating to the grant would take place in the ‘23-‘24 budget year at the earliest, ‘25-‘26 budget year at the latest. If you would like any additional information, please don’t hesitate to ask.

Respectfully,

Matthew Timerman

Fire Chief

Ord. No. 1

January 31, 2023

To: The Honorable Mayor and City Council

From: Michael A. Lumbis, Planning & Community Development Director

Subject: Amending the Code of the City of Watertown, Chapter 310, Zoning (Zoning Ordinance Update)

The Planning and Community Development Department has spent the previous two and a half years working with Elan Planning & Design and the City Council appointed Zoning Rewrite Steering Committee to completely rewrite and update the Zoning Ordinance for the City of Watertown. This work was initiated after the adoption of the City's Comprehensive Plan in 2019, which identified updating the dated, 1959 Zoning Ordinance as a priority project.

After numerous meetings with the Steering Committee, four public open houses, three City Council work sessions and other public outreach over the last three years, the City Council directed Staff to begin the formal adoption process for the new Zoning Ordinance.

The City Planning Board reviewed the proposed Zoning Ordinance and Zoning Map at its January 19, 2023, meeting and adopted a motion unanimously recommending that City Council approve the proposed Zoning Ordinance and Zoning Map. Attached is a copy of the minutes from the meeting.

Staff also referred the Ordinance and Map to the Jefferson County Planning Board, pursuant to General Municipal Law, Section 239-m. The Board was unable to establish a quorum at its January 31, 2023, meeting and therefore did not take any formal action on the referral. The Board did, however, provide a recommendation to take into account airport compatibility which has been addressed in the final document.

Also attached is the final draft version of the Proposed Zoning Ordinance and Zoning Map. The ordinance attached for City Council consideration amends the Code of the City of Watertown, Chapter 310, Zoning, by replacing the current ordinance in its entirety with the attached documents titled "City of Watertown Zoning Ordinance Update" dated January 31, 2023 and "City of Watertown, New York Proposed Zoning Map", dated January 31, 2023. It also repeals Chapter 11, Boards and Commissions, Article I, Planning Commission, as the language in that chapter is either outdated or will be replaced by the new Zoning Ordinance.

The City Council must hold a public hearing on the ordinance before it may vote. Staff recommends that the Council schedule a public hearing for 7:15 p.m. on Tuesday, February 21, 2023, to hear public comment on the proposed amendment to the Code of the City of Watertown, Chapter 310, Zoning (Zoning Ordinance Update).



# ORDINANCE

Page 1 of 2

Amending the Code of the City of Watertown, Chapter 310, Zoning and Repealing Chapter 11, Boards and Commissions, Article I, Planning Commission

Council Member HICKEY, Patrick J.

Council Member OLNEY III, Clifford G.

Council Member PIERCE, Sarah V.C.

Council Member RUGGIERO, Lisa A.

Mayor SMITH, Jeffrey M.

Total .....

YEA	NAY

## *Introduced by*

WHEREAS the City of Watertown’s current Zoning Ordinance was adopted in 1959 and is extremely outdated, and

WHEREAS the City’s Comprehensive Plan, adopted in 2019, identified the development of a new Zoning Ordinance as a priority project, and

WHEREAS, numerous comments were received during the development of the Comprehensive Plan related to the City’s outdated Zoning Ordinance and the need to update it, and

WHEREAS the City Council has proposed amending Chapter 310, Zoning, of the Code of the City of Watertown, and

WHEREAS the Zoning Ordinance Rewrite Committee, appointed by the City Council on July 20, 2020, has worked with Elan Planning and Design, and City Staff, meeting numerous times over the course of the last three years to develop a new Zoning Ordinance and Zoning Map for the City, and

WHEREAS four public open houses and three City Council work sessions were held throughout the development of the new Zoning Ordinance and Zoning Map to solicit public input and comments, and

WHEREAS the Planning Board of the City of Watertown reviewed the proposed Zoning Ordinance and Zoning Map at its January 19, 2023, meeting and adopted a motion unanimously recommending that City Council approve the proposed Zoning Ordinance and Zoning Map, and

WHEREAS the proposed Zoning Ordinance and Zoning Map was referred to the Jefferson County Planning Board, pursuant to New York State General Municipal Law Section 239-m, and

WHEREAS a public hearing was held on the proposed Zoning Ordinance and Zoning Map on February 21, 2023, after due public notice, and

# ORDINANCE

Page 2 of 2

Amending the Code of the City of Watertown, Chapter 310, Zoning and Repealing Chapter 11, Boards and Commissions, Article I, Planning Commission

Council Member HICKEY, Patrick J.

Council Member OLNEY III, Clifford G.

Council Member PIERCE, Sarah V.C.

Council Member RUGGIERO, Lisa A.

Mayor SMITH, Jeffrey M.

Total .....

YEA	NAY

WHEREAS the City Council has determined, pursuant to the State Environmental Quality Review Act (SEQRA), that there will not be any significant environmental impacts caused by the adoption of this ordinance and has made a declaration of negative findings of the impacts of the proposed amendment according to the requirements of SEQRA, and

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to approve the proposed amendment to the Zoning Ordinance and Zoning Map,

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Watertown that the following documents, titled “City of Watertown Zoning Ordinance Update” dated January 31, 2023 and “City of Watertown, New York Proposed Zoning Map”, dated January 31, 2023, which are attached and made part of this ordinance, are hereby adopted and replace the current Chapter 310, Zoning, of the Code of the City of Watertown in its entirety, and

BE IT FURTHER ORDAINED that Chapter 11, Boards and Commissions, Article I, Planning Commission, of the Code of the City of Watertown is hereby repealed in its entirety, and

BE IT FURTHER ORDAINED these Amendments to the Code of the City of Watertown shall take effect as soon as they are published once in the official newspaper of the City of Watertown, or otherwise printed as the City Manager directs.

***Seconded by***



# CITY OF WATERTOWN, NEW YORK

CITY PLANNING BOARD  
ROOM 305, WATERTOWN CITY HALL  
245 WASHINGTON STREET  
WATERTOWN, NEW YORK 13601-3380  
(315) 785-7741

MEETING: January 19, 2023

PRESENT:

Larry Coburn: Chairperson  
Michelle Capone  
Linda Fields  
Lynn Godek  
Neil Katzman  
Michael Pierce

ABSENT:

T.J. Babcock

ALSO:

Michael A. Lumbis, Planning and Community  
Development Director  
Jennifer Voss, Senior Planner  
Sharlice Bonello, Planner  
Michael DeMarco, Planner  
Geoff Urda, Planner  
Gertrude Karris, Secretary  
Lisa Nagle, Elan Planning and Design, LLC  
Lawrence Howard, Shulman, Howard &  
McPherson, LLP

Chairperson Larry Coburn called the January 19, 2023, Special Planning Board meeting to order at 3:00 p.m. Mr. Coburn then asked for a motion to accept the minutes from the January 3, 2023, Planning Board meeting. Mr. Katzman moved to accept the minutes as written, Ms. Fields seconded the motion. All voted in favor.

Chairperson Coburn informed the Board that consultants from Elan Planning and Design were here to work with the Board and answer questions about the new Zoning Ordinance.

Mr. Lumbis thanked the Planning Board for making the time for this special meeting and introduced Lisa Nagle from Elan Planning and Design, LLC and Lawrence Howard from Shulman, Howard & McPherson, LLP.

Lisa Nagle described her history of working with the City of Watertown since 2017 beginning with the Downtown Redevelopment Initiative process and then the Comprehensive Plan. Mr. Howard is a land use attorney with Elan and specializes in Land Use Law. Ms. Nagle said that she and Mr. Howard have worked together, for many municipalities, large and small, for about twenty years.

Ms. Nagle then gave a PowerPoint presentation and discussed the evolution of the Zoning Ordinance in Watertown, NY. Ms. Nagle noted that the original zoning Ordinance was substantially unchanged since its inception in 1959 and the new Zoning Ordinance will be more user friendly, will help businesses plan their growth and allow residents to understand more clearly what is allowed on their property.

From the presentation:

What Does Zoning Do?

- Outdated zoning can actually serve as a barrier to good urban development, contribute to rising costs, negatively impact residential uses, and also prohibits mixed uses which is what makes cities vibrant and engaging.
- Zoning CAN BE Economic Development
- Brings predictability – saves time and money.
- Provides for a mix of uses in a style that ‘fits into Watertown’
- Zoning can help localities plan for and accommodate the housing they need.
- Zoning can help achieve long-term sustainability – green infrastructure, parking requirements, landscaping, floodplain regulations, urban agriculture, energy systems, etc.

Why Update the Zoning Ordinance?

- Originally written in late 1950s
- Never had a full update – only piecemeal.
- First Ever Comprehensive Plan (2019) and DRI Strategic Plan
- State requires that zoning be in accordance with an adopted Comprehensive Plan
- Changes in Terminologies and Techniques
- Court Rulings (State and Federal court rulings have impact on local laws)
- New Technology (alternative energy, digital signs)
- Changing Demographics (more diverse, aging population)
- Integrate Form Based Code Including Graphics
- Create a code that is user friendly.

Ms. Nagle said that in order to understand the land uses throughout the City of Watertown, they walked with City Planners, over 25 miles, through the streets of Watertown for three days. Work began on the draft ordinance more than two years ago. The Consultants and City Planning Staff have been working with a Steering Committee appointed by City Council, (Planning Board member Lin Fields and City Council Member Patrick Hickey served on the steering committee). In addition, consultants from Elan met with a variety of stakeholders throughout the city: architects and engineering firms, local developers, realtors, and a cross section of community members. There have been four public open houses and three meetings with the City Council.

Ms. Nagle reviewed the proposed new Zoning Districts

- Downtown
- Residential
- Neighborhood Mixed Use
- Urban Mixed Use
- Commercial
- Planned Campus
- Industrial
- Parks & Open Space
- Planned Development District
- Waterfront Overlay

Ms. Nagle said that in the proposed Zoning Ordinance, the Planning Board will review and approve Site Plans and Special Use Permits. Previously, the Planning Board was only empowered to review Site Plans and Special Use Permits and give a recommendation to City Council. Ms. Nagle explained that Watertown is the only Zoning Ordinance that she and Mr. Howard know of in New York State that handles Site Plan Approval this way. She said that it is more appropriate to task the Planning Board with approving Site Plans and Special Use Permits because it is an administrative board with more knowledge of the subject matter, and the City Council is a legislative body, and land use approvals should not happen at that level.

Additionally, in the use table, the proposed Zoning Ordinance adds Departmental Review as a level of review to allow Planning Staff to evaluate and authorize smaller projects that still require review, but don't rise to the level of needing to go to the Planning Boards; Ms. Nagle then explained that the proposed Zoning replaces hierarchical districts with a Use Table, which lists all uses and districts and what type of review a proposed use would require. Ms. Nagle explained that this should streamline how people use the Zoning Ordinance and clarify what uses are allowed in each district.

Ms. Capone asked the consultants to improve the specific wording in the written document to clarify that the Planning Board will review and approve/disapprove Site Plans and Special Use Permits. Ms. Capone said the way she was reading it, it was not clear that the Planning Board had the authority to approve these items. Ms. Nagle said that she will make the change to clarify their authority to approve both Site Plans and Special Use Permits.

Ms. Nagle went on to discuss the parking requirements in the proposed Ordinance; to avoid over-prescribing parking spaces, the new Zoning will have parking maximums instead of minimums. If the applicant believes they require more parking, they will have to show why they need the additional spaces.

Ms. Nagle then said that the new Zoning Law has language encouraging shared use parking, as well as environmentally sensitive parking designs, including ways of addressing stormwater runoff, such as using permeable pavers, bioswales and rain gardens to treat stormwater on site where the geology will allow.

Ms. Nagle went on to discuss Electric Vehicle (EV) chargers. The proposed Zoning will require two (2) EV chargers for every 20 parking spaces created as part of new development or redevelopment. Ms. Nagle explained the importance of including these in the parking guidelines as EV chargers will become increasingly important to the population.

Ms. Nagle concluded her presentation by explaining that the next step is for the Planning Board to recommend approval of the draft law to the City Council. Additionally, the County Planning Board is currently reviewing the law and City Council is required to hold a Public Hearing, as well as complete the State Environmental Quality Review (SEQR) process.

Ms. Nagle explained that training for the Planning Board Members is included in Elan's contract; the consultants will also help City Planning staff get acclimated to the new code.

The meeting continued with additional questions from the Planning Board Members. Ms. Capone asked the consultants why multi-family dwellings are not listed as “allowed” in the new Residential District. Discussion clarified that the Residential District would only allow single and two-unit dwellings. However, pre-existing multi-unit dwellings would also be an allowed use in the Residential District. These preexisting units will not become nonconforming under the new law, even if they are unoccupied for months or years.

Mr. Howard pointed out that new multi-unit dwellings could not be built in the Residential District except for certain circumstances. He called the Planning Board’s attention to the “Residential Adaptive Reuse, Pre-existing” Supplemental Regulations, which identify specific existing structures in the City, that are too big and too costly to maintain as single-family dwellings. Mr. Howard said that the Supplemental Regulations allow owners to convert the pre-existing structure to a multifamily dwelling if the structure meets certain criteria.

Mr. Howard referenced some of the criteria from the Draft Zoning Ordinance including that it only applies to buildings with a minimum of 4,000 square feet of gross floor area and that the average unit size must be at least 800 square feet with a maximum of five (5) dwelling units.

Ms. Capone asked the consultants for clarification of a section of the law that requires at least eight (8) acres for a mobile home park. She asked why the proposed Zoning would allow Mobile Home Parks in the City. Mr. Howard explained that this part of the law will allow the existing Mobile Home Park on the north side of the city, off Route 11 (LeRay St.) to be in compliance with the zoning law.

Ms. Capone then requested additional information on Drive-thru Accessory Uses and why they are not allowed in the Downtown District. Mr. Urda said that the Comprehensive Plan’s vision for downtown and the intent of the Downtown Zoning District was to create an active, pedestrian-oriented city center, and drive-thrus are not conducive to walkability. Planning Board member Godek stated that a drive-thru is a pedestrian conflict, creating a dangerous flow of vehicles across the pedestrian sidewalk. Ms. Godek also noted that more people walking in Downtown means they are staying longer and may increase shopping at the businesses and restaurants. Ms. Capone stated that she is concerned about making all of the existing bank drive-thrus nonconforming.

Ms. Nagle stated that existing drive-thrus are subject to time limits if the building becomes vacant; if the building becomes vacant, the permitted nonconforming use will expire after 12 months of non-use. If the building owner wishes to reactivate the drive-thru after the 12-month period, the owner will have to apply for a variance. Ms. Nagle also noted that there are Supplemental Regulations for drive-thrus, for areas in which they are allowed.

Ms. Capone added that she felt the Planning Board should be pro-business and should find a balance between what we want Downtown to look like and what businesses need.

There was a brief discussion about residential units above businesses in the Commercial District. Ms. Nagle noted that the new law is trying to encourage mixed-use buildings in the Downtown, Urban Mixed Use and Neighborhood Mixed Use zoning districts.

Discussion continued regarding parking guidelines, Ms. Capone asked for clarification about how maximum and minimum numbers are calculated.

Ms. Nagle explained that in the draft Zoning Law, each district has a maximum number of parking spaces, instead of a minimum.

She then added that while there is no minimum parking requirement for the Downtown, Commercial, Urban Mixed Use, Neighborhood Mixed Use, Planned Campus, and Parks & Open Space districts, the Residential District would require one (1) off-street parking space per dwelling unit.

She continued by stating that if the applicant wants more than the maximum number of parking spaces, the draft law describes the process to request additional spaces, such as a Parking Plan, a Transportation Demand Management Plan or a variance from the Zoning Board of Appeals depending on the number of spaces proposed.

Ms. Capone then asked for more information about Section 310-37 Parking Standards A - Front Yard Parking. Mr. Lumbis described the Planning Department's experience with requests from residents in homes that do not physically and dimensionally have enough space to allow for off street parking on the side or back of the property. He explained that for properties that do not have space for parking to the side or rear of the home, this will allow them to create one parking space in their front yard, as long as it is not blocking the sidewalk. Mr. Lumbis continued to point out that the City of Watertown has some smaller lots and older homes built without driveways or garages. This issue occurs infrequently but the Zoning Board of Appeals has addressed a few requests for variances. This would allow the homeowner to have an option when there is no other parking option.

Ms. Capone asked for more information on Electric Vehicle Charging Ports. Mr. Howard said that new parking lots with 20 or more spaces would be required to install two (2) charging ports. He also noted that each charging unit comes with two ports.

Ms. Capone asked if the new Zoning Ordinance included specific language about enforcing the requirements of approved Site Plans. Mr. Lumbis directed the Board to 310-76 Section B.

B. The Bureau of Code Enforcement's duties shall include:

1. Inspect all site improvements and coordinate with the Planning and Community Development Department and other officials and agencies, as appropriate, in order to certify that the requirements of this chapter and any conditions of approval have been fully complied with.

Larry Coburn noted a mistake in the name of a street on the printed copy of the new zoning district map, as it did not correspond to the online version of the map. Jennifer Voss will address the matter with the GIS staff to correct the printing problem.

Chairperson Coburn then invited comments and questions from the public.

Bill Kimball 253 Thompson Blvd. asked the Board to clarify if the proposed Zoning would allow someone to convert an existing single-family dwelling to a duplex. Mr. Lumbis replied that they could convert a single-family home to a duplex if it meets all building code requirements; in the Residential District the most it could be is two units.

Mr. Kimball also wanted to know if there were Zoning districts where housing for low income and homeless people could be developed. Ms. Capone and Mr. Howard referred to the districts where there were higher density residential areas like Downtown, Urban Mixed Use, Neighborhood Mixed Use and Planned Campus that allow for larger multifamily units.

There was a brief discussion about mini/tiny homes and then Mr. Kimball asked how the Zoning will address the change from gas to electric vehicles; Mr. Howard and Ms. Nagle explained the part of the Ordinance that would require new parking lots to provide two electric charging stations for every 20 parking spaces.

Bruce Irwin, 285 Chestnut St. noted that there was only one City Council member at the meeting and wondered if the Council has been well briefed on the Zoning changes. Councilperson Patrick Hickey was in the audience and stated that the City Council has had many Work Sessions and presentations on the topic; City Council has been briefed on numerous occasions and changes have been addressed. Mr. Hickey said that several of the changes already made originated from City Council and Mayoral feedback.

Mr. Irwin spoke about his concern that converting single-family homes to duplexes would lead to a decline in the neighborhood. Mr. Irwin related his experience of living in Watertown and seeing nice neighborhoods become run down. He hopes our new Zoning Ordinance will keep that from becoming worse.

Planning Board Member Lynn Godek left the meeting at 4:03pm.

Lisa Nagle of Elan Planning and Design expressed her understanding that the decline of homes and neighborhoods is a concern; many of the conversations she has had with Staff and with the residents who have attended meetings and open houses were about the condition of the homes. She said that this highlighted the need for good Code Enforcement and Building Code Enforcement. Ms. Nagle continued to explain that Zoning is a guide for the future of Watertown but what must stand behind it is good Building Code Enforcement and that every municipality needs to make sure their Code Enforcement department is adequately staffed because the ability to enforce the code will help protect all our neighborhoods.

Mr. Lumbis noted that the Building Code enforcement staffing has been increased by the City Council in the last year or two.

Glenda Dickson, of William Street, addressed the Planning Board. Ms. Dickson expressed her concern that changing the Zoning designation of her home to Urban Mixed Use will permit the neighbors in the adjoining commercial lot to use the lot for commercial parking.



The current zone, Residential C, does not allow that. Ms. Dickson reported multiple problems with the way the commercially zoned neighbor uses the lot and encroaches on her property. Ms. Dickson reported that cars have blocked her in her driveway so she could not get out, trash is dumped in her yard and her vehicle has been damaged three times.

She said the adjacent lot is currently split zoned: half Residence C and half Commercial. Ms. Dickson said that she feels the city has not enforced compliance with current restrictions even with numerous formal complaints filed with both Code Enforcement and the City of Watertown Police. Ms. Dickson asked what protections, if any, are built into the new Zoning district and how a resident can oppose a change in their Zoning designation.

Chairperson Coburn addressed Ms. Dickson and suggested that she should contact the police regarding the illegal parking, dumping and damage on her property. Ms. Dickson explained that she has tried to get the police involved but was told to take the problems to “the City.”

Additionally, Ms. Dickson stated that she has made formal complaints to the Code Enforcement department without satisfaction. Chairperson Coburn suggested she address these issues with her City Council representative and to again speak to the Code Enforcement Department for issues in their jurisdiction.

Ms. Nagle stated that the Bureau of Code Enforcement and the City Police are the enforcement entities that should be involved in making sure her legal rights are protected. With regard to the new Zoning Ordinance, Ms. Dickson will have more protection in the Urban Mixed Use district because the Planners have built in setbacks, fencing and noise control, in consideration of adjacent uses.

Ms. Nagle informed Ms. Dickson that if she opposes the Zoning change, she can attend the City Council Public Hearing or submit her opposition in writing to the City Council.

Ms. Dickson reiterated that she needs help now and she does not know who to turn to. Ms. Dickson stated she has spoken with the City Manager and Mr. Lumbis about these issues and the history of the way the property is zoned. Mr. Lumbis acknowledged that he is looking into some of the history of the adjacent parcel and the agreements that were in place when it was split into both Commercial and Residential C.

Carl Boler, 236 Thompson Blvd. addressed the Board and asked if the Residential Zone allowed businesses, specifically home day care operations, to be located next to single family residences and if farm animals would be allowed in a Residential District.

Mr. Howard offered some information on home daycare businesses which, when licensed in New York State are legally allowed to be located in any residence, regardless of the zoning district. Mr. Howard directed the question of farm animals to the section of the new law addressing Personal Agriculture.

Leonard Spaziani, 271 Chestnut St. addressed the Board and expressed his displeasure with the changes in the proposed Zoning Ordinance that will allow owners to convert single-

family dwellings to duplexes. Mr. Spaziani also noted that he is against the changes happening downtown; he voted against the Downtown Revitalization Initiative (DRI) Streetscape project when he was on City Council, because he did not want to see parking spaces lost. Mr. Spaziani believes there should be more ADA accessible parking on Public Square, and that the Zoning Ordinance changes are coming too quickly for the average citizen to digest.

Ms. Capone commented that this might be a good opportunity to have a discussion with Code Enforcement that the updated Zoning is worth nothing unless we get the enforcement side of it. Also, when the Board approves a site plan there needs to be follow-up and enforcement of what the Planning Board has approved.

Mr. Lumbis commented that the Code Enforcement Supervisor has been involved in the development of the new zoning ordinance since the beginning and they have been taking a more proactive approach and working closely with the Planning Department.

Senior Planner, Jennifer Voss addressed the public about the move to a single Residential District. Ms. Voss explained that through research of existing land uses in Watertown, and by GIS (Geographic Information System) analysis, it became clear that there are almost no neighborhoods in the city that are totally single family. The Planning Department receives many variance requests for existing duplexes or triplexes that have lost their grandfathered status and the owners cannot repair them and return them to occupancy because they are nonconforming in their zoning district. Ms. Voss reiterated that the owners are not trying to create new multifamily dwellings, they are trying to fix up the homes that already exist.

Ms. Voss then stated that many communities across the country have outlawed single family zoning districts because it is inequitable – similar to redlining of the past.

Leonard Spaziani addressed the Board again. He discussed his experience during the COVID- 19 pandemic shutdown, when renters in his neighborhood were putting garbage in the yard and nothing was done about it. Mr. Spaziani went on to complain about the Watertown Golf Club property being zoned Open Space and that he does not want the City Council to allow the Planning Board to make the final decisions about Zoning applications.

Debbie Cavallario, 259 Thompson Boulevard addressed the Board and expressed her concern about the decline of the neighborhood if single family residential homes become duplexes and then become run down as has happened in other parts of the city. Ms. Cavallario expressed her desire to maintain the home and neighborhood that she has invested so much of her life in. Ms. Cavallario also reiterated the need for Code Enforcement to be responsive to public complaints.

Mr. Lumbis then spoke regarding the efforts over the past two years to inform the public about the Draft Zoning Ordinance. Mr. Lumbis described outreach efforts that included work sessions with the City Council, coverage by local media, open houses, public meetings, and regular postings of information on the City's website and social media. Mr. Lumbis reiterated that this project has been going on since 2020 and it has been well publicized.

Mr. Lumbis addressed the audience and asked if concern about converting a home to a duplex was also about the possibility that the home would become a rental. He pointed out that the number of rentals in our community is much higher than the national average which is 40 percent; Watertown has 60 percent rentals. He noted that a quick analysis of the 200 block of Thompson Boulevard showed that there are 7-to-8 rentals already.

Ms. Capone asked about Code Standards that an applicant would need to meet if they wished to convert a single-family dwelling to a duplex. There was a brief discussion about standards that must be met in order to create a separate living space and not every property will be able to meet those standards. The discussion also covered that not every owner with a single-family dwelling wants to convert it to a duplex.

Ms. Cavallario responded that she was very aware there were renters, but there is a difference when it is a single-family renter.

Ms. Fields also commented that a two-family dwelling does not devalue property.

Mike DeMarco of the Planning Department asked the Board and the public to consider that there are major university studies, including from Harvard University, that show single family zoning districts are historically socioeconomically and racially motivated and discriminatory. Mr. DeMarco added that municipalities with these laws, all over the country, are being challenged in the courts because of the similarity to historical redlining.

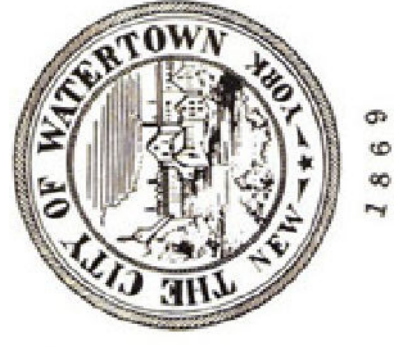
Hearing no further discussion, Ms. Fields made a motion recommending that City Council approve the Draft Zoning Ordinance and readopt Chapter 310, Zoning of the Code of the City of Watertown. Mr. Pierce seconded the motion. All voted in favor.







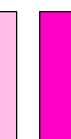




At 4:46 p.m., Mr. Katzman moved to adjourn the meeting. Mr. Coburn seconded the motion. All voted in favor.

Respectfully submitted,  
Gertrude Mead Karris  
Secretary

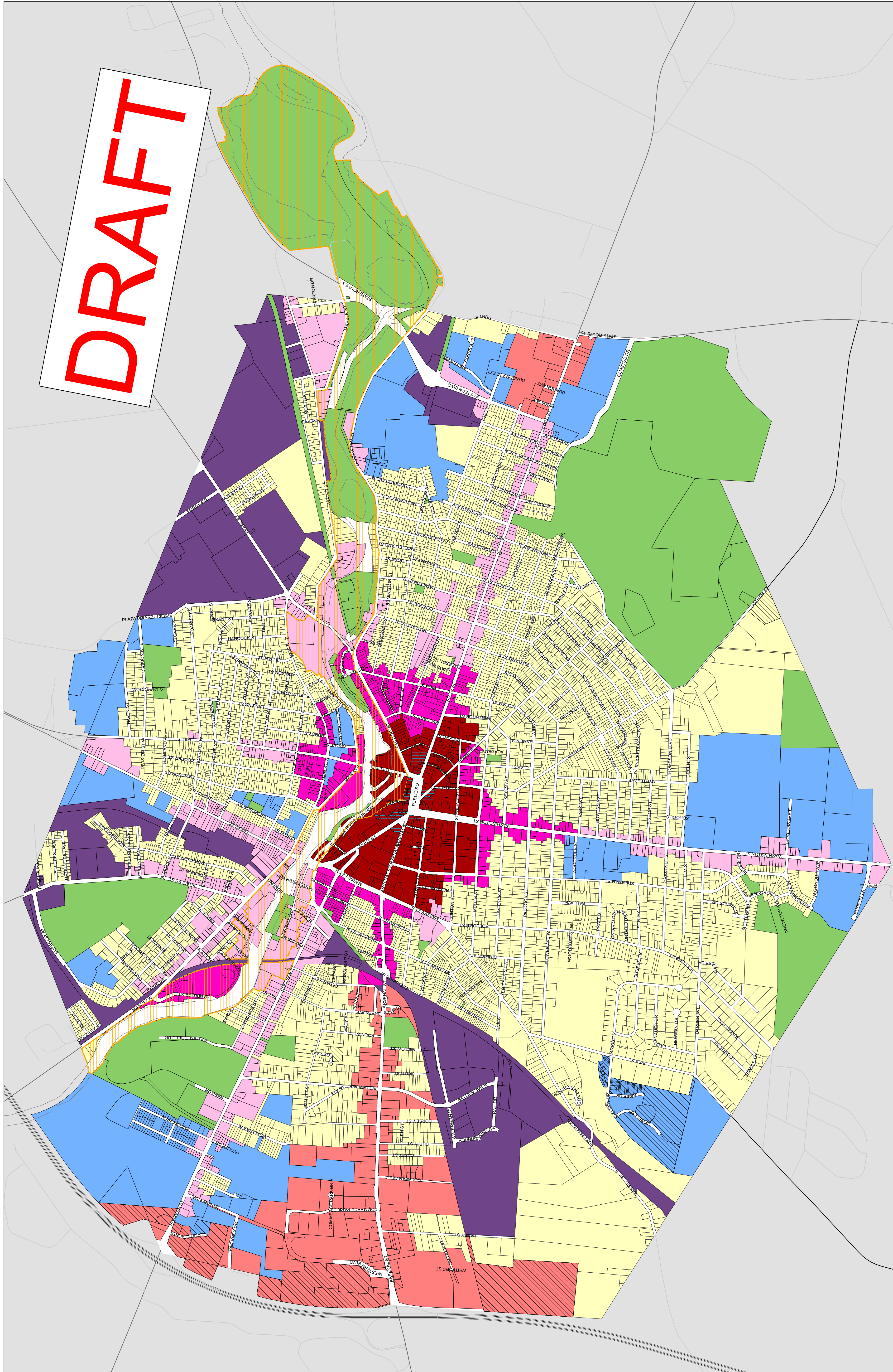


**PROPOSED  
ZONING MAP**  
OF THE CITY OF  
WATERTOWN  
NEW YORK




-  Planned Development District
-  City Center Overlay
-  Waterfront Overlay
-  Downtown
-  Residential
-  Neighborhood Mixed Use
-  Urban Mixed Use
-  Commercial
-  Planned Campus
-  Industrial
-  Parks & Open Space

**DRAFT**

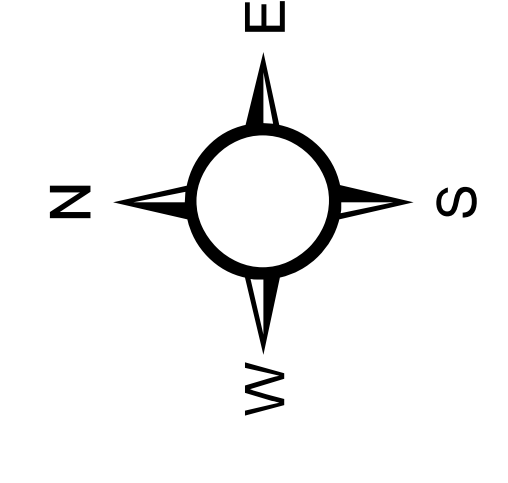


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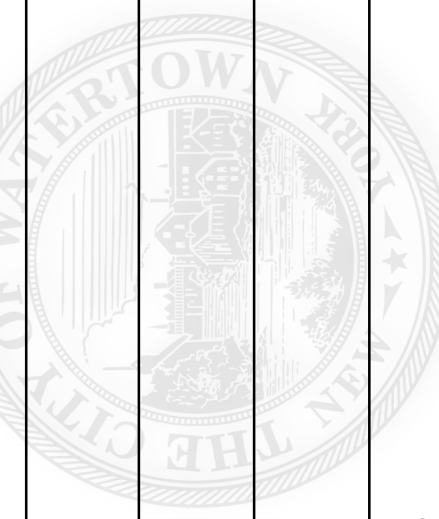


**City of Watertown, New York  
Proposed Zoning Map**

The City of Watertown does not warrant, guarantee or accept any liability for the accuracy, precision or completeness of any information shown or described hereon or for any inferences made therefrom. Any use made from this information is solely at the risk of the user.



Proposed Zoning Map  
Requested By:  
Author: mowen  
Date: 1/31/2023  
Scale: 1 inch = 900 feet







**DRAFT**

# City of Watertown Zoning Ordinance Update

January 31, 2023



Prepared By:



**City of Watertown  
Zoning Update  
Contents**

**DRAFT**

**This document is a draft for discussion purposes only and is subject to change  
January 2023**

ARTICLE I - In General ..... 12

- Sec. 310-1 Title. .... 12
- Sec. 310-2 Authority and Applicability..... 12
- Sec. 310-3 Conflict. .... 12
- Sec. 310-4 Supersession..... 12
- Sec. 310-5 Minimum requirements ..... 12
- Sec. 310-6 Purpose and intent..... 12
- Sec. 310-7 Periodic review of zoning chapter. .... 13
- Sec. 310-8 Reserved..... 13

ARTICLE II – Establishment of Zoning Map and Districts ..... 14

- Sec. 310-9 Zoning Map..... 14
- Sec. 310-10 District boundaries..... 14
- Sec. 310-11 Classification of Districts..... 14
- Sec. 310-12 District Purpose..... 15
- Sec. 310-13 Zoning Map..... 17
- Sec. 310-14 Reserved..... 18
- Sec. 310-15 Reserved..... 18

ARTICLE III - District Uses ..... 19

- Sec. 310-16 In General. .... 19
- Sec. 310-17 Planning and Community Development Department Review..... 19
- Sec. 310-18 Use Table ..... 19
- Sec. 310-19 Reserved..... 28
- Sec. 310-20 Reserved..... 28

ARTICLE IV – Dimensional Regulations ..... 29

- Sec. 310-21 Form-Based Dimensional Tables..... 29
- Sec. 310-22 Reserved ..... 44

ARTICLE V - Sign Regulations..... 45

Sec. 310-23 Purpose.....	45
Sec. 310-24 Applicability .....	45
Sec. 310-25 Administration .....	45
Sec. 310-26 General Prohibitions .....	46
Sec. 310-27 Temporary Signs .....	46
Sec. 310-28 Signs Requirements.....	47
Sec. 310-29 Computation of Sign Surface Area .....	48
Sec. 310-30 Specific Sign Type Requirements .....	48
Sec. 310-31 Electronic Messaging Centers.....	49
Sec. 310-32 Nonconforming Signs .....	50
Sec. 310-33 Reserved .....	50
ARTICLE VI - Parking.....	51
Sec. 310-34 Purpose.....	51
Sec. 310-35 Applicability .....	51
Sec. 310-36 Required Surface Parking Spaces.....	51
Sec. 310-37 Parking Standards .....	53
Sec. 310-38 Parking Lot Dimensional Standards .....	54
Sec. 310-39 Low Impact Development Parking Lot Standards .....	55
Sec. 310-40 Low Impact Development Parking Area Application Requirements.....	55
Sec. 310-41 Parking Area Design Standards .....	56
Sec. 310-42 Off-Street Loading Requirements .....	56
Sec. 310- 43 Reserved .....	56
Sec. 310- 44 Reserved .....	56
ARTICLE VII - Supplemental Regulations.....	57
Sec. 310- 45 Applicability .....	57
Sec. 310- 46 Adult Uses:.....	57
Sec. 310- 47 Agriculture, Personal .....	59
Sec. 310- 48 Amusement, Recreation or Entertainment (outdoor): .....	60
Sec. 310- 49 Automotive uses, Commercial.....	60
Sec. 310- 50 Drive Thru, Accessory .....	62
Sec. 310- 51 Dwelling, Accessory Units (ADU).....	63
Sec. 310- 52 Emergency Services.....	63
Sec. 310- 53 Essential Services .....	63
Sec. 310- 54 Garden Center .....	64

Sec. 310- 55 Garden Center, Retail .....	64
Sec. 310- 56 Geothermal Energy Systems .....	64
Sec. 310- 57 Home Occupations .....	64
Sec. 310- 58 Kennel, Commercial, Pet/Dog Daycare, and Animal Shelter .....	65
Sec. 310- 59 Live-Work Unit .....	65
Sec. 310- 60 Manufactured (Mobile) Homes .....	65
Sec. 310- 62 Manufactured (Mobile) Home Parks .....	66
Sec. 310- 63 Neighborhood Retail .....	66
Sec. 310- 64 Night Club .....	66
Sec. 310- 65 Residential Adaptive Reuse, Pre-Existing: .....	67
Sec. 310- 66 Short-Term Rental .....	67
Sec. 310- 67 Self-Storage Facilities .....	67
Sec. 310- 68 Storage Yard .....	67
Sec. 310- 69 Solar Energy Systems, Accessory .....	67
Sec. 310- 70 Solar Energy Systems, Principle .....	68
Sec. 310- 71 Townhouse/Rowhouse Dwelling .....	70
Sec. 310- 72 Vending Lots .....	70
Sec. 310- 73 Veterinary Clinic/Hospital .....	70
Sec. 310- 74 Wind, Principal or Accessory .....	70
Sec. 310- 75 Reserved .....	71
Sec. 310- 76 Reserved .....	71
ARTICLE VIII - General Regulations .....	72
Sec. 310- 77 Accessory Structures .....	72
Sec. 310- 78 Air Traffic Compatibility .....	72
Sec. 310- 79 City Center Overlay District .....	72
Sec. 310- 80 Corner Lots .....	72
Sec. 310- 81 Decks, Terraces and Steps .....	72
Sec. 310- 82 Fences .....	72
Sec. 310- 83 Landscape and Buffer Requirements .....	73
Sec. 310- 84 Lighting .....	78
Sec. 310- 85 Outdoor Drinking and Eating Establishments .....	79
Sec. 310- 86 Performance Standards .....	79
Sec. 310- 87 Planned Campus Standards .....	80
Sec. 310- 88 Recreational Vehicles (RV) .....	80



Sec. 310- 89 Swimming Pools .....	80
Sec. 310- 90 Temporary Uses and Structures.....	80
Sec. 310- 91 Trash Dumpsters and Enclosures .....	81
Sec. 310- 92 Visibility at corners.....	81
Sec. 310- 93 Reserved .....	82
Sec. 310- 94 Reserved .....	82
Sec. 310- 95 Reserved .....	82
ARTICLE IX – Non-Conforming Lots, Structures and Uses.....	83
Sec. 310- 96 Purpose.....	83
Sec. 310- 97 Nonconforming Lots of Record .....	83
Sec. 310- 98 Nonconforming Structures .....	83
Sec. 310- 99 Nonconforming Uses.....	84
Sec. 310- 100 Discontinuance of Nonconforming Uses .....	84
Sec. 310- 101 Improvements of Nonconforming Uses and Structures.....	84
Sec. 310- 102 Pre-Existing Applications and Previously Approved Plans.....	85
ARTICLE X – Site Plan Review .....	86
Sec. 310- 103 Applicability .....	86
Sec. 310- 104 Exemptions .....	86
Sec. 310- 105 Coordination with Other Permits and Approvals.....	86
Sec. 310- 106 Site Plan Review Submission Procedures .....	86
Sec. 310- 107 Planning Commission Review Criteria .....	88
Sec. 310- 108 Public Hearing for Site Plan Review.....	89
Sec. 310- 109 Planning Commission Decision .....	89
Sec. 310- 110 Expiration of Review.....	89
Sec. 310- 111 Reserved .....	90
Article XI - Special Use Permit .....	90
Sec. 310- 112 Purpose.....	90
Sec. 310- 113 Applicability .....	90
Sec. 310- 114 Coordination with Other Permits and Approvals.....	90
Sec. 310- 115 Procedures for Special Use Permits .....	90
Sec. 310- 116 Special User Permit Review Criteria .....	90
Sec. 310- 117 Notice and Hearing.....	91
Sec. 310- 118 Decision and Notification.....	91
Sec. 310- 119 Special Use Permit Restrictions, Expiration, Revocation, and Enforcement .....	92

Sec. 310- 120 Reserved .....	92
Article XII Planned Development District.....	96
Sec. 310- 121 Purpose and Intent.....	96
Sec. 310- 122 Planned Development District Proposal.....	96
Sec. 310- 123 Criteria for PDD Consideration.....	97
Sec. 310- 124 Planned Development District Proposal Procedure.....	97
Sec. 310- 125 Procedures Before the City Council.....	100
Sec. 310- 126 Expiration or Abandonment .....	100
Sec. 310- 127 Changes and Amendments .....	100
Sec. 310- 128 Existing Planned Development Districts .....	100
Sec. 310- 129 Reserved .....	100
ARTICLE XIII - Administration and Enforcement.....	101
Sec. 310- 130 Administration and Enforcement Officials. ....	101
Sec. 310- 131 Zoning Compliance Certificate; Certificate of Occupancy .....	101
Sec. 310- 132 Planning Commission Powers and Duties.....	103
Sec. 310- 133 Zoning Board of Appeals Powers and Duties.....	103
Sec. 310-134 Appointment of Alternate Members. ....	104
Sec. 310- 135 Training.....	104
Sec. 310- 136 Minimum Training Requirements Established.....	104
Sec. 310- 137 Lack of Training Not To Affect Validity of Actions.....	105
Sec. 310- 138 State Environmental Quality Review Act.....	105
Sec. 310- 139 Reserved .....	105
Sec. 310- 140 Reserved .....	105
Article XIV - Variances and Appeals.....	106
Sec. 310-141 Appeals .....	106
Sec. 310-142 Rehearing.....	108
Sec. 310-143 Reserved.....	108
Sec. 310-144 Reserved.....	108
Article XV - Applications Procedures .....	109
Sec. 310- 145 County Approval.....	109
Sec. 310- 146 Conduct of Public Hearings.....	109
Sec. 310- 147 Required notice for public hearing.....	109
Sec. 310- 148 Reserved. ....	110
Sec. 310- 149 Reserved. ....	110

Article XVI – Definitions .....	111
Sec. 310- 150 Definitions.....	111
ACCESSORY STRUCTURE.....	111
ACCESSORY USE .....	111
ADULT ENTERTAINMENT.....	112
ADULT USE.....	112
ALLEY .....	112
ALTERATION .....	112
AMUSEMENT, RECREATION, OR ENTERTAINMENT, INDOOR .....	112
AMUSEMENT, RECREATION, OR ENTERTAINMENT, OUTDOOR .....	112
ANIMAL CLINIC/VETERINARY HOSPITAL .....	112
ANIMAL SHELTER .....	112
ASSISTED LIVING .....	113
AUTO REPAIR.....	113
AUTOBODY REPAIR .....	113
AUTOMOTIVE USES.....	113
BAR/RESTAURANT/CAFÉ/BREW PUB.....	113
BASEMENT/CELLAR.....	113
BED-AND-BREAKFAST.....	113
BREWERY/DISTILLERY/WINERY .....	114
BREWERY/DISTILLERY/WINERY, MICRO.....	114
BUILDING.....	114
BUILDING HEIGHT .....	114
BUILDING FRONTAGE.....	114
CAR WASH .....	114
CEMETERY .....	114
CENTER LINE, ROAD .....	114
CLINIC.....	115
CLUB, PRIVATE .....	115
CO-HOUSING .....	115
COMMUNAL HOUSING .....	115
COMMUNITY CENTER .....	115
COMMUNITY GARDEN .....	115
COMMUNITY RESIDENTIAL FACILITY .....	115

COMPOSTING FACILITY .....	116
CONVENTION CENTER.....	116
CORNICE .....	116
DAY CARE, ADULT .....	116
DAY CARE, FAMILY .....	116
DAY CARE CENTER.....	116
DAY CARE CENTER, ACCESSORY.....	116
DISTRICT .....	117
DRIVEWAY .....	117
DRIVE-THROUGH, ACCESSORY.....	117
DWELLING .....	117
DWELLING UNIT.....	117
DWELLING, ATTACHED.....	117
DWELLING, DETACHED.....	117
DWELLING, SINGLE UNIT .....	117
DWELLING, TWO UNIT .....	117
DWELLING, MULTI-UNIT .....	117
DWELLING, MULTI-UNIT, PRE-EXISTING .....	118
DWELLING, TOWNHOUSE/ROWHOUSE.....	118
DWELLING, APARTMENT BUILDING.....	118
DWELLING, ACCESSORY UNIT.....	118
EMERGENCY SERVICES.....	118
ERECTED.....	118
ESSENTIAL SERVICES .....	118
EXCAVATION.....	118
FENCE .....	119
FLOOR AREA, GROSS.....	119
FLOOR AREA, NET.....	119
FREIGHT TERMINAL, MOTOR.....	119
FREIGHT TERMINAL, RAIL.....	119
FUEL/CONVENIENCE STATION.....	119
FUNERAL HOME.....	119
GARDEN CENTER.....	120
GARDEN CENTER, RETAIL .....	120

GEOTHERMAL ENERGY SYSTEM .....	120
GEOTHERMAL, ACCESSORY .....	120
GEOTHERMAL, PRINCIPAL.....	120
GOLF COURSE .....	120
GRADE .....	120
HOME OCCUPATION, MAJOR .....	120
HOME OCCUPATION, MINOR .....	121
HOSPITAL.....	121
HOTEL/MOTEL/HOSTEL.....	121
HOUSE OF WORSHIP .....	121
HYDRO .....	121
IMPERVIOUS SURFACE .....	121
INDUSTRIAL FACILITY .....	121
INDUSTRIAL FACILITY, PRE-EXISTING .....	122
INN .....	122
JUNKYARD OR SALVAGE YARDS.....	122
KENNEL, COMMERCIAL .....	122
LANDSCAPED AREA .....	122
LIVE-WORK UNIT.....	122
LOADING SPACE.....	122
LOT .....	122
LOT AREA.....	123
LOT, CORNER .....	123
LOT COVERAGE .....	123
LOT DEPTH.....	123
LOT, INTERIOR.....	123
LOT LINES.....	123
LOT OF RECORD .....	123
LOT, THROUGH .....	124
LOT WIDTH .....	124
MANUFACTURED (MOBILE) HOME.....	124
MANUFACTURED (MOBILE) HOME PARK.....	124
MARIJUANA DISPENSARIES, RETAIL.....	124
MARIJUANA CULTIVATION, MANUFACTURING, PACKAGING .....	124

MIXED-USE BUILDING .....	124
MODULAR HOME.....	124
MUNICIPAL PARK .....	125
MUSEUM .....	125
NIGHTCLUB.....	125
NONCONFORMING STRUCTURE.....	125
NONCONFORMING LOT .....	125
NONCONFORMING USE .....	125
OCCUPANT.....	125
OFFICE .....	125
ORDINARY HIGH-WATER MARK.....	126
OUTDOOR CAFÉ, ACCESSORY .....	126
OUTDOOR STORAGE .....	126
PARCEL .....	126
PARKS and OPEN SPACES .....	126
PARKING LOT (OFF-STREET).....	126
PARKING STRUCTURE.....	126
PERSONAL HORTICULTURE.....	126
PERSONAL AGRICULTURE.....	127
PET/DOG DAY CARE .....	127
PLANNED DEVELOPMENT.....	127
PORCH .....	127
PRINCIPAL BUILDING.....	127
PRINCIPAL USE.....	127
PUBLIC UTILITY.....	127
RECYCLING FACILITY.....	127
REDEMPTION CENTER.....	127
REDEVELOPMENT .....	128
RESIDENTIAL ADAPTIVE REUSE, PRE-EXISTING.....	128
RETAIL, GENERAL AND SERVICE.....	128
RETAIL, NEIGHBORHOOD .....	128
RIGHT-OF-WAY LINES.....	128
RIVER SETBACK .....	128
SCHOOL, COLLEGE UNIVERSITY OR TRADE.....	128

SCHOOL, PRE-SCHOOL, ELEMENTARY, MIDDLE OR HIGH .....	128
SELF STORAGE.....	128
SETBACK LINE, BUILDING .....	129
SHOPPING CENTER.....	129
SHORT-TERM RENTAL .....	129
SIGN.....	129
BUILDING SIGN .....	129
DISPLAY AREA .....	129
ELECTRONIC MESSAGING CENTER.....	129
FREESTANDING SIGN.....	130
MONUMENT SIGN.....	130
NONCONFORMING SIGN.....	130
SANDWICH-BOARD SIGN.....	130
SIGN INSTALLATION .....	130
SIGN MAINTENANCE.....	130
SIGN STRUCTURE .....	130
TEMPORARY SIGN .....	130
WINDOW SIGN.....	131
SITE PLAN.....	131
SKILLED NURSING FACILITY .....	131
SOLAR ENERGY SYSTEM .....	131
SOLAR, ACCESSORY .....	131
SOLAR, PRINCIPAL.....	131
SPECIAL EVENTS, OUTDOOR.....	131
STORAGE YARD .....	131
STORY .....	132
STREET.....	132
STRUCTURE.....	132
TECHNOLOGY/RESEARCH FACILITY.....	132
TEMPORARY STRUCTURE .....	132
TEMPORARY USE .....	132
THEATER.....	132
TRAVEL TRAILER / RECREATIONAL VEHICLE (RV).....	132
USE .....	133

VARIANCES, AREA .....	133
VARIANCES, USE .....	133
VEHICLE CHARGING STATION.....	133
VEHICLE SALES/ RENTAL/ STORAGE.....	133
VENDING LOT.....	133
WALK-UP WINDOW, ACCESSORY .....	133
WAREHOUSE/WHOLESALE DISTRIBUTION.....	133
WIND ENERGY SYSTEM .....	134
WIND, ACCESSORY .....	134
WIND, PRINCIPAL.....	134
YARD.....	134
YARD, FRONT .....	134
YARD, REAR.....	134
YARD, SIDE.....	134
ZOO / AQUARIUM.....	134
Article XVII – Amendments, Repealer, and Severability .....	135
Sec. 310- 151 Authorization. ....	135
Sec. 310- 152 Initiation of Amendments.....	135
Sec. 310- 153 Procedures.....	135
Section 310- 154 Hearing on Proposed Amendment; Notice Thereof. ....	135
Section 310- 155 Adoption of Amendment.....	136
Section 310-156 Protest Petition.....	136
Sec. 310- 157 Repealer.....	136
Sec. 310- 158 Severability. ....	136



# ARTICLE I - In General

## Sec. 310-1 Title.

This chapter shall be known and may be cited as the "City of Watertown Zoning Ordinance."

## Sec. 310-2 Authority and Applicability.

- A. Authority. The City of Watertown is authorized to enact this Ordinance by the authority and power of New York State General City Law, General Municipal Law, Municipal Home Rule Law, and the Statute of Local Governments.
- B. Applicability. If an application is deemed complete then it shall proceed within the current zoning.

## Sec. 310-3 Conflict.

Whenever any provision of this chapter imposes a greater requirement or a higher standard than is required in any state or federal statute, the provision of this chapter shall govern. Whenever any provision of any state or federal statute imposes a greater requirement or a higher standard than is required by this chapter, the provision of such state or federal statutes shall govern.

The City Council hereby declares its legislative intent to supersede any provision of any local law, rule, regulation, or provision of the General City Law inconsistent with this Chapter. The Courts are hereby directed to take notice of this legislative intent and apply it in the event the City has failed to specify any provision of law that may require supersession. The City Council hereby declares that it would have enacted this Chapter and superseded such inconsistent provision had the need to do so been apparent.

## Sec. 310-4 Supersession.

The City hereby declares its legislative intent to supersede provisions of General City and General Municipal Law that are inconsistent with this Code. The courts shall take notice of the legislative intent to supersede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York and apply it to any provision of law that may require supersession.

## Sec. 310-5 Minimum requirements

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for necessary promotion of the public health, safety, convenience, comfort, prosperity or general welfare. It is not the intent of this chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use and dimensions of buildings or premises or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this chapter shall govern, except where expressly qualified by this chapter.

## Sec. 310-6 Purpose and intent

- A. This chapter is intended to promote the health, safety and general welfare of the public and to be a guide for the orderly development of the City.
- B. To accomplish these ends, this chapter is designed:
  - 1. To encourage growth and development in accord with the City of Watertown's most recent Comprehensive Plan.

2. To protect and enhance the Black River as a community resource for all.
3. To create and maintain conditions under which people and their environment can exist in productive and enjoyable harmony while fulfilling the social, economic and other requirements of present and future generations;
4. To cultivate the creation of a convenient, attractive and harmonious community;
5. To provide for City growth that is consonant with the efficient and economic use of public funds and environmental resources;
6. To recognize the need for housing, industry and business in the City's future growth;
7. To provide residential areas with healthy surroundings;
8. To encourage economic development activities that provide desirable employment and a broad tax base;
9. To encourage the preservation of the Black River, floodplain areas, steep slopes, lands of natural beauty, scenic vistas, and other similar areas and to ensure that development in such area is well controlled;
10. To promote housing of such type, size and cost as will allow City residents of every economic condition to reside in safe, sanitary dwelling units.

### **Sec. 310-7 Periodic review of zoning chapter.**

From time to time, the Planning and Community Development Department shall reexamine the provisions of this chapter and the location of district boundary lines and shall submit a report to the City Council recommending changes or amendments, if any, which may be desirable in the interest of public welfare, convenience, and necessity.

### **Sec. 310-8 Reserved.**

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# ARTICLE II – Establishment of Zoning Map and Districts

## Sec. 310-9 Zoning Map.

- A. The boundaries of the zoning districts hereby established are shown on a map entitled "Watertown Zoning District Map" dated (Insert date), as amended. The Zoning Map and all notations, references and other information shown thereon shall have the same force and effect as if fully set forth or described herein, and such map is hereby made part of this chapter.

## Sec. 310-10 District boundaries.

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning Map, the following rules shall apply:

- A. Where the designation on the Zoning Map indicates a district boundary approximately upon a road, the centerline of the road shall be construed to be the boundary;
- B. Where the designation on the Zoning Map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary;
- C. In other cases, the district boundary shall be determined by the use of the scale of the Zoning Map.
- D. In other circumstances not covered by the rules above, the Planning and Community Development Department shall interpret the district and zone boundaries and this determination may be appealed to the Zoning Board of Appeals

## Sec. 310-11 Classification of Districts

- A. The City of Watertown is hereby divided into the following districts:

1. Residential - R
2. Neighborhood Mixed Use- NMU
3. Urban Mixed Use- UMU
4. Commercial - C
5. Downtown- D
6. Planned Campus - PC
7. Industrial- I
8. Parks and Open Space – P&OS
9. Waterfront Overlay - WFO

## 10. City Center Overlay - CCO

### **Sec. 310-12 District Purpose**

#### **Residential (R).**

Residential neighborhoods where the primary uses are single-unit and two-unit homes. Lot sizes vary from small to large with some multi-unit structures. New construction should not compromise the aesthetic value of existing historical homes. Streets are lined with sidewalks and ample street trees that provide walkable, human-scale neighborhoods.

#### **Neighborhood Mixed Use (NMU).**

The NMU district creates vibrant corridors on arterial and collector roads at the edges of residential neighborhoods that allow for a mix of residential dwelling unit types, commercial services, parks, and community facilities. These are generally found on radial streets with higher traffic volumes. This district reflects the walkable and historic nature of Watertown's neighborhoods. Commercial uses in the NMU District typically reflect a neighborhood-scale design and complement the dense residential neighborhoods in the adjacent R districts.

#### **Urban Mixed Use (UMU).**

The UMU district functions as a downtown transition zone and is generally located at the edge of the Downtown District where land use transitions from intense urban business and entertainment uses to less intense residential and compatible non-residential uses. The UMU District has obvious changes in building types, architectural styles, lot sizes, and pedestrian activity. Buildings are generally lower in height and parking may be onsite, behind or at the side of the building to avoid a suburban look. Buildings are designed to be visually appealing with shorter setbacks to address the sidewalk and help reinforce a positive pedestrian experience.

#### **Downtown (D).**

Intended to encourage pedestrian activity, the intent of the Downtown District is to cultivate a vibrant public realm and function as a regional employment hub, the Downtown District has the highest density of development with the greatest variety of uses. New infill development should respect the historic character of downtown, reinforce the urban character and emphasize walkability. Buildings are taller than in other parts of the city and parking needs are generally met by off-site lots, whether public or private. On-site parking, where it exists, is behind the building to preserve the historic building pattern and reinforce the pedestrian-oriented nature of downtown.

#### **Commercial (C).**

This district facilitates the highest intensity of commercial uses that serve the entire region beyond adjacent neighborhoods. Development character typically is larger lots with franchise architecture, on-site parking and signage. While the desire is to maintain this land use, a higher standard of design to create a uniform/uncluttered look is desired. While the Commercial Corridor is by nature auto-oriented, design standards should still integrate sidewalks, bike lanes, and transit stops into the streetscape.

### **Industrial (I).**

A district designed to diversify and strengthen the local economic base by allowing for light manufacturing, assembly and fabrication, including small scale or specialized industrial operations, office uses, including processing, incidental storage, sales or distribution of such products as well as general retail.

### **Planned Campus (PC).**

The Planned Campus is intended for institutional and campus type developments with large footprints that are different in character than their surroundings. The existing layout of such parcels and buildings requires a flexible approach to redevelopment that respects the unique characteristics of the parcel(s) and the surrounding neighborhoods. Buildings will vary in height and parking will be integrated throughout the campus. Sidewalks, bicycle and transit infrastructure are provided that connect into the City's broader system, offering an alternative means of accessing these facilities.

### **Parks and Open Space (P&OS).**

This district is designed to enhance the health and general welfare of the citizens of Watertown. Areas include existing active and passive recreational areas as well as forested areas that contain wetland systems.

### **Planned Development District (PDD).**

The Planned Development District is a floating district for exceptional settings and situations where the Dimensional and Use requirements of this Chapter do not fit with intended project.

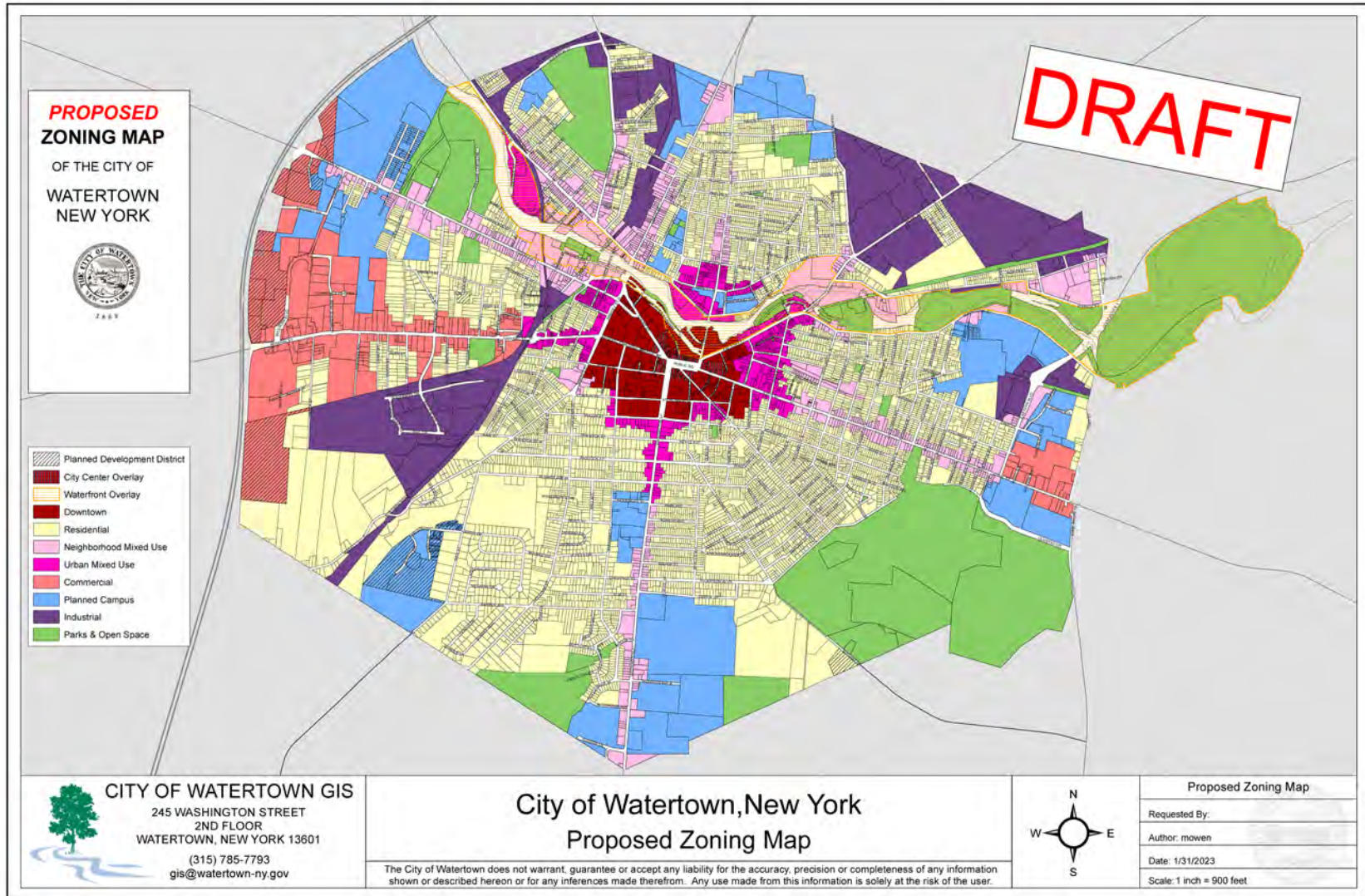
### **Waterfront Overlay District (WFO).**

The intention of this District is to build on the setting of the river as a reinforcing asset to redevelopment. New development and redevelopment should be oriented around the river in all aspects of design, including preserving view and increased public access where feasible. Buildings should be placed on the site so that they do not obstruct the public's enjoyment of the river whether physically or visually.

### **City Center Overlay (CCO).**

The intention of this overlay district is to promote active commercial uses on the ground floor of buildings located within the overlay district.

Sec. 310-13 Zoning Map.



**Sec. 310-14 Reserved.**

**Sec. 310-15 Reserved.**

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# ARTICLE III - District Uses

## Sec. 310-16 In General.

No structure shall hereafter be erected and no existing structure shall be moved, altered, added to or enlarged, nor shall any land or structure be used or arranged to be used for any purpose other than what is included among the uses listed in the following tables as permitted in the zoning district in which the structure or land is located, nor shall any land or structure be used in any manner contrary to any other requirements specified in this chapter.

## Sec. 310-17 Planning and Community Development Department Review

- A. Uses indicated with a 'DR' in the accompanying Use Table require review by the Planning and Community Development Department and may require Planning Commission Review.
- B. The Planning and Community Development Department, in consultation with the City Engineering Department, shall first review the Site Plan Review criteria listed below, as applicable. After such review, the Planning and Community Development Department shall determine if additional scrutiny by the Planning Commission is warranted and may refer the application to the Planning Commission for Site Plan Review.
  - 1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic control.
  - 2. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
  - 3. Location, arrangement, appearance, adequacy and sufficiency of off-street parking and loading.
  - 4. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
  - 5. Adequacy of stormwater and drainage facilities.
  - 6. Adequacy of water and sewage disposal facilities.
  - 7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
  - 8. In the case of multiunit dwellings, the adequacy of usable open space for play areas and informal recreation.
  - 9. Protection of adjacent or neighboring properties against noise, glare, odor, or other objectionable features.
  - 10. Adequacy of fire lanes and other emergency zones and the provisions of fire hydrants.
  - 11. Special attention to the adequacy of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
  - 12. Overall sensitivity to the environment.

## Sec. 310-18 Use Table

- A. The accompanying Use Table lists the permitted uses of land and buildings for the various zoning districts.
- B. The Use Table lists one of the following for each use within each District:
  - 1. P – Use requires review by the City of Watertown Bureau of Code Enforcement



2. DR – Use requires review by the Planning and Community Development Department and may require Planning Commission Review
  3. S and SUP – Use requires City of Watertown Planning and Community Development Department, and Planning Commission Review
  4. Blank – Use is not permitted
- C. All uses allowed as a principal use are allowed as accessory uses.
  - D. If located within the Waterfront Overlay District (WFO) the WFO Use Table shall be used when determining the allowable uses.
  - E. Uses located within the Parks and Open Space District (P&OS) shall refer section 310-21(B) of Article IV Dimensional Requirements.
  - F. If the Supplemental Regulations column is marked with an 'X' there are additional regulation. If there are supplemental regulations they apply regardless of there is an 'X' in the column.

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a. RESIDENTIAL	D	UMU	NMU	C	R	PC	IND	P&OS	Supp Regs
Dwelling, Single Unit		DR	DR		P				
Dwelling, Two Unit		P	P		DR				
Dwelling, Multi-Units, pre-existing		P	P		P				
Dwelling- townhouse/rowhouse	S	S	S			S			X
Dwelling, Multi-Unit	S	S	DR			S			
Residential Adaptive Reuse, pre-existing	S				SUP				X
Dwelling, Apartment Building	S	S	S	S		S			
Dwelling, Accessory Unit			DR		DR				X
Co-Housing	S	S	SUP			S			
Communal Housing	S	S	S			S			
Home Occupation, Minor	P	P	P		P				X
Home Occupation, Major	DR	DR	DR		DR				X
Community Residential Facility	P	P	P			P			
Assisted Living	S	S	S		S	S			
Skilled Nursing Facility		S	S			S			
Live-Work Unit	DR	DR	DR						X
Manufactured (Mobile) Home Parks						S			X
b. LODGING	D	UMU	NMU	C	R	PC	IND	P&OS	Supp Regs
Bed and Breakfast		S	S		SUP	S			
Inn	S	S		S		S			
Hotel/Motel/Hostel	S	S		S					
Short Term Rental	P	P	P		P				X

Districts	
<b>D</b>	Downtown
<b>UMU</b>	Urban Mixed Use
<b>NMU</b>	Neighborhood Mixed Use
<b>C</b>	Commercial Corridor
<b>R</b>	Residential
<b>PC</b>	Planned Campus
<b>IND</b>	Industrial
<b>P&amp;OS</b>	Parks and Open Space
<b>WFO</b>	Waterfront Overlay (See Waterfront Overlay Use Table)
<b>CCO</b>	City Center Overlay - Ground Floor Residential Prohibited

Key To Symbols	
<b>P</b>	Permitted By Right
<b>DR</b>	Department Review
<b>S</b>	Site Plan Review
<b>SUP</b>	Special Use Permit
<b>Blank</b>	Not Allowed
<b>X</b>	Supplemental Regulations

c. COMMERCIAL	D	UMU	NMU	C	R	PC	IND	P&OS	Supp Regs
Adult Use							SUP		X
Amusement, Recreation, or Entertainment (Indoor)	S	S		S		S	S		X
Amusement, Recreation, or Entertainment (Outdoor)				S		S	S	SUP	X
Bar, Restaurant, Café, Brewpub	DR	S	SUP	S		S	S		
Brewery/Distillery/Winery (Micro)	DR	S	SUP	S		SUP	P		
Brewery/Distillery/Winery		SUP		SUP		SUP	SUP		
Day Care Center	S	S	S	S		S	S		
Day Care Center, Accessory	S	S	S	S		S	S		
Day Care, Adult		S	S			S			
Day Care, Family	P	P	P	P	P	P			
Walk-up Window, Accessory	P	P	P	P		S	P	P	
Drive Through, Accessory		SUP	SUP	S			S		X
Funeral Home		DR	DR	DR	DR	DR			
Retail, Neighborhood	DR	S	S	S		SUP	S		X
Retail, General and Service	S	S	S	S			S		
Shopping Center	S	S		S			S		
Golf Course					S			S	
Hospital						S			
Clinic	S	S	SUP	S		S	S		
Mixed-Use Building	S	S	SUP						
Nightclub	SUP			SUP					X
Offices	S	S	SUP	S		S	S		
Private Clubs	DR	S	SUP	DR				S	
Theater	DR	DR		DR		DR			
Vending Lot		DR	DR	DR			DR		X
Marijuana Dispensaries/Retail* subject to opt-in/opt-out status				S					

Districts	
D	Downtown
UMU	Urban Mixed Use
NMU	Neighborhood Mixed Use
C	Commercial Corridor
R	Residential
PC	Planned Campus
IND	Industrial
P&OS	Parks and Open Space
WFO	Waterfront Overlay (See Waterfront Overlay Use Table)
CCO	City Center Overlay - Ground Floor Residential Prohibited

Key To Symbols	
P	Permitted By Right
DR	Department Review
S	Site Plan Review
SUP	Special Use Permit
Blank	Not Allowed
X	Supplemental Regulations

d. AUTOMOTIVE	D	UMU	NMU	C	R	PC	IND	P&OS	Supp Regs
Auto repair			SUP	S			S		X
Autobody Repair				S			S		X
Car Washes		SUP	SUP	S					X
Parking Structure	S					S			
Parking Structure, Accessory	S	SUP	SUP	S		S	S		
Fuel / Convenience station		SUP	SUP	S			S		X
Vehicle Sales/Rental/Storage				S			S		X
Vehicle Charging Station, accessory	DR	DR	DR	DR		DR	DR		
Off-Street Parking Lot	DR	DR				DR			
e. MUNICIPAL/CIVIC	D	UMU	NMU	C	R	PC	IND	P&OS	Supp Regs
Cemetery								P	
Community Center	S	S	S		SUP	S		S	
Convention Center	S	S							
Municipal Parks	DR	DR	DR	DR	DR	DR	DR	DR	
Museum	DR	DR				DR			
Community Garden	DR	DR	DR		DR	DR		DR	
School, college, university, trade	S	S	S	S	S	S	S		
School, pre, elementary, middle, high	S	S	S	S	S	S			
House of Worship	S	S	S	S	S	S	S		
Essential Services	P	P	P	P	P	P	P	P	X
Emergency Services	P	P	SUP	P	SUP	P	P		X
Zoo / Aquarium	SUP	SUP						P	
f. INDUSTRIAL	D	UMU	NMU	C	R	PC	IND	P&OS	Supp Regs
Composting Facility							S		
Freight Terminal, Motor							S		
Freight Terminal, Rail							S		
Industrial Facility							SUP		
Industrial Facility, Pre-existing	P	SUP	SUP				P		
Storage Yard							S		X
Self Storage Facility						S	S		X
Technology/ Research Facility	S	S	S	S		S	S		
Warehouse/ Wholesale Distribution							S		
Recycling Facility							S		

Districts	
D	Downtown
UMU	Urban Mixed Use
NMU	Neighborhood Mixed Use
C	Commercial Corridor
R	Residential
PC	Planned Campus
IND	Industrial
P&OS	Parks and Open Space
WFO	Waterfront Overlay (See Waterfront Overlay Use Table)
CCO	City Center Overlay - Ground Floor Residential Prohibited

Key To Symbols	
P	Permitted By Right
DR	Department Review
S	Site Plan Review
SUP	Special Use Permit
Blank	Not Allowed
X	Supplemental Regulations

<b>g. OTHER/AGRICULTURE</b>	<b>D</b>	<b>UMU</b>	<b>NMU</b>	<b>C</b>	<b>R</b>	<b>PC</b>	<b>IND</b>	<b>P&amp;OS</b>	<b>Supp Regs</b>
Animal Clinic/Veterinary Hospital		S	SUP	S		S			X
Animal Shelter		SUP	SUP	SUP		SUP	SUP		
Kennel, Commercial				S			S		X
Pet/Dog Day Care, Commercial		SUP	SUP	S			S		
Personal Horticulture	P	P	P	P	P	P	P	DR	
Personal Agriculture		P	P		P	P	P		X
Garden Center		SUP	SUP	P			P		X
Garden Center, Retail		S	S	P			P		X
Marijuana Cultivation/ Manufacturing/ Packaging				P		P	P		
<b>h. ENERGY</b>	<b>D</b>	<b>UMU</b>	<b>NMU</b>	<b>C</b>	<b>R</b>	<b>PC</b>	<b>IND</b>	<b>P&amp;OS</b>	<b>Supp Regs</b>
Geothermal, Principal							P		
Geothermal, Accessory	P	P	P	P	P	P	P	P	
Public Utility	DR	DR	DR	DR	DR	DR	DR	DR	
Solar, Accessory	DR	DR	DR	DR	DR	DR	DR	DR	X
Solar, Principal							P		X
Wind, Accessory	DR	DR	DR	DR	DR	DR	DR	DR	X
Wind, Principal							S		X
Hydro							DR		

<b>Districts</b>	
<b>D</b>	Downtown
<b>UMU</b>	Urban Mixed Use
<b>NMU</b>	Neighborhood Mixed Use
<b>C</b>	Commercial Corridor
<b>R</b>	Residential
<b>PC</b>	Planned Campus
<b>IND</b>	Industrial
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<b>WFO</b>	Waterfront Overlay (See Waterfront Overlay Use Table)
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<b>Key To Symbols</b>	
<b>P</b>	Permitted By Right
<b>DR</b>	Department Review
<b>S</b>	Site Plan Review
<b>SUP</b>	Special Use Permit
<b>Blank</b>	Not Allowed
<b>X</b>	Supplemental Regulations

**Waterfront Overlay District Use Table - W indicates within Waterfront Overlay District**

<b>a. RESIDENTIAL</b>	<b>W-D</b>	<b>W-UMU</b>	<b>W-NMU</b>	<b>W-R</b>	<b>W-P&amp;OS</b>	<b>Supp Regs</b>
Dwelling, Single Unit			DR	P		
Dwelling, Two Unit			P	SUP		
Dwelling, Multi-Units, pre-existing		P	P	P		
Dwelling- townhouse/rowhouse	S	S	S			X
Dwelling, Multi-Unit			DR			
Residential Adaptive Reuse, pre-existing	S	S	S	SUP		X
Dwelling, Apartment Building	S	S	S			
Dwelling, Accessory Unit			DR	DR		X
Co-Housing	S	S	SUP			
Communal Housing	S	S	S			
Home Occupation, Minor	P	P	P	P		X
Home Occupation, Major			DR	DR		X
Community Residential Facility	P	P	P			
Assisted Living	S	S	S	S		
Skilled Nursing Facility		S	S			
Live-Work Unit	DR	DR	DR			X
Manufactured (Mobile) Home Parks						X
<b>b. LODGING</b>	<b>W-D</b>	<b>W-UMU</b>	<b>W-NMU</b>	<b>W-R</b>	<b>W-P&amp;OS</b>	<b>Supp Regs</b>
Bed and Breakfast		S	S	SUP		
Inn	S	S				
Hotel/Motel/Hostel	S	S				
Short Term Rental	P	P	P	P		X

<b>Districts</b>	
<b>D</b>	Downtown
<b>UMU</b>	Urban Mixed Use
<b>NMU</b>	Neighborhood Mixed Use
<b>C</b>	Commercial Corridor
<b>R</b>	Residential
<b>PC</b>	Planned Campus
<b>IND</b>	Industrial
<b>P&amp;OS</b>	Parks and Open Space
<b>WFO</b>	Waterfront Overlay Use
<b>CCO</b>	Ground Floor Residential

<b>Key To Symbols</b>	
<b>P</b>	Permitted By Right
<b>DR</b>	Department Review
<b>S</b>	Site Plan Review
<b>SUP</b>	Special Use Permit
<b>Blank</b>	Not Allowed
<b>X</b>	Supplemental Regulations

c. COMMERCIAL	W-D	W-UMU	W-NMU	W-R	W-P&OS	Supp Regs
Adult Use						X
Amusement, Recreation, or Entertainment (Indoor)		S	SUP			X
Amusement, Recreation, or Entertainment (Outdoor)	S	S	SUP		SUP	X
Bar, Restaurant, Café, brewpub	DR	DR	SUP			
Brewery/Distillery/Winery (Micro)	DR	DR	SUP			
Brewery/Distillery/Winery		SUP				
Day Care Center, Accessory	P	P	P			
Day Care Center						
Day Care, Adult						
Day Care, Family	P	P	P	P		
Walk-up Windo, Accessory	P	P	P		P	
Drive Through, Accessory						
Funeral Home						
Retail, Neighborhood	DR	S	S			X
Retail, General and Service	S	S	S			
Shopping Center						
Golf Course					S	
Hospital						
Clinic						
Mixed-Use Building	S	S	SUP			
Nightclub	SUP					X
Offices						
Private Clubs					S	
Theater						
Theater. Drive-In						
Vending Lot	DR	DR	DR		DR	X
Marijuana Dispensaries/Retail* subject to opt-in/opt-out status						

Districts	
<b>D</b>	Downtown
<b>UMU</b>	Urban Mixed Use
<b>NMU</b>	Neighborhood Mixed Use
<b>C</b>	Commercial Corridor
<b>R</b>	Residential
<b>PC</b>	Planned Campus
<b>IND</b>	Industrial
<b>P&amp;OS</b>	Parks and Open Space
<b>WFO</b>	Waterfront Overlay Use
<b>CCO</b>	Ground Floor Residential
Key To Symbols	
<b>P</b>	Permitted By Right
<b>DR</b>	Department Review
<b>S</b>	Site Plan Review
<b>SUP</b>	Special Use Permit
<b>Blank</b>	Not Allowed
<b>X</b>	Supplemental Regulations

<b>d. AUTOMOTIVE</b>	<b>W-CBD</b>	<b>W-UMU</b>	<b>W-NMU</b>	<b>W-R</b>	<b>W-P&amp;OS</b>	<b>Supp Regs</b>
Auto repair						X
Autobody Repair						X
Car Washes						X
Parking Structure, Accessory	S	S	SUP			
Parking Structure						
Fuel / Convenience Station						X
Vehicle Sales/Rental/Storage						X
Vehicle Charging Station, accessory	DR	DR	DR	DR		
Off-Street Parking Lot	P	P	P		P	
<b>e. MUNICIPAL/CIVIC</b>	<b>W-D</b>	<b>W-UMU</b>	<b>W-NMU</b>	<b>W-R</b>	<b>W-P&amp;OS</b>	<b>Supp Regs</b>
Cemetery						
Community Center	S	S	SUP			
Convention Center	S	S				
Municipal Parks	DR	DR	DR	DR	DR	
Museum	DR	DR	DR		DR	
Community Garden	DR	DR	DR	DR	DR	
School, college, university, trade						
School, pre, elementary, middle, high						
House of Worship	S	S	S	S		
Essential Services	P	P	P	P		X
Emergency Services				P		X
Zoo / Aquarium	S	S				
<b>f. INDUSTRIAL</b>	<b>W-D</b>	<b>W-UMU</b>	<b>W-NMU</b>	<b>W-R</b>	<b>W-P&amp;OS</b>	<b>Supp Regs</b>
Composting Facility						
Freight Terminal, Motor						
Freight Terminal, Rail						
Industrial Facility						
Industrial Facility, Pre-existing	P					
Storage Yard						X
Self Storage Facility						X
Technology/ Research Facility		SUP				
Warehouse/ Wholesale Distribution						
Recycling Facility						

<b>Districts</b>	
<b>D</b>	Downtown
<b>UMU</b>	Urban Mixed Use
<b>NMU</b>	Neighborhood Mixed Use
<b>C</b>	Commercial Corridor
<b>R</b>	Residential
<b>PC</b>	Planned Campus
<b>IND</b>	Industrial
<b>P&amp;OS</b>	Parks and Open Space
<b>WFO</b>	Waterfront Overlay Use
<b>CCO</b>	Ground Floor Residential
<b>Key To Symbols</b>	
<b>P</b>	Permitted By Right
<b>DR</b>	Department Review
<b>S</b>	Site Plan Review
<b>SUP</b>	Special Use Permit
<b>Blank</b>	Not Allowed
<b>X</b>	Supplemental Regulations



<b>g. OTHER/AGRICULTURE</b>	<b>W-D</b>	<b>W-UMU</b>	<b>W-NMU</b>	<b>W-R</b>	<b>W-P&amp;OS</b>	<b>Supp Regs</b>
Animal Clinic/Veterinary Hospital						X
Animal Shelter						
Kennel, Commercial						X
Pet/Dog Day Care, Commercial						
Personal Horticulture	P	P	P	P	P	
Personal Agriculture		SUP	P		S	X
Garden Center						X
Garden Center, Retail						X
Marijuana Cultivation/ Manufacturing/ Packaging						
<b>h. ENERGY</b>	<b>W-D</b>	<b>W-UMU</b>	<b>W-NMU</b>	<b>W-R</b>	<b>W-P&amp;OS</b>	<b>Supp Regs</b>
Geothermal, Principal	P	P	P	P	P	
Geothermal, Accessory	P	P	P	P	P	
Public Utility	DR	DR	DR	DR	DR	
Solar, Accessory	DR	DR	DR	DR	DR	X
Solar, Principle						X
Wind, Accessory	DR	DR	DR	DR	DR	X
Wind, Principle						
Hydro	S	S	S	S	S	

<b>Districts</b>	
<b>D</b>	Downtown
<b>UMU</b>	Urban Mixed Use
<b>NMU</b>	Neighborhood Mixed Use
<b>C</b>	Commercial Corridor
<b>R</b>	Residential
<b>PC</b>	Planned Campus
<b>IND</b>	Industrial
<b>P&amp;OS</b>	Parks and Open Space
<b>WFO</b>	Waterfront Overlay Use
<b>CCO</b>	Ground Floor Residential
<b>Key To Symbols</b>	
<b>P</b>	Permitted By Right
<b>DR</b>	Department Review
<b>S</b>	Site Plan Review
<b>SUP</b>	Special Use Permit
<b>Blank</b>	Not Allowed
<b>X</b>	Supplemental Regulations

Sec. 310-19 Reserved.  
 Sec. 310-20 Reserved.

# ARTICLE IV – Dimensional Regulations

## Sec. 310-21 Form-Based Dimensional Tables

- A. The accompanying tables provide dimensional requirements and graphic examples for each of the zoning districts.
- B. Uses in the Parks and Open Space (P&OS) that have structures over 300 square feet are subject to the dimensional requirements of the Residential (R) District. Uses that have structures 300 square feet or less are subject to Departmental Review.

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# Downtown - D

## 1. Purpose

Intended to encourage pedestrian activity, the intent of the Downtown District is to cultivate a vibrant public realm and function as a regional employment hub, the Downtown District has the highest density of development with the greatest variety of uses. New infill development should respect the historic character of downtown, reinforce the urban character and emphasize walkability. Buildings are taller than in other parts of the city and parking needs are generally met by off-site lots, whether public or private. On-site parking, where it exists, is behind the building to preserve the historic building pattern and reinforce the pedestrian-oriented nature of downtown.

## 2. Examples



## 3. Frontage Elements

Only the following frontage elements indicated in **BOLD** are allowed:

Stoop      Porch      Lightwell      **Awning**

## 4. Lot Dimensions

A	Lot area (min)	NO MIN
B	Lot width (min)	15 ft
C	Lot coverage (max)	100%
D	Accessory Structure max total footprint	n/a

## 7. Transparency

A	Ground floor transparency, front facade (min)	75%
B	Ground floor transparency, corner side facade (min)	50%
C	Upper floor transparency, front and corner side facades (min)	30%

## 5. Building Setbacks

A	Front yard (min/max)	0 ft / 10 ft
B	Facade length (max)*	n/a
C	Side yards (min total)	n/a
D	Rear yard (min)**	n/a
E	Parking & Loading Setback	5 ft
F	Accessory Structure	n/a

## 8. Pedestrian Access

A	Main entrance location (required)	Facing Sidewalk
B	Functional entry spacing	30 ft max

## 6. Building Height

A	Building Height (max)	10 Stories
B	First Story Minimum Height	12 ft
C	Story Height (min)	9 ft
D	Accessory Structure Height	n/a

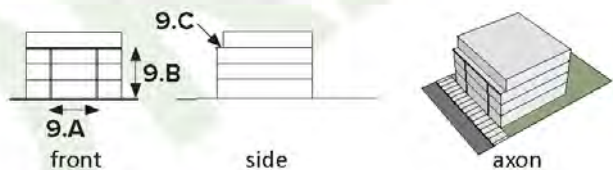
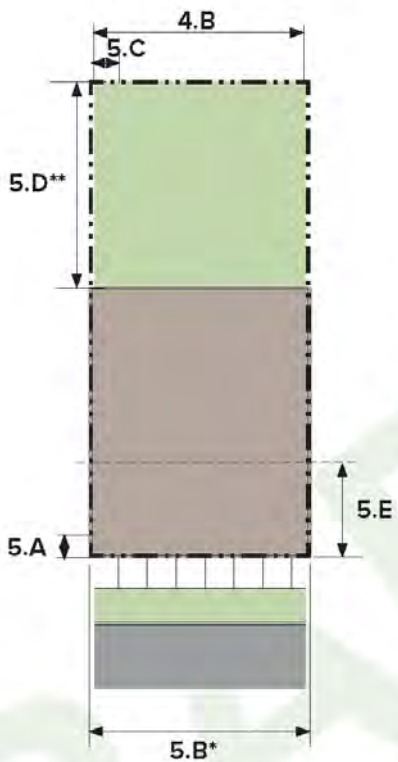
## 9. Building Articulation

A	Vertically oriented projection or recess no greater than 30 ft apart. Exceptions: not required above 5th story or where windows are consistently recessed 4 in. or more.
B	A horizontal projection is required between the first and third stories.
C	Any building taller than 50 ft must have a 4 ft minimum front facade stepback between 20 ft minimum and 60 ft maximum above grade.
D	<b>Stepback Bonus:</b> Stepbacks greater than 8 ft allow for additional stories with a floor area no more than 3 times the total area of the stepback.

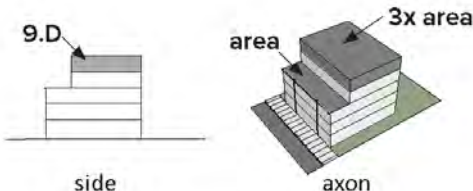
## 10. Other Standards

max 12 ft frontage unbuilt

\*Lots abutting the river shall have a front (street facing) facade length of no more than 75 percent of the total lot width.  
 \*\*In lots adjoining the river the rear yard shall be measured from top of bank and shall be 50 ft minimum. Rear yard may be reduced to no less than 10 feet when providing public access.



**Stepback Bonus**





# Urban Mixed Use - UMU

## 1. Purpose

The UMU district functions as a downtown transition zone and is generally located at the edge of the Downtown District where land use transitions from intense urban business and entertainment uses to less intense residential and compatible non-residential uses. The UMU District has obvious changes in building types, architectural styles, lot sizes, and pedestrian activity. Buildings are generally lower in height and parking may be onsite, behind or at the side of the building to avoid a suburban look. Buildings are designed to be visually appealing with shorter setbacks to address the sidewalk and help reinforce a positive pedestrian experience.

## 2. Examples



## 3. Frontage Elements

Only the following frontage elements indicated in **BOLD** are allowed:

**Stoop**      **Porch**      **Lightwell**      **Awning**

## 4. Lot Dimensions

A	Lot area (min)	NO MIN
B	Lot width (min)	15 ft
C	Lot coverage (max)	90%
D	Accessory Structure max total footprint	n/a

## 5. Building Setbacks

A	Front yard (min/max)	0 ft / 12 ft
B	Facade length (max)	n/a*
C	Side yards (min total)	n/a
D	Rear yard (min)	n/a**
E	Parking & Loading Setback	5 ft
F	Accessory Structure	n/a

## 6. Building Height

A	Building Height (max)	5 Stories
B	First Story Minimum Height	12 ft
C	Story Height (min)	9 ft
D	Accessory Structure Height	n/a

## 7. Transparency

A	Ground floor transparency, front facade (min)	50%
B	Ground floor transparency, corner side facade (min)	30%
C	Upper floor transparency, front and corner side facades (min)	30%

## 8. Pedestrian Access

A	Main entrance location (required)	Facing Sidewalk
B	Functional entry spacing	30 ft max

## 9. Building Articulation

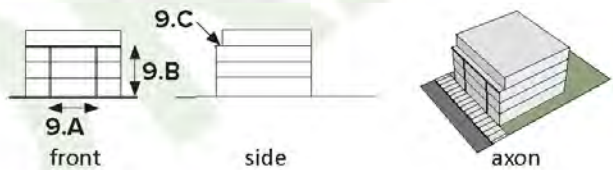
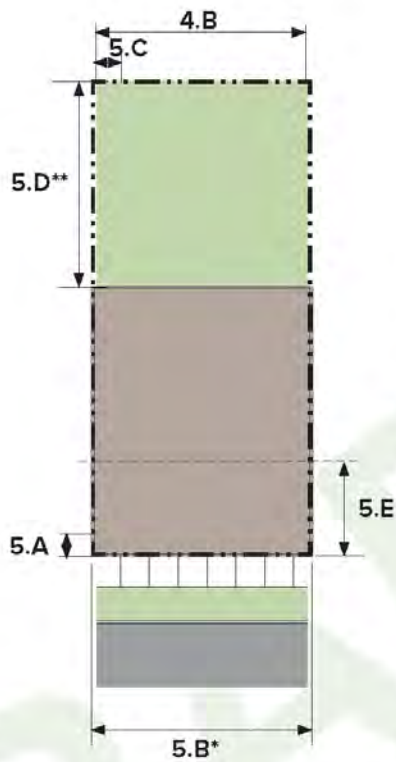
A	Vertically oriented projection or recess no greater than 30 ft apart. Exceptions: not required above 5th story or where windows are consistently recessed 4 in. or more.
B	A horizontal projection is required between the first and third stories.
C	Any building taller than 50 ft must have a 4 ft minimum front facade stepback between 20 ft minimum and 60 ft maximum above grade.
D	<b>Stepback Bonus:</b> Stepbacks greater than 8 ft allow for additional stories with a floor area no more than 3 times the total area of the stepback.

## 10. Other Standards

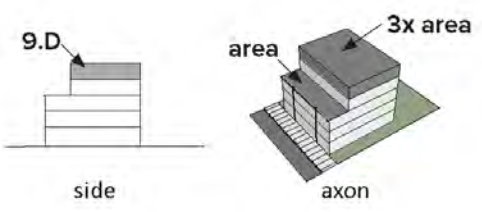
max 12 ft frontage unbuilt

\*Lots abutting the river shall have a front (street facing) facade length of no more than 75 percent of the total lot width.

\*\*In lots adjoining the river the rear yard shall be measured from top of bank and shall be 50 ft minimum. Rear yard may be reduced to no less than 10 feet when providing public access.



**Stepback Bonus**



# Neighborhood Mixed Use - NMU

## 1. Purpose

The NMU district creates vibrant corridors on arterial and collector roads at the edges of residential neighborhoods that allow for a mix of residential dwelling unit types, commercial services, parks, and community facilities. These are generally found on radial streets with higher traffic volumes. This district reflects the walkable and historic nature of Watertown's neighborhoods. Commercial uses in the NMU District typically reflect a neighborhood-scale design and complement the dense residential neighborhoods in the adjacent R districts.

## 2. Examples



## 3. Frontage Elements

Only the following frontage elements indicated in BOLD are allowed:

**Stoop**      **Porch**      **Lightwell**      **Awning**

## 4. Lot Dimensions

A	Lot area (min)	1,000 sf
B	Lot width (min/max)	10 ft / 100 ft
C	Lot coverage (max - corner)	70% - 90%
D	Accessory Structure max total footprint	900 sf

## 5. Building Setbacks

A	Front yard (min/max)	0 ft / 10 ft or Average
B	Facade length (max)	60 ft*
C	Side yards (min total)	10 ft
D	Rear yard (min)	10 ft**
E	Parking & Loading Setback	10 ft
F	Accessory Structure	n/a

## 6. Building Height

A	Building Height (max)	3 Stories
B	First Story Minimum Height	9 ft
C	Story Height (min)	9 ft
D	Accessory Structure Height	n/a

## 7. Transparency

A	Ground floor transparency, front facade (min)	50%
B	Ground floor transparency, corner side facade (min)	30%
C	Upper floor transparency, front and corner side facades (min)	30%

## 8. Pedestrian Access

A	Main entrance location (required)	Facing Sidewalk
B	Functional entry spacing	n/a

## 9. Building Articulation

A	Vertically oriented projection or recess no greater than 30 ft apart. Exceptions: not required above 5th story or where windows are consistently recessed 4 in. or more.
B	A horizontal projection is required between the first and third stories.
C	Any building taller than 50 ft must have a 4 ft minimum front facade stepback between 20 ft minimum and 60 ft maximum above grade.
D	<b>Stepback Bonus:</b> Stepbacks greater than 8 ft allow for additional stories with a floor area no more than 3 times the total area of the stepback.

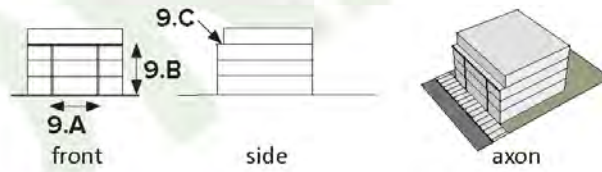
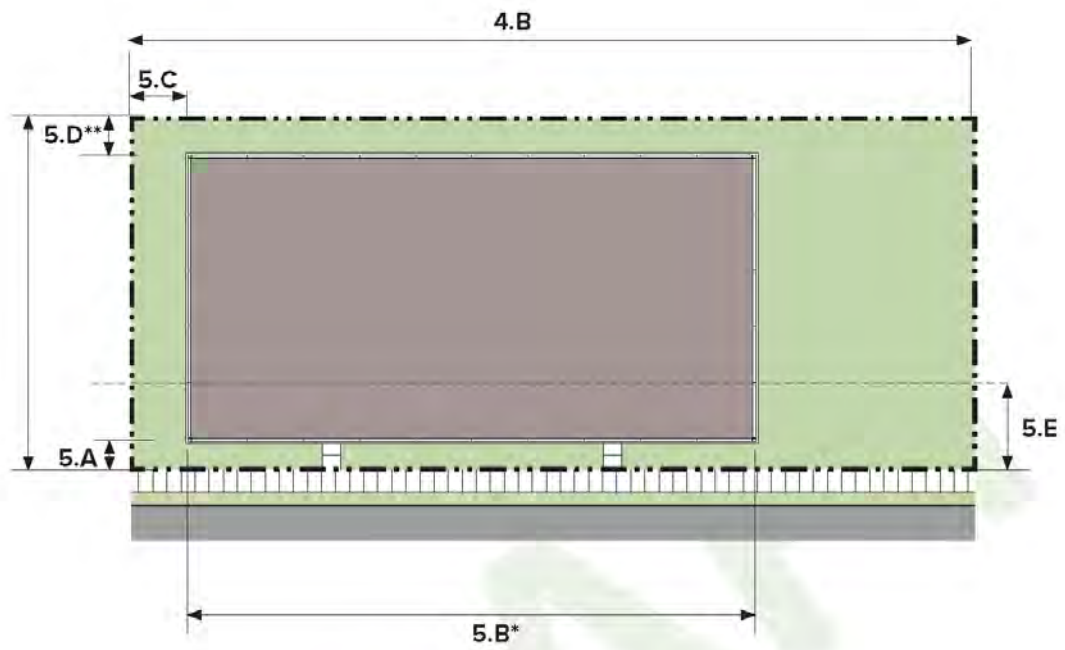
## 10. Other Standards

max 25 ft frontage unbuilt

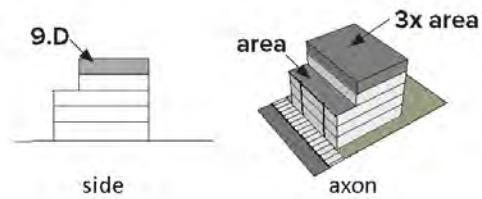
\*Lots abutting the river shall have a front (street facing) facade length of no more than 75 percent of the total lot width.

\*\*In lots adjoining the river the rear yard shall be measured from top of bank and shall be 50 ft minimum. Rear yard may be reduced to no less than 10 feet when providing public access.





**Stepback Bonus**





# Residential - R

## 1. Purpose

Residential neighborhoods where the primary uses are single-unit and two-unit homes. Lot sizes vary from small to large with some multi-unit structures. New construction should not compromise the aesthetic value of existing historical homes. Streets are lined with sidewalks and ample street trees that provide walkable, human-scale neighborhoods.

## 2. Examples



## 3. Frontage Elements

Only the following frontage elements indicated in **BOLD** are allowed:

**Stoop**      **Porch**      Lightwell      Awning

## 4. Lot Dimensions

A	Lot area (min)	1,000 sf
B	Lot width (min/max)	30ft - 100 ft
C	Lot coverage (max - corner)	70% - 90%
D	Accessory Structure max total footprint	900 sf

## 6. Building Height

A	Building Height (max)	3 Stories
B	First Story Minimum Height	9 ft
C	Story Height (min)	9 ft
D	Accessory Structure Height	Less than primary building

## 5. Building Setbacks

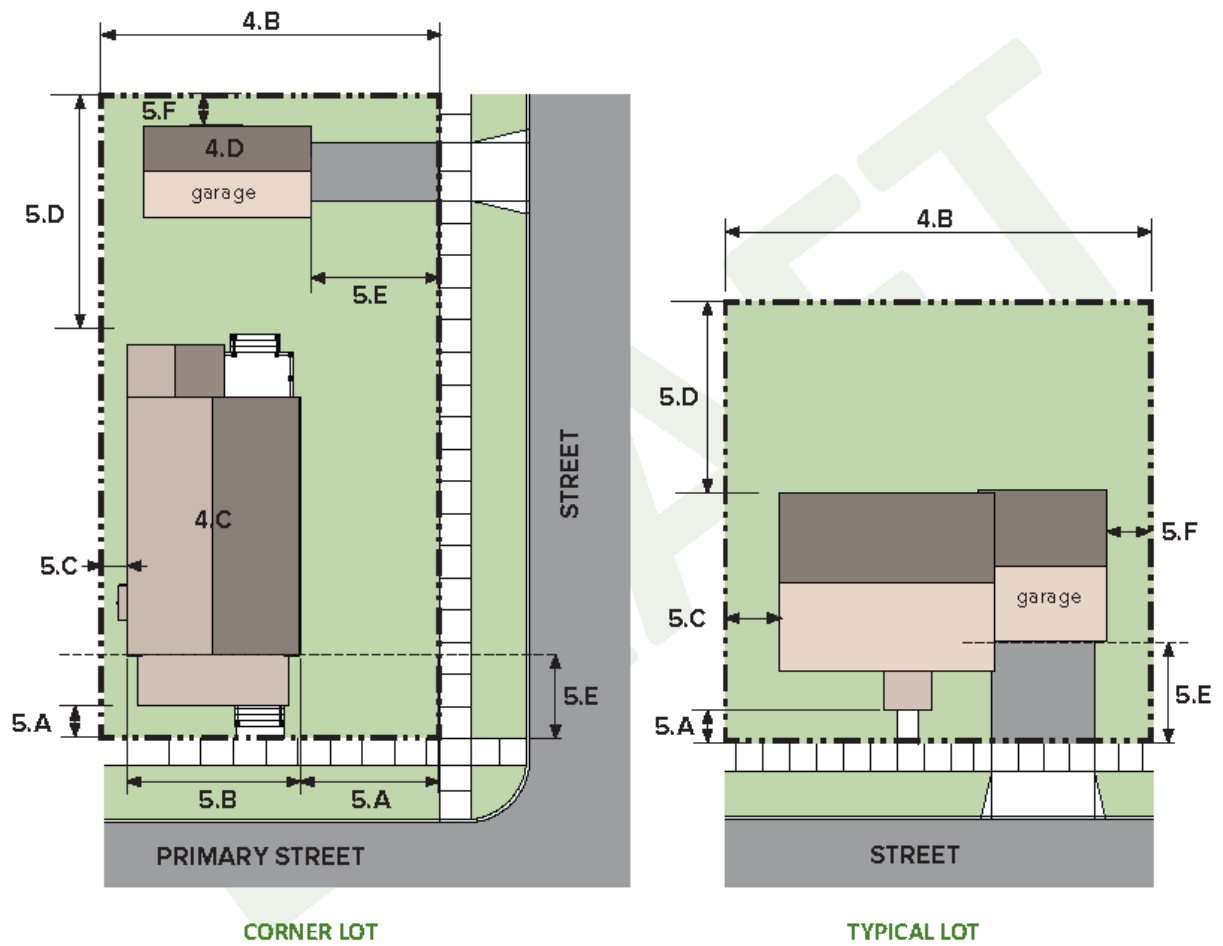
A	Front yard (min/max)	10 ft min/ max average of adjacent
B	Facade length (max)	n/a
C	Side yards (min)	5 ft
D	Rear yard (min)	10 ft
E	Parking Setback and Accessory Structure front yard	Greater than primary facade*
F	Accessory Structure side/rear yard	5 ft

## 7. Transparency

A	Ground floor transparency, front facade (min)	30%
B	Ground floor transparency, corner side facade (min)	30%
C	Upper floor transparency, front and corner side facades (min)	30%



\*Refer to parking Article VI for parking in front yard exceptions.



# Industrial - IND

## 1. Purpose

A district designed to diversify and strengthen the local economic base by allowing for light manufacturing, assembly and fabrication, including small scale or specialized industrial operations, office uses, including processing, incidental storage, sales or distribution of such products as well as general retail.

## 2. Examples



## 3. Frontage Elements

Only the following frontage elements indicated in **BOLD** are allowed:

Stoop      Porch      **Lightwell**      **Awning**

## 4. Lot Dimensions

A	Lot area (min)	10,000 sf
B	Lot width (min/max)	50ft / none
C	Lot coverage	60%
D	Accessory Structure max total footprint	n/a

## 7. Transparency

A	Ground floor transparency, front facade (min)	n/a
B	Ground floor transparency, corner side facade (min)	n/a
C	Upper floor transparency, front and corner side facades (min)	n/a

## 5. Building Setbacks

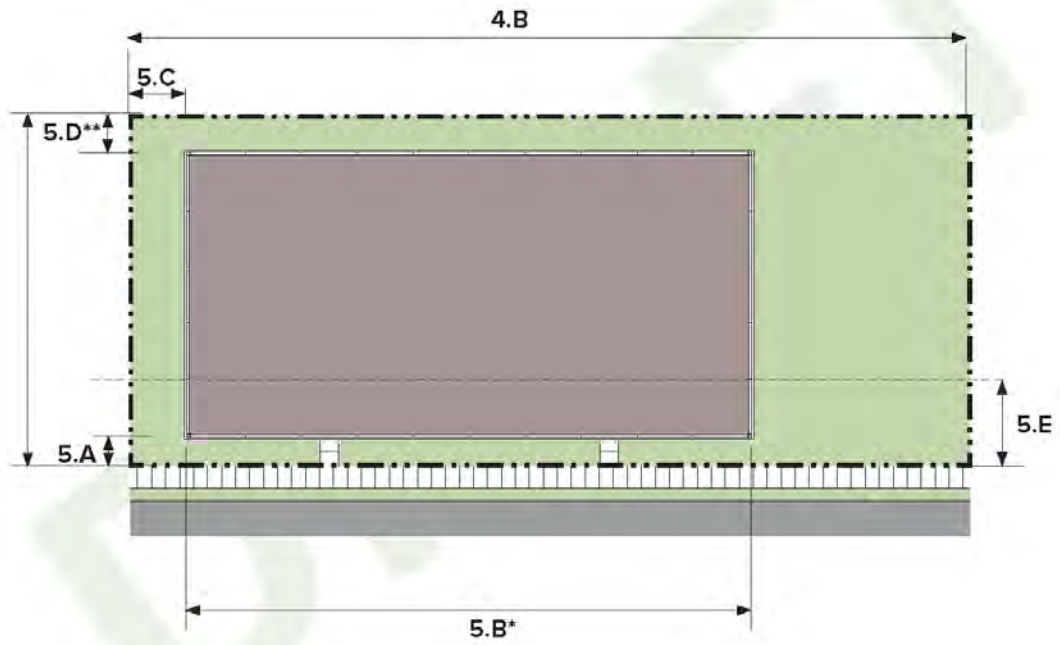
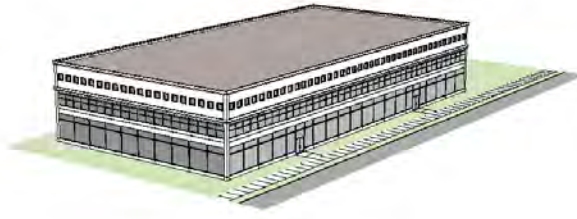
A	Front yard (min/max)	25 ft / none
B	Facade length (max)	n/a*
C	Side yards (min total)	10 ft + buffer
D	Rear yard (min)	10 ft + buffer**
E	Parking & Loading Setback	none
F	Accessory Structure	n/a

## 6. Building Height

A	Building Height (max)	4 Stories
B	First Story Minimum Height	n/a
C	Story Height (min)	n/a
D	Accessory Structure Height	n/a

\*Lots abutting the river shall have a front (street facing) facade length of no more than 75 percent of the total lot width.

\*\*In lots adjoining the river the rear yard shall be measured from top of bank and shall be 50 ft minimum. Rear yard may be reduced to no less than 10 feet when providing public access.





# Planned Campus- PC

## 1. Purpose

The Planned Campus District is intended for institutional and campus type developments with large footprints that are different in character than their surroundings. The existing layout of such parcels and buildings requires a flexible approach to redevelopment that respects the unique characteristics of the parcel(s) and the surrounding neighborhoods. Buildings will vary in height and parking will be integrated throughout the campus. Sidewalks, bicycle and transit infrastructure are provided that connect into the City's broader system, offering an alternative means of accessing these facilities.

## 2. Examples



## 3. Frontage Elements

Only the following frontage elements indicated in BOLD are allowed:

**Stoop**      **Porch**      Lightwell      **Awning**

## 4. Lot Dimensions

A	Lot area (min)	1,000 sf
B	Lot width (min/max)	30 ft / 100 ft
C	Lot coverage (max - corner)	70% - 90%
D	Accessory Structure max total footprint	n/a

## 5. Building Setbacks

A	Front yard (min/max)	Average
B	Facade length (max)	150 ft*
C	Side yards (min)	5 ft
D	Rear yard (min)	10 ft**
E	Parking Setback	10 ft
F	Accessory Structure	n/a

## 6. Building Height

A	Building Height (max)	4 Stories
B	First Story Minimum Height	9 ft
C	Story Height (min)	9 ft
D	Accessory Structure Height	n/a

## 7. Transparency

A	Ground floor transparency, front facade (min)	65%
B	Ground floor transparency, corner side facade (min)	30%
C	Upper floor transparency, front and corner side facades (min)	30%

## 8. Pedestrian Access

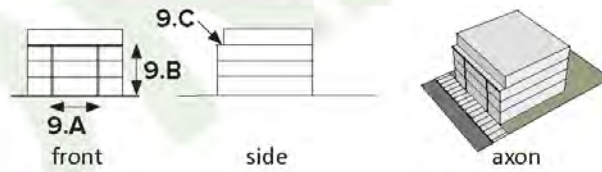
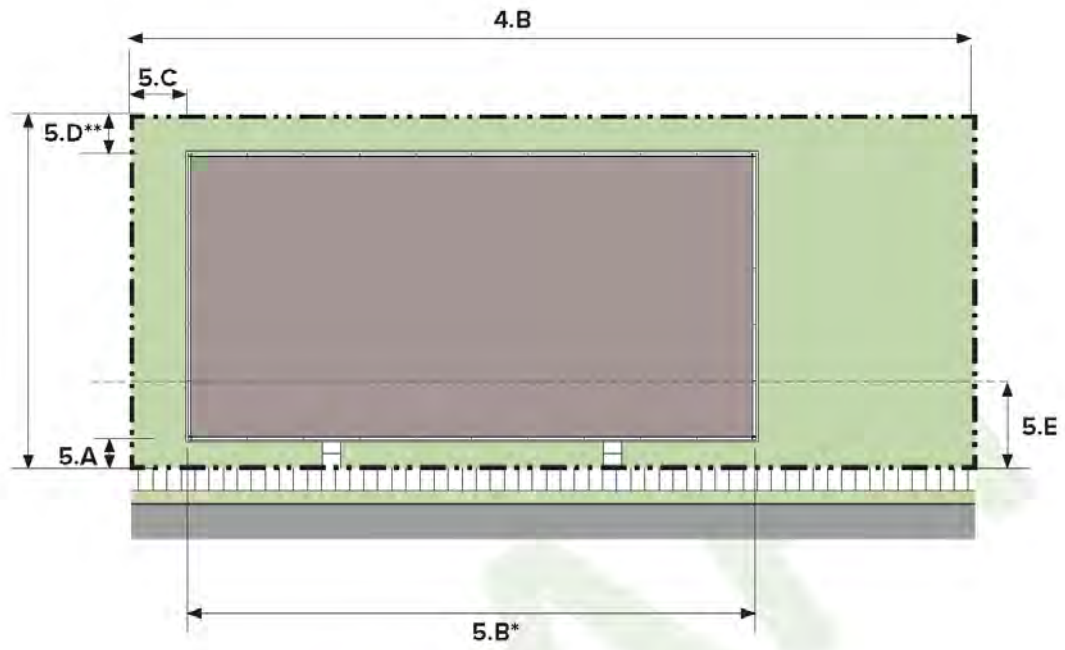
A	Main entrance location (required)	Facing Sidewalk
B	Functional entry spacing	n/a

## 9. Building Articulation

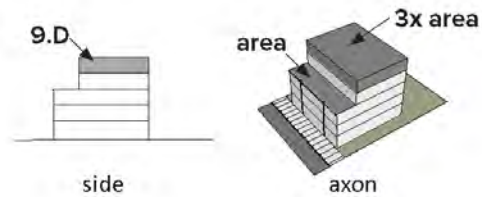
A	Vertically oriented projection or recess no greater than 30 ft apart. Exceptions: not required above 5th story or where windows are consistently recessed 4 in. or more.
B	A horizontal projection is required between the first and third stories.
C	Any building taller than 50 ft must have a 4 ft minimum front facade stepback between 20 ft minimum and 60 ft maximum above grade.
D	<b>Stepback Bonus:</b> Stepbacks greater than 8 ft allow for additional stories with a floor area no more than 3 times the total area of the stepback.

\*Lots abutting the river shall have a front (street facing) facade length of no more than 75 percent of the total lot width.

\*\*In lots adjoining the river the rear yard shall be measured from top of bank and shall be 50 ft minimum. Rear yard may be reduced to no less than 10 feet when providing public access.



**Stepback Bonus**



# Commercial - C

## 1. Purpose

This district facilitates the highest intensity of commercial uses that serve the entire region beyond adjacent neighborhoods. Development character typically is larger lots with franchise architecture, on-site parking and signage. While the desire is to maintain this land use, a higher standard of design to create a uniform/uncluttered look is desired. While the Commercial district is by nature auto-oriented, design standards should still integrate sidewalks, bike lanes, and transit stops into the streetscape.

## 2. Examples



## 3. Frontage Elements

Only the following frontage elements indicated in **BOLD** are allowed:

Stoop      Porch      Lightwell      **Awning**

## 4. Lot Dimensions

A	Lot area (min)	NO MIN
B	Lot width (min/max)	50ft / none
C	Lot coverage (max - corner)	70% - 90%
D	Accessory Structure max total footprint	n/a

## 5. Building Setbacks

A	Front yard (min/max)	10 ft / none
B	Facade length (max)	n/a
C	Side yards (min)	5 ft
D	Rear yard (min)	10 ft
E	Parking & Loading Setback	20 ft
F	Accessory Structure	n/a

## 6. Building Height

A	Building Height (max)	4 Stories
B	First Story Minimum Height	n/a
C	Story Height (min)	n/a
D	Accessory Structure Height	n/a

## 7. Transparency

A	Ground floor transparency, front facade (min)	50%
B	Ground floor transparency, corner side facade (min)	30%
C	Upper floor transparency, front and corner side facades (min)	30%

## 8. Pedestrian Access

A	Main entrance location (required)	Facing Sidewalk
B	Functional entry spacing	100 ft max

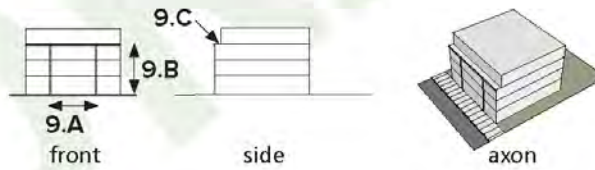
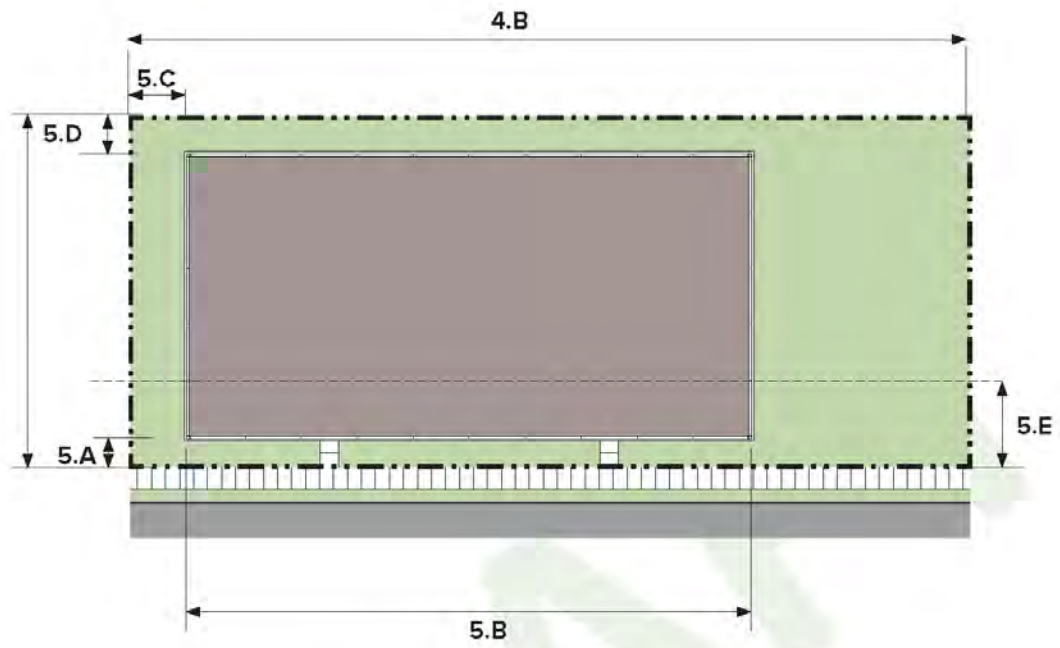
## 9. Building Articulation

A	Vertically oriented projection or recess no greater than 30 ft apart. Exceptions: not required above 5th story or where windows are consistently recessed 4 in. or more.
B	A horizontal projection is required between the first and third stories.
C	Any building taller than 50 ft must have a 4 ft minimum front facade stepback between 20 ft minimum and 60 ft maximum above grade.
D	<b>Stepback Bonus:</b> Stepbacks greater than 8 ft allow for additional stories with a floor area no more than 3 times the total area of the stepback.

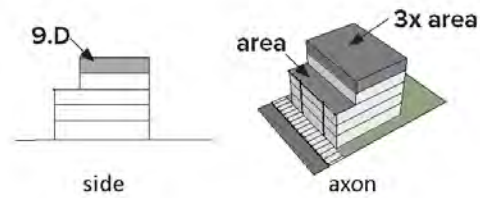
\*Lots abutting the river shall have a front (street facing) facade length of no more than 75 percent of the total lot width.

\*\*In lots adjoining the river the rear yard shall be measured from top of bank and shall be 50 ft minimum. Rear yard may be reduced to no less than 10 feet when providing public access.





**Stepback Bonus**





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# ARTICLE V - Sign Regulations

## Sec. 310-23 Purpose

- A. The purpose of this section is to promote and protect the public health, safety and welfare by regulating exterior signs while allowing equitable use of the public environs to communicate necessary business and public information. It is intended to protect property values, create a more attractive economic and business atmosphere and protect the physical appearance of the community. It is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents and reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way.

## Sec. 310-24 Applicability

- A. These standards and regulations shall apply to all signs within the boundaries of the City of Watertown, New York. No sign shall be installed or maintained, including such signs by the City, except in conformity with the provisions of this section.

## Sec. 310-25 Administration

- A. Sign Permit required.
  - 1. A Sign Permit shall be obtained by the property owner from the City of Watertown Bureau of Code Enforcement before the installation of any sign allowed with a permit may commence.
  - 2. No Sign Permit shall be required for maintenance.
  - 3. A Building Permit shall not constitute approval for signage. A Sign Permit is required for the installation of a sign in addition to any Building Permit issued.
- B. Application for a Sign Permit. Application for a Sign Permit shall be made on forms provided by the Bureau of Code Enforcement and shall be signed by the owner of the real property or be accompanied by an affidavit of the owner that such work is authorized. The applicant shall provide any additional information as may be determined necessary by the Bureau of Code Enforcement for processing such application. Each application may be for one (1) or more signs.
- C. Fee. Each application for a Sign Permit must be accompanied by the fee as established at least annually by the Watertown City Council through a budget resolution that adopts a City Fees and Charges Schedule. Such schedule shall be available to the public at the office of the Watertown City Clerk.
- D. Issuance of a Sign Permit. Upon filing of an application for a Sign Permit and submission of the appropriate fee, the Bureau of Code Enforcement shall determine whether the proposed sign(s) is in compliance with the requirements of this section and other ordinances and laws of the City. If the sign(s) authorized under any such permit has not been completed within two (2) months from the issuance of such permit, the permit shall expire.
- E. Violations.

1. Installation of a sign without a permit or not in conformity with the requirements of this section, constitutes a violation. It is also a violation not to maintain a sign to the standards set in this section. Each day of nonconformance or substandard maintenance constitutes a separate violation.
  2. The Bureau of Code Enforcement shall give written notice specifying the nature of the violation to the owner of the land upon which the nonconforming sign is located. The owner shall then cause such sign to be brought into conformance, including obtaining the proper permit, or removed within fifteen (15) days of the date of service of the notice.
  3. If a sign is not brought into conformance or removed by the owner by the specified time given in the notice, the City may seek an injunction in a court of competent jurisdiction requiring that the sign be removed or may seek a penalty of two hundred fifty dollars (\$250) per day of violation after the time within which to cure the violation has passed, or both.
  4. In any action to compel compliance with this section or to seek monetary penalties for violation of this section, the property owner shall pay, in addition thereto, the City's reasonable attorneys' fees and costs and disbursements in compelling compliance with this section.
- F. City removal. The Bureau of Code Enforcement may cause any sign to be removed without notice to the owner of the property when it is the source of imminent danger to persons or property. The Zoning Enforcement Officer may cause any sign to be removed, without notice to anyone, if it is placed upon public property without a sign license agreement.

### **Sec. 310-26 General Prohibitions**

- A. Hazards to public safety. Signs shall not be located in such a manner as to restrict vision of vehicular traffic or impair safety. Signs which by their use or simulation of colors, design or placement, tend to confuse, detract from or in any other way obstruct the utilization of traffic regulatory devices are prohibited.
- B. Illumination. In no event shall an illuminated sign or lighting device be placed or directed as to permit the beams or illumination therefrom so as to cause glare or reflection upon a public street, sidewalk or adjacent premises.
- C. Public property. No sign shall be placed or erected on or over any City-owned property without first obtaining written approval in the form of a license agreement from the City Manager in addition to any required permit. Proof of liability insurance coverage is required in a form acceptable to the City Manager. Current minimum coverage requirements may be obtained from the Bureau of Code Enforcement.

### **Sec. 310-27 Temporary Signs**

- A. Temporary signs shall be limited to 15 days.
- B. Temporary signs may not exceed 10 square feet of sign area in the R District.
- C. Temporary signs may not exceed 65 square feet of sign area in all other Districts.
- D. Feather flags, pennants, banners, and streamers are considered temporary signage regardless of design or intent for purposes of this Chapter and shall meet the standards of this section.

## Sec. 310-28 Signs Requirements

### E. Allowed sign surface area.

- Each occupant shall be allowed two square feet of total sign surface area for each linear foot of occupant building frontage. In no case shall total signage exceed the maximum sign surface area listed in the following table:

District	Maximum Sign Surface Area Per Sign (square feet)
R District	4
NMU	20
UMU	50
Downtown	50
Commercial	200
Planned Campus	200
Industrial	200
Parks and Open Space	20
Waterfront Overlay	50

- In all districts, except the Residential District, each occupant located above the ground floor level of a multistory building is allowed window signs covering 50 percent 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.
- Within City-owned public park and recreation lands there may be 100 square feet of sign area along external public streets.
- In Planned Development Districts, unless signs are addressed in the regulations adopted at the creation of the PDD, as amended, the sign regulations of the underlying district apply.
- In addition, shopping Centers shall also be allowed a monument or freestanding sign to identify the center, up to the maximum per parcel for each district in the chart below

**Shopping Center Monument or Freestanding  
Sign Maximum Area**

<b>District</b>	<b>(square feet)</b>
Urban Mixed Use	15
Downtown	35
Commercial	100
Industrial	100

**Sec. 310-29 Computation of Sign Surface Area**

- A. For each sign, the surface area shall be that area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure of similar character, as included within the definition of a sign. The surface area shall also include any frame or other material or color forming an integral part of the display or differentiates such sign from the background against which it is placed. The supporting sign structure shall not be included in the computation of sign surface area.
- B. The total sign surface area shall be the aggregate surface areas of all signs.
- C. For signs with two faces closer than 24 inches apart and back-to-back, only one face (the largest) shall be used in calculating the surface area.

**Sec. 310-30 Specific Sign Type Requirements**

- A. Building signs.
  - 1. Building signs shall be located on flat, unornamented surfaces. No part of the sign's supports or braces shall be affixed to any parapet cornice or any exterior trim.
  - 2. Building signs shall not extend above the roof line or parapet, if one exists, whichever is higher.
  - 3. No part of a sign projecting from a building shall extend into the airspace above a vehicular traffic area.
  - 4. Any sign projecting more than six inches from a building face and over a pedestrian area shall have a minimum clearance of eight feet, except awnings which shall have a minimum clearance of seven feet, six inches.
- B. Freestanding signs.
  - 1. Freestanding signs are prohibited in the R District, except for structures larger than 18,000 square feet.
  - 2. Where allowed, the top of a freestanding sign shall be no greater than 20 feet above the ground in every district except Commercial District which can extend up to 50 feet above the ground.
  - 3. Freestanding signs over pedestrian areas must have an eight-foot vertical clearance.
  - 4. No part of a freestanding sign shall extend over a street or other vehicular travel way.

5. No freestanding sign shall extend beyond property lines.
  6. There shall be no more than one freestanding sign per parcel.
- C. Sandwich-board signs.
1. Sandwich-board signs are prohibited in the R District.
  2. The top of a sandwich-board sign shall be no more than four feet above the ground.
  3. The surface area of a sandwich-board sign shall be no greater than 12 square feet and can be in addition to the total allowed sign surface area.
  4. If a sandwich-board sign is to be placed on a sidewalk, it shall not be any wider than 20% of the width of the sidewalk on which it is to be placed.
  5. Sandwich-board signs shall be spaced at least ten feet apart and shall not interfere with the movement of pedestrians. (meaning a continuous pedestrian routing)
  6. One sandwich board sign is allowed per ground floor business occupant within a multi-tenant building up to a maximum of five (5) sandwich boards signs per parcel.
  7. All sandwich-board signs shall be removed from public property after business hours.
- D. Awning/Canopy signs.
1. Canopy signs shall not project horizontally beyond the supporting canopy.
  2. The maximum area of canopy signage shall be six square feet and can be in addition to the total allowed sign surface area.
  3. The bottom edge of a canopy sign shall not be less than seven feet six inches above the sidewalk or ground elevation over which the canopy extends.
- E. Projecting Signs
1. The bottom edge of or any appendage to a projecting sign shall be not less than seven feet six inches above the sidewalk or ground elevation over which the sign extends.
  2. No projecting sign or any part thereof shall extend over any property line.
  3. A projecting sign shall be permitted only on the front face of a structure.

## **Sec. 310-31 Electronic Messaging Centers**

### **A. Purpose of Intent**

The purpose of this section is to promote and protect the public health, safety, convenience and general welfare; promote traffic safety; ensure that the First Amendment right to free speech is protected; protect property values; protect and enhance the aesthetic character of the city, through the regulation of Electronic Messaging Centers.

### **B. EMC Standards**

1. Only one EMC is allowed per lot except in the case of a single EMC with two faces that are back to back and not more than 24 inches apart.
2. All EMCs shall be on-premise signs.
3. The Display Area for the EMC shall not exceed the following for the Zoning Districts listed. If the district is not listed, an EMC is not allowed.

- a. Neighborhood Mixed Use and Urban Mixed Use and Downtown Districts: 50 % maximum of the total allowed sign surface area with a maximum of 12 square feet of EMC Display Area.
  - b. Commercial: 50 % maximum of the total allowed sign surface area with a maximum of 18 square feet of EMC Display Area.
  - c. Industrial Districts: 50 % maximum of the total allowed sign surface area with a maximum of 18 square feet of EMC Display Area.
4. In the Residential (R) District, EMCs are limited to Schools with a maximum of 10 square feet of EMC Display Area.
  5. Message Duration Time: The message or copy of an EMC cannot move and/or change more frequently than once every 8 seconds.
  6. Transition Method: The change of message or copy must be instantaneous without rolling, fading, or otherwise giving the illusion of movement, including flashing or variation in brightness.
  7. Dimming: EMCs must include a photo cell to control brightness and automatically dim based on ambient light.
  8. Brightness: The maximum allowable brightness for EMCs is no greater than 0.3 Foot candles above ambient light conditions as measured by a footcandle meter, when measured perpendicular to the electronic message center face at a distance determined by the following formula:
 

**Measure distance (ft) =  $\sqrt{\text{area of EMC sign (in sq ft) x 100}}$**
  9. Light Trespass: At property lines, light trespass from the EMC shall be no more than 0.5 foot candles.

### **Sec. 310-32 Nonconforming Signs**

- A. Nonconforming signs which have permits issued by the Bureau of Code Enforcement before the effective date of this code may continue in use subject to the following conditions:
  1. Nonconforming signs may remain so long as they are being used and maintained.
  2. If unused for a period of up to one (1) year, the sign must be brought into conformance except that any supports or hardware used in common with existing signs used by remaining occupants may remain.

### **Sec. 310-33 Reserved**

# ARTICLE VI - Parking

## Sec. 310-34 Purpose

The purpose of the following parking regulations is to promote good urban design by limiting surface parking lots. Provide appropriate site design standards to mitigate the impacts of surface parking lots on adjacent land uses, neighborhoods, protect groundwater resources, and encourage alternate modes of travel that will reduce dependence upon the single occupancy automobile.

## Sec. 310-35 Applicability

No Building Permit or Certificate of Occupancy shall be issued for any a new building, the enlargement or increase in the gross floor area of an existing building, the development of a use not located in a building, or the change from one type of use to another, unless off-street surface parking spaces and bicycle parking are provided in accordance with this Article.

## Sec. 310-36 Required Surface Parking Spaces

- A. Maximum parking spaces by District:
  - 1. D – 0 without a Transportation Demand Management Plan (TDMP)
  - 2. UMU – 20
  - 3. NMU – 16
  - 4. C – 50
  - 5. R – 6 without a Transportation Demand Management Plan (TDMP)
  - 6. PC – 150 - Any reduction of 20 parking spaces from a previously approved Site Plan requires a TDMP
  - 7. P&OS - 24
- B. Minimum parking spaces by District.
  - 1. No minimum required in D, C, UMU, NMU, PC and P&OS Districts
  - 2. Minimum 1 per dwelling unit in the R District
- C. The maximum spaces listed above shall prevail despite the minimum parking space calculations.
- D. For minor modifications or expansions of existing uses, the pre-existing parking spaces associated with that use may be retained.
- E. Increases from the maximum. If additional parking spaces are desired above the maximum, the following applies:
  - 1. Up to 150 percent of the maximum shall require a Parking Plan.
  - 2. Over 150 percent and up to 200 percent of the maximum shall require a Transportation Demand Management Plan (TDMP)
  - 3. Above 200 percent of the maximum shall require a preparation of a TDMP and a variance from the Zoning Board of Appeals.
  - 4. Parking lots of any size in the Downtown shall require a TDMP.
- F. Parking Plan Requirements: A statement regarding the anticipated parking demand for the project and how the anticipated parking demand will be met on-site or off-site shall be provided, as applicable:

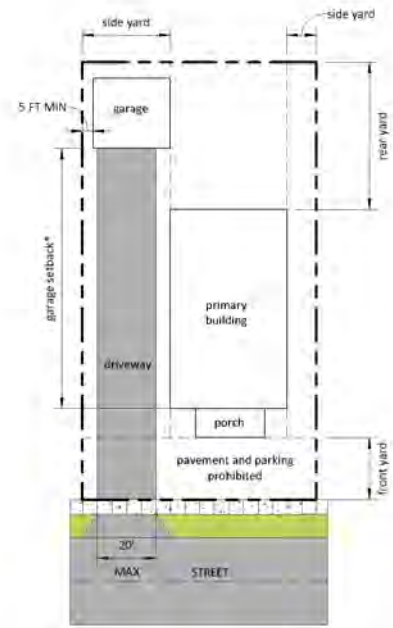


1. Number of occupants anticipated at any given time period. The NYS Building Code Occupant Load table shall be used as a guide to determine the maximum occupants and 25 percent of this number shall be used as the minimum.
  2. Public or private off-site parking within one thousand two hundred (1,200') feet of the property for which it is being requested.
  3. Off-site parking provided at off-site lots. (Note: off-site parking spaces provided by a separate property owner shall be subject to a legally binding agreement.)
  4. On-street parking spaces within one thousand two hundred (1,200') feet.
  5. Access to public transit including nearest bus stops.
  6. Number of on-site short-term and long-term bicycle parking spaces and proximity to public bicycle parking.
  7. Accommodations for pedestrians and the mobility-impaired.
  8. Number of motorcycle, scooter, or similar parking spaces.
  9. Number of temporary loading spaces for taxi or similar on-demand transportation services.
- G. Transportation Demand Management Plan (TDMP) Requirements:
1. A TDMP must be prepared by a qualified professional with demonstrated experience in transportation planning, traffic engineering, or comparable field.
  2. The TDMP shall, among other items described below, address the following review criteria.
    - a. Demonstration that the need for parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses;
    - b. The proposed development demonstrates that its design and intended uses will continue to support high levels of existing or planned transit and pedestrian activity.
  3. A TDMP must include the following information:
    - a. The anticipated travel and parking demand for the project based on Institute of Traffic Engineers (ITE) guidelines.
    - b. A Level of Service (LOS) Analysis may be required for projects proposed on-site parking spaces exceeding 75 spaces to ensure that the surrounding street network can accommodate the anticipated demand without suffering excessive congestion.
    - c. How the anticipated travel demand for the project will be met on-site or off-site, including:
      - i. Number of on-street vehicle parking spaces, off-street vehicle parking spaces, or shared vehicle parking arrangements.
      - ii. Access to public transit including nearest bus stops and level of service provided including the number of routes, types of routes, and whether the bus stop includes a shelter.
      - iii. Number of on-site short-term and long-term bicycle parking spaces and proximity to public bicycle parking.
      - iv. Accommodations for pedestrians and the mobility-impaired.
      - v. The strategies that will be employed to reduce single-occupancy vehicle trips such as carpooling or vanpooling, carshare, bikeshare, guaranteed ride home (GRH) programs, provision for alternative work schedules (i.e., flextime, compressed work week, staggered shifts, telecommuting), promotion of "live near your work" programs.

- d. TDMP Performance Standards. As part of Site Plan and/or Special Use Permit review for a project, the Planning Commission shall determine if the project meets the following objectives:
  - i. The project includes performance objectives to minimize single-occupancy vehicle trips and maximize the utilization of transportation alternatives to the extent practicable, taking into account the opportunities and constraints of the site and the nature of the development.
  - ii. The project must meet the anticipated transportation demand without placing an unreasonable burden on public infrastructure, such as LOS, transit and on-street parking facilities, and the surrounding neighborhood.

**Sec. 310-37 Parking Standards**

A. Front Yard Parking. In all districts except the C, pavement and parking is prohibited in all front yards except in, the driveway, and in no case shall the sidewalk be obstructed. In cases where the physical dimensions of a property located in a R district provide no possible way to construct parking in the side or rear yard, one parking space may be constructed in the front yard provided that it is no larger than ten (10) feet by 20 feet.



\*garage front must be equal to or setback from the primary facade

OFF-STREET PARKING

- B. Low Impact Design. Development of a surface parking area over 10 cars, alone or in conjunction with a project, requires compliance to the Low Impact Development standards below.
- C. Shared Parking. When shared parking is part of an application, the applicant shall provide analyses as part of Site Plan Review to demonstrate that proposed uses are either competing or non-competing.
  - 1. Non-competing Uses. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for non-competing uses. Up to 50 percent of the requirements for the predominant use may be waived by the Commission if the applicant can demonstrate that the peak demands for two uses do not overlap. An applicant may use the latest peak demand analyses published by the Institute of Traffic Engineers (ITE) or other source acceptable to the Commission or Planning and Community Development Department.
  - 2. Competing Uses. In mixed-use developments, applicants may propose a reduction in parking requirements where peak demands do overlap. In these cases, the Commission may reduce the parking requirements of the predominant use by up to 30 percent.

- D. Provision of all off-street parking areas shall comply with the latest standards associated with the Americans with Disabilities Act (ADA).
- E. Electric Vehicle (EV) Charging Stations – For new construction, two EV charging ports shall be installed for every 20 parking spaces constructed.
- F. Bicycle Parking Standards
  - 1. Bicycle parking calculations shall be determined by the baseline number of off-street parking spaces required. Reductions to the baseline number of off-street parking spaces required shall not reduce the number of bicycle parking spaces as required by this article.
  - 2. When a baseline parking calculation requires ten (10) or more parking spaces, one bicycle parking space is required per every ten (10) parking spaces.
  - 3. Bicycle parking facilities should be designed according to the most recent edition of the New York State Department of Transportation’s “Highway Design Manual.”
  - 4. Any bicycle parking facilities shall be located in a well-lit location that is conveniently accessible to a primary entrance(s) to the development’s principal buildings, does not interfere with pedestrian traffic, and is protected from conflicts with vehicular traffic.

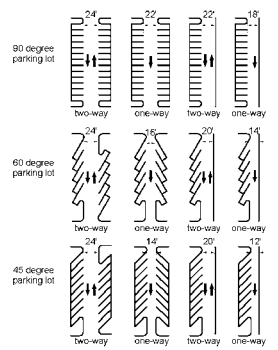
### Sec. 310-38 Parking Lot Dimensional Standards

#### A. Compact Cars

- 1. Spaces for compact cars may be provided in accordance with the dimensions listed below.
- 2. Compact car spaces shall be grouped together to the greatest possible extent in areas clearly designated for compact cars.

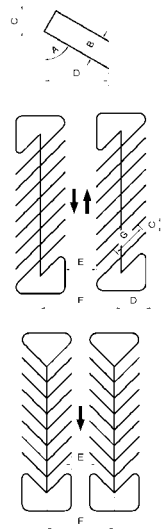
#### B. Parking Space and Travel Lane Dimensions

**Parking Lot Standards**  
 All parking spaces should consist of a rectangular area not less than nine (9) feet wide by eighteen (18) feet in length except that parallel parking stalls should be not less than eight (8) feet by twenty (20) feet. For all other parking lot dimensions including access aisles refer to Table 1 below.



Angle (deg)	Dimensions (feet)				One-Way		Two-Way	
	stall width	curb length	stall depth	stall length	aisle width	section width	aisle width	section width
30	9	17	16.4	32.7	12	44.7	24	58.7
45	9	12	18.7	26.5	14	51.4	24	61.4
60	9	9.8	18.8	22.8	16	55.8	24	63.8
90	9	9	18	18	22	58	24	60

Table 1



## **Sec. 310-39 Low Impact Development Parking Lot Standards**

- A. Designs for all new parking lots of more than 10 spaces shall follow a Low Impact Development (LID) approach with respect to stormwater management. Through the application of green infrastructure techniques, parking lot designs shall incorporate stormwater management systems that treat and reduce the Water Quality and Runoff Reduction Volumes to the maximum extent practicable. The required Water Quality and minimum Runoff Reduction Volumes shall be calculated in accordance with the methodology provided in the latest version of the New York State Department of Environmental Conservation (NYSDEC) Stormwater Management Design Manual which shall serve as the basis of design for all stormwater calculations and proposed Best Management Practices (BMP) designs.
- B. Any LID technique identified in the NYSDEC Stormwater Management Design Manual may be utilized in the stormwater management designs. Acceptable LID techniques may include impervious reduction, vegetated swales, rain gardens, bioretention facilities, permeable pavers, porous pavements, infiltration facilities or dry swales. Cisterns and grey water systems that recycle and reuse stormwater runoff may also be utilized in the design. Creative solutions that provide equivalent treatment and/or runoff reduction may be utilized if acceptable to the Planning Commission.

## **Sec. 310-40 Low Impact Development Parking Area Application Requirements**

- A. The Planning Commission shall require that all applicable design criteria are followed for LID Parking Area Design as defined in this article unless it determines, upon petition from the applicant, that the successful implementation of a LID Parking Area Design is infeasible or would impose an undue hardship on the applicant. Evidence that may be used by an applicant to demonstrate the infeasibility of implementing LID techniques on a site may include, without limitation:
  - 1. The presence of subsurface geologic conditions such as ledge or large quantities of poor fill, a high-water table, or soil conditions that do not allow for the percolation of stormwater;
  - 2. Applicant does not own existing lot to be used for off-site parking allowances;
  - 3. The presence of soil contamination; and/or
  - 4. Existing topography or site geometry.
- B. Applicants shall provide the following information prepared by a New York State registered Professional Engineer or Landscape Architect and shall comply with the design and implementation guidelines provided in the latest version of the New York State Department of Environmental Conservation Stormwater Management Design Manual.
  - 1. Delineation of all drainage areas inclusive of areas outside of the parking envelope that will contribute stormwater runoff to the parking area;
  - 2. Proposed topography at two-foot contour intervals;
  - 3. Site Plan showing drainage pathways and locations of proposed BMPs;
  - 4. Sizing calculations for BMPs that demonstrate adequate conveyance and/or water quality treatment of water quality volume;

5. Sizing calculations for BMPs that illustrate proposed management of runoff resulting from 1-year, 10-year, and 100- year event;
6. List of plantings associated with vegetated BMPs;
7. Location of areas reserved for snow storage;
8. Location of test pits, depth to seasonal high ground water and soil infiltration rates for those areas designated for recharge;
9. Schematic diagrams of any gray water or cistern systems proposed for the parking area;
10. An Operation and Maintenance (O&M) Plan shall be submitted by the applicant to the City Engineer or the Planning Commission that conforms to the standards for O&M Plans detailed in the most recent version of the New York State Department of Environmental Conservation Stormwater Management Design Manual.

### **Sec. 310-41 Parking Area Design Standards**

The landscaping requirements in this section are intended to provide a baseline set of standards toward reducing the visual impacts of large areas of pavement, improving the overall environment or parking areas by providing areas for shade and heat reduction, and enhancing the overall aesthetic appeal of parking areas. All parking lots, regardless of size and type (i.e., conventional or Low Impact Design), shall comply with Landscape and Buffer Zone Standards as set forth in this Code.

### **Sec. 310-42 Off-Street Loading Requirements**

- A. Loading areas.
1. Off-street loading facilities shall be provided for each commercial or industrial use unless it is demonstrated that the use does not require a dedicated loading area.
  2. Off-street loading facilities shall be arranged so as not to interfere with pedestrian or motor traffic on the public street or highway.
  3. Any required off-street loading berth shall have a clear area not less than 12 feet in width by 25 feet in length.

### **Sec. 310- 43 Reserved**

### **Sec. 310- 44 Reserved**

# ARTICLE VII - Supplemental Regulations

## Sec. 310- 45 Applicability

The following apply to uses identified in the use table identified as having supplemental regulations.

## Sec. 310- 46 Adult Uses:

- A. Purpose. It is recognized that adult uses can have significant objectionable secondary impacts. To promote the health, safety and general welfare of the residents of the City of Watertown, this section restricts adult uses by limiting their ability to locate near sensitive uses and to limit their concentration. The City Council hereby finds that the operational characteristics of adult uses increase the detrimental impact on a community when such uses are concentrated or within close proximity to sensitive receptors.
- B. Definitions.
1. General. Unless specifically defined below, words or phrases used in this section shall be interpreted to give them the meanings they have in common usage and to give this section its most reasonable application.
  2. Specific terms. As used in this section, the following terms shall have the meanings indicated:
  3. ADULT ENTERTAINMENT— A public or private establishment with or without food and/or alcoholic beverages, which features topless or bottomless dancers, or strippers, or other entertainment characterized by an emphasis on sexual activities.
  4. ADULT USE — Any establishment or business involved in providing adult entertainment.
  5. BUSINESS — Any commercial enterprise, association or arrangement for profit.
  6. PERSON — Any person, firm partnership, corporation, association or legal representative, acting individually or jointly.
  7. SUBSTANTIAL CONNECTION: —
    - a. In a sole proprietorship, an individual who owns, operates, controls or conducts, directly or indirectly, any premises, building or location upon which any adult use takes place.
    - b. In a partnership, limited or general, an individual who shares in any potential profits or losses of the business or who shares in the ownership of any of the assets of the partnership business.
    - c. In a corporation, an individual who is an officer, director or a holder, either directly, indirectly or beneficially, of more than ten percent (10%) of any class of stock.
    - d. Any person who furnishes more than ten percent (10%) of the capital financing or assets of such business, whether in cash, goods or services.
- C. Restrictions.
1. No adult use shall be allowed within one thousand five hundred (1,500) feet of another existing adult use.
  2. No adult use shall be located within five hundred (500) feet of the boundaries of the R, UMU, NMU, D, C Districts.
  3. No adult use shall be located within two thousand (2,000) feet of a preexisting school or place of worship.
  4. This section shall not apply to any establishments existing on the effective date of said section, which shall be subject to requirements for nonconforming uses.

5. Observation from public way prohibited. No adult use shall be conducted in any manner that permits the observation of any activity, display, decoration, sign, show window, screen or activity from any public way or from any property not registered as an adult use, except signs as permitted as part of a Special Permit review process.

D. Measurements.

For the purposes of this section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises for an adult use to the nearest property line to the boundaries of the R, UMU, NMU, D, C Districts; property line of a school or place of worship; or property line of another existing adult use.

E. Registration.

1. No person, firm corporation or other entity shall lease, rent, maintain, operate, use or allow to be operated or used any business or establishment, any part thereof which contains an adult use, without first complying with the provisions of this section as set forth below.
2. In addition to all other necessary licenses and permits, no form of adult use shall be allowed to operate nor allowed to continue to operate, until a certificate of registration is filed in person with the City Clerk by the corporate principals containing:
  - a. The address of the premises.
  - b. The name and address of the owner(s) of the premises and the name and address of the beneficial owner(s) if the property is in a land trust.
  - c. The name of the business or the establishment subject to the provisions of this section.
  - d. The name, business and home address, business or home and/or mobile phone numbers of all owners of the business or establishment subject to the provisions of this section.
  - e. The names, business and home addresses, business or home and/or mobile phone numbers of all those persons having a substantial connection with the business or establishment subject to the provisions of this section.
  - f. The date of the initiation of the adult use.
  - g. The exact nature of the adult use.
  - h. A copy of the lease if the premises or building in which the business containing the adult use is located is leased.
  - i. Notarized signatures of the corporate principals.
3. If there occurs any change in the information required for the Certificate of Registration, the City Clerk shall be notified of such change and a new amended certificate filed within thirty (30) days of such change.
4. Upon change of ownership, a new certificate of registration must be filed with the City Clerk.
5. The processing fee for each Certificate of Registration or amendment thereto shall be one thousand five hundred dollars (\$1,500.). Such Certificate of Registration shall be effective concurrently with the special use permit issued as provided below.
6. No Certificate of Registration issued under the provisions of this section shall be transferable to any person other than the registrant, nor shall a certificate of registration be transferable for use at any premises, building or location other than that stated in the certification of registration.

7. The owner, manager or agent of any adult use shall cause a copy of the Certificate of Registration, issued under the provisions of this section, to be prominently displayed on the premises, building or location for which it is issued.
  8. Any knowingly false statement, or any statement which the registrant or applicant should reasonably have known to be false, which is provided in the Certificate of Registration or any document or information supplied therewith, shall be grounds for rejection, suspension or revocation of the certificate of registration.
  9. It is a violation of this section for the owner or person in control of any property to establish or operate thereon or to permit any person to establish or operate an adult use without having in force a Certificate of Registration complying with this section.
- F. Special use permit.
1. No use as described in this section shall be established until the issuance of a Special Use Permit by the Planning Commission. Application for such a Special Use Permit shall be in conformity with this chapter.
  2. A Special Use Permit issued under the provisions of this section shall not be transferable.

## **Sec. 310- 47 Agriculture, Personal**

- A. In General:
1. Animals, crops, plants, and composting shall only be kept in conditions that limit odors, noise, the attraction of insects, and rodents so as not to cause a nuisance or health hazard to occupants of nearby buildings or lots.
  2. Animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.
  3. It shall be unlawful for any person or other party operating or occupying any building or premises to keep or allow to be kept any animal that makes noise that unreasonably disturbs the peace and quiet of the neighborhood.
  4. Animal or animal products may not be sold unless it is an approved use in the district in which it located.
  5. Composting areas shall not be located within the setback areas for the district in which it located.
- B. Chickens, Ducks and Rabbits
1. Number of Animals
    - a. There may be two hens, ducks or rabbits allowed on a parcel per 1,000 square feet of lot area.
    - b. In the R and NMU Districts there is a maximum of 6 such animals per parcel.
  2. The coops or cages housing such animals shall be located
    - a. At least 20 feet away from any neighboring dwelling unit.
    - b. At least 5 feet away from any abutting residential property line.
  3. No roosters, geese, guinea fowl or turkeys may be kept in any district.
  4. All such animals shall be provided with a covered, predator-proof coop or cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals, exclusive of areas used for storage of materials or vehicles.
  5. All such animals shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the animals on the property and to prevent access by dogs, cats and other predators.
- C. Bees



1. The keeping of bees, and associated beehives, shall be governed by the following regulations.
  - a. In R and NMU, PC, P&OS and I Districts, the following regulations shall apply.
  - b. Lot Size: A minimum lot size of 2,400 square feet is required for beekeeping.
2. Number. There may only be one (1) beehive for each 2,400 square feet of lot area with a maximum of three (3) beehives per parcel.
3. Location and Setbacks. Beehives may not be located in any of the required setbacks. The front of any beehive shall face away from the property line of the residential property closest to the beehive.
4. Fences and Shrubs. A solid fence or dense hedge, known as a “flyway barrier,” at least six (6) feet in height, shall be placed along the side of the beehive that contains the entrance to the hive, and shall be located within five (5) feet of the hive and shall extend at least two (2) feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least twenty-five (25) feet from all lot lines and for beehives that are located on porches or balconies at least ten (10) feet above grade, except if such porch or balcony is located less than five (5) feet from a lot line.
5. Water Supply. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
6. Prohibitions. No Africanized bees may be kept on a lot in any district.

**Sec. 310- 48 Amusement, Recreation or Entertainment (outdoor):**

- A. Outdoor recreational facilities shall be at least 25 feet from any property line except where greater distances are otherwise required in this chapter. This distance may be waived or modified by the Planning Commission during Site Plan Review or Special Use Permit Review or by the Planning and Community Development Department if the Department finds that the existing circumstances of the property or adjacent uses do not warrant Site Plan Review or Special Use Permit review and that a 25 foot setback is unnecessary.
- B. Outdoor recreational facilities shall be at least 50 feet from the district boundary when adjacent to D, UMU, NMU and R Districts. This distance may be waived or modified by the Planning Commission during Site Plan Review or Special Permit Review or by the Planning and Community Development Department if the Department finds that the existing circumstances of the property or adjacent uses do not warrant Site Plan Review or Special Use Permit review and that a 50 foot setback is unnecessary.
- C. No public address system shall be permitted except where such system is inaudible at any property line.
- D. In any district where permitted, there may be permitted retail sales which are clearly secondary to the principal use.

**Sec. 310- 49 Automotive uses, Commercial.**

- A. General.
  1. All permanent storage of material, merchandise and equipment shall be within a building.
  2. During business hours, open-air outdoor storage of materials, merchandise and equipment shall be permitted. During nonbusiness hours, storage of materials, merchandise and equipment shall take place within the principal building or within closed, secure containers such as outdoor storage cabinets.
  3. No partially dismantled or wrecked vehicle or any unregistered vehicle shall be stored for more than 72 hours outside of an area unless screened from public view.

4. All entrance and exit lanes, parking areas and vehicle storage areas shall be surfaced with an all-weather, durable and dustless surface.
  5. Stormwater shall be accounted for according to state, local and federal regulations.
- B. Auto-body, Auto Repair stations shall be subject to the following requirements:
1. In the NMU District, Auto Repair activities shall be limited to 3 bays.
  2. No repair activity, and no building within which such operations are conducted, shall take place within 100 feet of the Residential District. This distance may be waived or modified by the Planning Commission during Site Plan Review or Special Permit Review or by the Planning and Community Development Department if Site Plan Review and Special Permit is not required upon finding that this distance is not necessary given existing circumstances of the property or adjacent use.
  3. All repairs shall be performed within an enclosed building on the premises and the doors of the repair building shall not face any Residential District.
  4. Screened storage areas shall be provided for damaged vehicles awaiting repairs and for any vehicles requiring longer-term storage while awaiting repair. Such storage area shall be located to the side or rear of the principal building.
  5. Sales of vehicles shall only be accessory to the primary use and the vehicles shall not occupy the required parking spaces.
- C. Car washes shall be subject to the following requirements:
1. All vehicular access shall be from a Radial arterial, Radial collector street, or State Maintained Arterials as classified by the City of Watertown's Complete Streets Design Guidelines.
  2. All washing and machine-dry operations shall be conducted within a building.
  3. Queuing lane(s) shall not interfere with onsite or offsite pedestrian and vehicular circulation.
  4. The building exit for automobiles that have completed the washing and machine-drying process shall be set back a minimum of 40 feet from the nearest point of any property line. This distance may be waived or modified by the Planning Commission during Site Plan Review or Special Permit Review or by the Planning and Community Development Department if the Department finds that the existing circumstances of the property or adjacent uses do not warrant Site Plan Review or Special Use Permit review and that a 40 foot setback is unnecessary..
  5. No washing, vacuuming, steam cleaning, waxing, polishing or machine-drying operation, and no building within which such operations are conducted, shall be permitted within 100 feet of a Residential (R) district.
  6. All lot lines abutting or adjacent to Residential (R) district shall be screened on such side by a landscape buffer that may consist of evergreen trees and shrubs, a berm or a six-foot tight board fence or a combination thereof. Such buffer shall be adequate to shield headlights, noise, and uncontrolled access from adjoining properties. No such landscape buffer shall block the sight line distance for ingress and egress to the property.
  7. In the NMU minimum lot size of one and one-half (1.5) acres
  8. In the UMU and NMU districts, hours of operation shall be limited to 7:00 am to 9:00 pm
  9. The applicant shall submit an analysis of the traffic impact of the proposed development that addresses the following:
    - a. Projections of site-generated and off-site traffic to be expected on streets in the vicinity upon completion of the proposed development; and

- b. Recommendations for techniques or improvements to deal with any projected traffic congestion or friction.
- D. Fuel / Convenience Stations shall be subject to the following requirements:
  - 1. All lot lines abutting or adjacent to Residential districts shall be screened on such side by a landscaped buffer that may consist of evergreen trees and shrubs, a berm or a six-foot tight board fence or a combination thereof. Such buffer shall be adequate to shield headlights, noise, and uncontrolled access from adjoining properties. No such landscape buffer shall block the sight line distance for ingress and egress to the property.
  - 2. An accessory car wash shall have no more than a single point of access for entering and exiting and shall be limited to a single bay.
- E. Vehicle sales/ rental/ storage shall be subject to the following requirements:
  - 1. No such use shall be located within 100 feet of any Residential District boundary line.
  - 2. Any repairs shall be performed only within an enclosed building on the premises.
  - 3. The showroom shall be oriented toward the public street.
  - 4. Screened storage areas shall be provided for damaged vehicles awaiting repairs and for any vehicles requiring longer-term storage while awaiting repair. Such storage area shall be located to the side or rear of the principal building.
  - 5. Vehicle sales/rental/storage uses shall be considered parking lots therefore parking regulations shall apply with regard to landscape requirements.
    - a. Where a buffer is required along the front lot line, it can be configured so as not to obstruct the view the vehicles for sale or rent.
    - b. Where vehicles are for sale, the interior lot vegetation requirements may be reconfigured to the edges of the parking area.

### **Sec. 310- 50 Drive Thru, Accessory**

- A. Pedestrians must be able to enter the establishment from the parking lot or sidewalk without crossing the waiting or exit lanes.
- B. Waiting lanes shall be designed for the maximum length possible. At a minimum, waiting lanes should accommodate average peak monthly traffic flow, allowing 20 feet per vehicle. Applicants must provide data about the peak flows of the business to determine the minimum waiting needed. The following uses shall not have waiting lanes that accommodate fewer vehicles than the corresponding numbers below.
  - 1. Fast-food restaurants and coffee shops: sufficient to accommodate a minimum queue of six vehicles.
  - 2. All other accessory drive-through: sufficient to accommodate a minimum queue of two vehicles per window.
- C. The waiting lane shall be independent of any on-site parking, parking maneuvering areas, public streets or traffic ways serving other on or off-site uses.
- D. The waiting lane and service window shall not face the street frontage. In the case of corner lot the waiting lane should not face the following streets
  - 1. Washington Street
  - 2. Franklin Street
  - 3. State Street

4. Factory Street
5. Mill Street
6. Main Street West
7. Coffeen Street
8. Arsenal Street
9. Massey Street
10. Mullin Street
11. Academy Street
12. Gotham Street

E. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments must not be located within 25 feet of any lot used for dwelling purposes, where practicable. On sites that do not allow for such separation, specific design considerations must be employed to effectively buffer adjacent residential properties from the noise generated from such devices.

### **Sec. 310- 51 Dwelling, Accessory Units (ADU)**

- A. Only one ADU shall be permitted per parcel.
- B. In the Residential (R) District ADUs shall not be permitted on the same lot as a two-unit dwelling or any pre-existing residential adaptive reuse.
- C. In the Neighborhood Mixed Use District (NMU) District, ADUs are permitted on the same lot as a two-unit dwelling or multi-unit dwelling. The total number of dwelling units shall not exceed 4 per parcel.
- D. In the Residential (R) District, the property owner shall occupy either the primary or the ADU as his or her primary residence.
- E. An ADU, whether detached or attached to a primary dwelling structure, may be directly accessed from an alley, but shall not be accessed via any driveway separate from that serving the primary dwelling structure.

### **Sec. 310- 52 Emergency Services**

Emergency Service facilities shall be permitted in all Residential (R) and NMU Districts subject to the following:

1. Such facility is necessary to serve the surrounding residential area where it is not possible to serve such area from a facility located in a less restrictive district.

### **Sec. 310- 53 Essential Services**

Essential services shall be permitted in all Residential (R) and NMU Districts subject to the following regulations:

- A. Such facility shall not be located on a residential street, unless no other site is available, and shall be so located as to draw a minimum of vehicular traffic to and through such street.
- B. The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.
- C. Adequate fences, barriers and other safety devices shall be provided, and the facility shall be landscaped in accordance with the provisions of this chapter.

- D. Noise emitted from electric substations shall not be greater than permitted in accordance with the performance standards set forth in this chapter.

### **Sec. 310- 54 Garden Center**

- A. In UMU and NMU:
  - 1. Composting and bulk storage areas shall not be located in the front, shall be enclosed and screened from view and setback from side or rear lot lines by a minimum of 25 feet from the Residential (R) district.
  - 2. Operation of machinery shall be limited to 7:00am – 9:00pm.

### **Sec. 310- 55 Garden Center, Retail**

In UMU and NMU:

- A. Composting and bulk storage areas shall not be located in the front, shall be enclosed and screened from view and setback from side or rear lot lines by a minimum of 25 feet from the Residential (R) district. This distance may be waived or modified by the Planning Commission during Site Plan Review or Special Permit Review or by the Planning and Community Development Department if Site Plan Review and Special Permit is not required upon finding that this distance is not necessary given existing circumstances of the property or adjacent use.
- B. Operation of machinery shall be limited to 7:00am – 9:00pm

### **Sec. 310- 56 Geothermal Energy Systems**

- A. Geothermal Energy System components shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
- B. All above-ground equipment shall comply with the setback requirements of the respective zoning district.
- C. Equipment, piping, and all other devices shall not be located in any easement or right-of-way.

### **Sec. 310- 57 Home Occupations**

- A. Where permitted, each dwelling unit may have one minor home occupation, one major home occupation, two minor home occupations, or a combination of one major and one minor home occupation. A dwelling unit may not have two major home occupations.
- B. Classifications of home occupations
  - 1. Minor home occupations. A home occupation in which no persons other than resident of the property are engaged in the occupation, which has no visible exterior evidence of the conduct of the occupation, which does not create need for off-street parking beyond normal dwelling needs, which does not generate additional traffic, and in which no equipment is used other than that normally used in household, domestic or general office use.
  - 2. Major home occupations. A home occupation in which not more than one person other than resident of the property is employed, but which exceeds any of the stated criteria for a Minor home occupation.
- C. Minor Home occupations are subject to the following conditions:
  - 1. May not perform any services on site.
  - 2. May not serve customers on site.

3. May not have visible exterior evidence of the conduct of the occupation
  4. May not create need for off-street parking beyond normal dwelling needs.
  5. May not generate additional traffic above normal neighborhood levels.
  6. May not use equipment other than that which is normally used in household, domestic, or general office use.
- D. Minor and Major Home occupations are subject to the following conditions:
1. May not store any materials outdoors on site.
  2. May not generate noise above the normal levels of the neighborhood
  3. May not have delivery or pickup services that would exceed the average volume for the residential neighborhood where the home occupation is located.

### **Sec. 310- 58 Kennel, Commercial, Pet/Dog Daycare, and Animal Shelter**

- A. The minimum lot area is one acre.
- B. No dog kennel, runway or exercise pen/play area shall be located within 200 feet of any Residential District. This distance may be waived or modified by the Planning Commission during Site Plan Review or Special Permit Review or by the Planning and Community Development Department if the Department finds that the existing circumstances of the property or adjacent uses do not warrant Site Plan Review or Special Use Permit review and that a 200 foot setback is unnecessary.
- C. No outdoor exercise pen/play area shall be used without an attendant present.
- D. For dog daycare, all dogs must be licensed and vaccinated.

### **Sec. 310- 59 Live-Work Unit**

- A. The residential and the commercial space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately.
- B. The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage or any accessory structure.
- C. The commercial component shall not detract from, or otherwise be a nuisance to, the residential character or appearance of the neighboring dwelling units.
- D. Commercial uses shall be limited to the uses permitted within the district where the unit is located.
- E. In-person sales of products generated on-site shall be limited to a ground floor retail storefront.
- F. Prohibited Commercial Uses in Live/Work Units.
  1. Entertainment, drinking, and public eating establishments;
  2. Veterinary services, including grooming and boarding, and the breeding or care of animals for hire or for sale;
  3. Sales, repair or maintenance of vehicles, including automobiles, boats, motorcycles, aircraft, trucks, or recreational vehicles;
  4. Trade or Private Schools. This excludes private instruction of up to two students at any one time.

### **Sec. 310- 60 Manufactured (Mobile) Homes**

- A. The installation of the manufactured (mobile) homes shall conform to the requirements of the NYS Building Code and the United States Department of Housing and Urban Development.

- B. All manufactured (mobile) homes shall be installed on a permanent foundation with the wheel and tongue removed.
- C. The manufactured (mobile) homes shall have an approved metal, wood, or other suitable skirting or framing, properly ventilated and attached, which shall enclose the area from the bottom of the floor line of the mobile home to the ground, and which shall be installed within thirty (30) days of the installation of the mobile home.

**Sec. 310- 62 Manufactured (Mobile) Home Parks**

- A. The minimum acreage for a mobile home park shall be 8 acres.
- B. The mobile home park area shall be not less than eight acres, with 10 percent of the total area developed for recreational purposes.
- C. Mobile home lots shall be at least 3,200 square feet in area, with a minimum width of at least 40 feet.
- D. There shall be paved-surface access driveways within the park at least 24 feet wide with 10 feet of clearance on each side.
- E. There shall be parking with at least one paved space for each lot.
- F. No mobile home shall be closer to a public street or a property line than 25 feet and such setback area shall be maintained as green space/buffer.
- G. A strip of land at least 15 feet in width shall be maintained as a landscaped area abutting all mobile home park property lines.
- H. No mobile home, addition or other accessory structure shall be closer than five feet to an internal lot line.
- I. No additions shall be made to a mobile home, except a canopy and/or porch open on three sides or an addition made by a mobile home manufacturer. One accessory building, not to exceed 100 square feet, may be permitted on each mobile home lot.
- J. Each lot shall have a water supply source approved by the City Water Department and the New York State Department of Health.
- K. Each lot shall have attachment for sewage disposal approved by the City Engineering Department and New York State Department of Health.
- L. Mobile homes and mobile home parks shall comply with all appropriate provisions of the International Building Code.
- M. All utility lines shall be underground.

**Sec. 310- 63 Neighborhood Retail**

- A. Fuel sales, with the exception of prepackaged fuel canisters, are not permitted.
- B. For the NMU District, the applicant shall submit a development plan that addresses the following: days/hours of operation; hours of deliveries and services (i.e., trash removal, snow plowing, etc.)
- C. In the NMU District, neighborhood retail shall not exceed 2,000 square feet of gross floor area.

**Sec. 310- 64 Night Club**

- A. Loitering/Queuing shall not obstruct the public right-of-way.
- B. Areas designated for smoking shall be provided and they shall not obstruct the public right-of-way.
- C. All noise shall be contained within the building.

## **Sec. 310- 65 Residential Adaptive Reuse, Pre-Existing:**

For buildings in existence at the time of adoption of this Code:

- A. A minimum of 4,000 square feet of gross floor area is required.
- B. The average unit size must be no less than [800] square feet with a maximum of five (5) dwelling units.
- C. Appearance and Identification. The exterior of the building shall retain a residential appearance with house numbers maintained on the front of the building and visible from the street or road.
- D. Nuisances and Garbage. The adaptive reused building shall be operated in a way that will prevent disturbances to neighboring properties not typical of a residential neighborhood, including, but not limited to: loud music and noises, excessive traffic, junk/debris accumulation in the yards, garbage removal, trespassing, or excess vehicles, boats or recreational vehicles parked in the streets in front of the rental.

## **Sec. 310- 66 Short-Term Rental**

- A. For Short-Term rentals where less than the entire unit is rented no more than two rooms may be rented separately at any given time.
- B. Appearance and Identification. The exterior of the building shall retain a residential appearance with house numbers maintained on the front of the building and visible from the street or road.
- C. Nuisances and Garbage. The short-term rental shall be operated in a way that will prevent disturbances to neighboring properties not typical of a residential neighborhood, including, but not limited to: loud music and noises, excessive traffic, junk/debris accumulation in the yards, garbage removal, trespassing, or excess vehicles, boats or recreational vehicles parked in the streets in front of the rental.
- D. Federal, State & Local Laws. The short-term rental shall meet all applicable State, Federal, and local health, safety laws and building codes.

## **Sec. 310- 67 Self-Storage Facilities**

All lot lines abutting or adjacent to the Residential (R) District shall be screened on such side by a landscape buffer that may consist of evergreen trees and shrubs, a berm or a six-foot tight board fence or a combination thereof. Such buffer shall be adequate to shield headlights, noise, and uncontrolled access from adjoining properties. No such landscape buffer shall block the sight line distance for ingress and egress to the property.

## **Sec. 310- 68 Storage Yard**

All lot lines abutting or adjacent to the Residential (R) District shall be screened on such side by a landscape buffer that may consist of evergreen trees and shrubs, a berm or a six-foot tight board fence or a combination thereof. Such buffer shall be adequate to shield headlights, noise, and uncontrolled access from adjoining properties. No such landscape buffer shall block the sight line distance for ingress and egress to the property.

## **Sec. 310- 69 Solar Energy Systems, Accessory**

- A. Roof-Mounted Solar Energy Systems.
  - 1. Roof-Mounted Solar Energy Systems that use the electricity onsite or offsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.



2. Height. Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
  3. Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirements:
    - a. Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of the system.
  4. Roof-Mounted Solar Energy Systems that use the energy onsite or offsite shall be exempt from site plan review under this ordinance.
- B. Ground-Mounted Solar Energy Systems.
1. Ground-Mounted Solar Energy Systems that use the electricity primarily onsite are permitted as accessory structures in all districts.
  2. Height and Setback. Ground-Mounted Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district.
  3. Lot Coverage. The surface area covered by Ground-Mounted Solar Panels shall be included in total allowable lot coverage of the underlying district.
  4. All such Systems in the Residential (R) District shall be installed in the side or rear yards.

### **Sec. 310- 70 Solar Energy Systems, Principle**

1. Principle Solar Energy Systems are permitted through the issuance of a Special Use Permit within the Industrial District, subject to the requirements set forth in this Ordinance.
2. Special Use Permit Application Requirements: For a Special Use Permit application, the Site Plan application is to be used and supplemented by the following provisions.
  - a. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
  - b. Drawings showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required.
  - c. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
  - d. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing, trimming and application of herbicides.
  - e. Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this Ordinance. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall take into

account inflation. If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the City may remove the system and restore the property and impose a lien on the property to cover these costs to the City.

- f. Prior to the acceptance of a Special Use Permit Application, the applicant must provide the City with a performance guarantee as provided herein. The amount of the guarantee shall be 1.25 times the estimated decommissioning cost or \$50,000.00, whichever is greater. Estimates for decommissioning the site shall be determined by a Professional Engineer or a licensed contractor. It is the responsibility of the applicant to provide the City with the certified cost estimate.
- g. The following types of performance guarantees are permitted:
  - (i) A surety or performance bond that renews automatically, includes a minimum 60-day notice to the city prior to cancellation, is approved by the City Clerk, and is from a company on the U.S. Department of Treasury's Listing of Certified Companies. A bond certificate must be submitted to the City Council each year verifying the bond has been properly renewed.
  - (ii) A certified check deposited with the City Clerk, as escrow agent, who will deposit the check in an interest-bearing account of the city, with all interest accruing to the applicant. Funds deposited with the City Clerk will be returned when the solar farm is decommissioned and any necessary site restoration is completed.
  - (iii) A no-contest irrevocable bank letter of credit from a banking corporation licensed to do business in the State of New York. The terms of the letter must include the absolute right of the City Comptroller to withdraw funds from the bank upon certification by the City Manager that the terms and conditions of the performance guarantee have been breached. The letter of credit must be valid up to 12 months from the date the performance guarantee was approved.
- h. The full amount of the bond, certified check, or letter of credit must remain in full force and effect until the solar farm is decommissioned and any necessary site restoration is completed.
- i. Special Use Permit Standards.
  - (i) Setback. Principle Solar Energy Systems shall adhere to the setback requirements of the underlying zoning district. The Large-Scale Solar Facility may require further setbacks if adjacent to an existing residential use
  - (ii) Height. Principle Solar Energy Systems shall not exceed 20 feet in height.
  - (iii) Lot Size. Large-Scale Energy Systems shall be located on lots with a minimum lot size of 3 acres.
  - (iv) Lot Coverage. A Large-Scale Solar Energy System that is ground-mounted shall not exceed 70% of the lot on which it is installed. The surface area covered by Solar Panels shall be included in total lot coverage.
  - (v) Large-Scale Solar Energy systems should, where feasible, integrate recreational facilities such as trails.
  - (vi) A Full Environmental Assessment Form and a Visual EAF Addendum Form shall be prepared in accordance with the State Environmental Quality Review Act.
- j. Removal of abandoned Large Scale Solar Energy Systems
  - (i) Any Large-Scale Solar Energy System found to be unsafe by the Bureau of Code Enforcement shall be repaired by the owner or lessee or tenant to meet federal, state, and local safety standards or removed within six months.

- (ii) Upon failure of said owner or lessee or tenant to remove the Large-Scale Solar Energy System within 90 days after notice is provided, the Code Enforcement Supervisor shall be authorized to enter upon said property and remove therefrom any said illegal large scale solar energy system at costs to the owner, lessee or tenant. No liability shall attach to the City or any officers, employees or agents of the City, except for acts of affirmative negligence in connection with the removal of any such Large-Scale Solar Energy Systems.

### **Sec. 310- 71 Townhouse/Rowhouse Dwelling**

In any District where a Townhouse/Rowhouse Dwelling Units are permitted, the side yard setback maybe zero (0) feet.

### **Sec. 310- 72 Vending Lots**

- A. All vendors shall
  - 1. Be subject to public health requirements of Jefferson County and New York State.
  - 2. Be subject to the ADA regulations.
  - 3. Limit hours of operation from 7:00am to 10:00pm.

### **Sec. 310- 73 Veterinary Clinic/Hospital**

- A. Animal boarding facilities must be located indoors.
- B. Exterior exercise areas must be located to the rear or in an interior courtyard that is surrounded by the principal building on the lot.
- C. Any exterior exercise areas must be designed to provide shelter against weather.
- D. Fencing of exterior exercise areas is required. Fencing must be six in height to prevent escape, and must be buried a minimum of one foot to prevent escape by digging beneath the fence.
- E. No dog kennel, runway or exercise pen/play area shall be located within 200 feet of any Residential (R) District. This distance may be waived or modified by the Planning Commission during Site Plan Review or Special Permit Review or by the Planning and Community Development Department if the Department finds that the existing circumstances of the property or adjacent uses do not warrant Site Plan Review or Special Use Permit review and that a 200 foot setback is unnecessary.
- F. No outdoor exercise or play area shall be used without an attendant present.

### **Sec. 310- 74 Wind, Principal or Accessory**

- A. Compliance with Federal Aviation Administration (FAA) Regulations: Small wind energy systems must comply with applicable FAA regulations.
- B. Height. Height shall be limited to 80 feet and is defined as the height above grade of the fixed portion of the tower, excluding the wind turbine itself.
- C. Setbacks. Setbacks shall be a minimum of 50 feet from the center of the road plus the height of the unit (tower and rotor). Side and rear setbacks shall be a minimum of 10 feet plus the height of the unit (tower and rotor).

- D. Sound. No wind energy system shall exceed 45 dBA, as measured at the closest neighboring dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms. When determining the level of sound, measurements shall be averaged over a 24-hour period of time.
- E. Safety. Wind turbine towers shall not be climbable up to 15 feet above ground level.

**Sec. 310- 75 Reserved**

**Sec. 310- 76 Reserved**

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# ARTICLE VIII - General Regulations

## Sec. 310- 77 Accessory Structures

Accessory Structures shall be prohibited in the front yard.

## Sec. 310- 78 Air Traffic Compatibility

In accordance with FAA regulations, any structure that is 200 feet or more in height above ground level for any portion of the structure shall require a Federal Aviation Administration Form FAA-7460 to be filed for obstruction evaluation.

## Sec. 310- 79 City Center Overlay District

- A. Purpose: The intention of this overlay district is to promote active commercial uses on the ground floor of buildings located within the overlay district.
- B. No new residential uses are permitted on the ground floor of buildings located within the City Center Overlay District.

## Sec. 310- 80 Corner Lots

The lot line opposite the street address shall be used to establish the rear yard. Street address should be assigned the facade that has the primary functional entrance. If there is a functional entrance on both facades, then the Department of Engineering, in consultation with the Planning and Community Development Department, will determine which one is more consistent with the rest of the street or adjacent corners.

## Sec. 310- 81 Decks, Terraces and Steps

The provisions of this chapter, including setback requirements, shall not apply to unroofed decks, terraces, steps or other similar features at or below the level of the floor of the first story even if attached to a building except such features associated with outdoor drinking and eating establishments as stated herein.

## Sec. 310- 82 Fences

- A. No person, firm or corporation shall commence the erection, construction, or alteration of any fence without first applying for, and obtaining, a fence permit from Bureau of Code Enforcement for each such fence.
- B. Application for a fence permit shall be made to Bureau of Code Enforcement on forms provided by Code personnel and shall contain the information requested on such forms plus any additional information as may be determined as necessary.
- C. All applications shall be signed by the owner of the property upon which such work is to be performed. Where such application is made by a person other than the owner, it shall be accompanied by written authorization of the owner that the proposed work is authorized by the owner and that the applicant is authorized to make such application.
- D. In all districts, except the Industrial District, no fence shall be more than six (6) feet in height, except as otherwise restricted below. In the Industrial District no fence shall be more than eight feet in height.

- E. The height of a fence shall not include post finials extending above the fence.
- F. Fences located less than 20 feet from a street line:
  - a. Shall not be more than four (4) feet in height.
  - b. Shall be of an open design such as ornamental iron, split rail or picket where the ratio between space and fence material is at least 1:1, except as otherwise restricted below.
  - c. Shall not be located less than five (5) feet from a neighbor's driveway or a shared driveway.
- G. Fences shall not be located within a triangular shaped area on either side of a driveway, which is delineated and measured starting from a point located at the intersection of the driveway edge and the sidewalk (or street line in the absence of a sidewalk) a distance of 10 feet along the sidewalk (or street line) and 10 feet along the driveway and a line connecting the end points of the two lines, except for fences having a ratio between space and fence material of greater than or equal to 4:1 and as otherwise restricted below.
- H. The side of the fence facing away from the fence owner's property shall have a finished quality.
- I. Chain-link fences shall be more than 20 feet from a street line, except in the Industrial District.
- J. Electric fences shall not be allowed.
- K. Barbed-wire fences shall not be allowed, except on top of chain link fences at least six feet in height in the Industrial District.
- L. Ornamental landscaping features, such as stone walls, retaining walls and planters, less than 36 inches in height shall be considered decorative features and not fences.

## **Sec. 310- 83 Landscape and Buffer Requirements**

### **Applicability**

- A. A landscape plan is required as part of every Site Plan Review application.
- B. Landscaping is required to minimize negative impacts from development by creating visual and noise buffers between adjoining property uses and promoting harmonious streetscapes. The intent of these standards is also to replace trees lost due to development and to establish incentives for the preservation of existing trees.
- C. These standards will also provide direction to the applicants where buffer zones are required.

### **General Provisions**

- A. A tree planting schedule shall be included on each landscape plan. No one (1) species of trees may take up more than fifteen (15) percent of the total amount of the proposed tree plantings.
- B. Trees from the list provided below shall be referenced in developing the landscape plan. Tree diameter shall be measured four feet from the base of the tree (diameter at breast height or DBH). The developer/owner shall make every effort to preserve and protect existing significant trees over twelve (12) inches in diameter.
- C. Tree removal or planting in the city right-of-way shall be in accordance with Chapter 287 of the Code of the City of Watertown.

- D. Landscaping must be permanently maintained in a healthy growing condition at all times. The property owner is responsible for replacing any trees or landscaping approved as part of site plan or special use permit approval that dies after planting.
- E. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other permanent maintenance of all plantings as needed.

### **Landscaped Strips Along Street Rights-of-Way**

- A. A landscaped strip shall be provided adjacent to all public and private rights-of-ways and streets in the Commercial (C), Neighborhood Mixed Use (NMU), Urban Mixed Use (UMU), Downtown (D), Industrial (I), Parks and Open Space (P&OS), Planned Development District (PDD), Waterfront Overlay District (WFO), City Center Overlay (CCO), and Planned Campus (PC) Districts regardless of setback distance. It shall be a minimum of fifteen (15) feet wide exclusive of the street right-of-way. Where the setback is less than fifteen (15) wide, a landscape strip shall be provided within the setback area. Within the landscaped strip, one (1) large deciduous tree (2" DBH minimum) shall be provided every forty (40) linear feet or one (1) small to medium deciduous tree (1.5" DBH minimum) shall be provided every twenty (20) linear feet. Planting beds with shrubs, perennials, annuals, native or ornamental grasses are recommended in between the trees.
- B. Where parking lots and/or driveways abut the landscaped strip along the street right-of-way, shrubs shall be used for screening in addition to the shade trees. The screening shall be a plant species that grows to a minimum of three (3) feet high and extends along the entire street frontage of the parking lot, exclusive of driveways and visibility setbacks. A landscaped berm may also be utilized to screen the parking lots and driveways. If used, the berm shall be a minimum of 30 inches above the average grade of the street and parking lot curbs with a slope not to exceed 3:1. If a parking lot is located fifty (50) feet or more from the street right-of-way, no screening shrubs or berm are required.
- C. Street level landscaping shall not interfere with visibility of drivers entering or exiting or driving by the property. All landscaping (trees, shrubs, and planted beds) shall be a distance of ten (10) feet from any driveway or street intersections.

### **Side and Rear Yard Landscaping**

- A. A side and rear yard landscaped strip shall be provided that is at least ten (10') wide. Within the landscaped strip, a minimum of one (1) large deciduous tree (2" DBH minimum) shall be provided every forty (40) linear feet or one (1) small to medium deciduous tree (1.5" DBH minimum) should be provided every twenty (20) linear feet. Planting beds with shrubs, perennials, and/or annuals or (native/ornamental) grass areas are recommended in between the trees. Where parking lots and driveways abut the landscaped strip, shrubs shall be considered for screening in addition to the shade trees. The screening shall be a plant species that grows to a minimum of three (3) feet high and extends along the entire street frontage of the parking lot, exclusive of driveways and visibility setbacks. A landscaped berm may also be utilized to screen the parking lots and driveways. If used, the berm shall be a minimum of 30 inches above the average grade of the street and parking lot curbs with a slope not to exceed 3:1. If a parking lot is located fifty (50) feet or more from the street right-of-way, no screening shrubs or berm will be required.

## **Interior Parking Lot Landscaping**

- A. Interior parking lot trees and landscaping is required in addition to the landscaped strip. Trees shall be provided in each parking lot at a minimum average density of one (1) large deciduous tree (two-inch DBH) for each fifteen (15) parking spaces, or any fraction thereof.
- B. The interior parking lot trees and landscaping shall be evenly distributed throughout the parking lot.
- C. Landscaped islands within parking lot areas shall be a minimum of nine (9') feet x eighteen (18') feet in dimension.

## **Exterior Parking Lot Landscaping**

- A. A landscaped strip shall be provided around the perimeter of any parking lot exclusive of driveways. The landscaped strip shall be a minimum of eight (8) feet wide, except where other provisions apply. Within the perimeter landscaped strip, one (1) large deciduous tree (2" DBH minimum) shall be provided every forty (40) linear feet or one (1) small to medium deciduous tree (1.5" DBH minimum) shall be provided every twenty (20) linear feet or one (1) large coniferous tree (6' minimum) shall be provided every twenty (20) linear feet.

## **Buffer Zone Requirements Between Residential and Non-Residential Districts**

- A. A buffer zone between residential and non-residential and Districts is required. The purpose of the buffer zone(s) is to separate land uses and offer visual screening between uses that may not be compatible.
- B. The required buffer areas within each listed zoning district shall contain the following landscaping:
  - 1) Planned Campus Districts. A landscaped strip shall be provided to separate the Planned Campus Districts from the Residential (R) District. The landscaped strip shall be a minimum of fifteen (15') feet wide. Within the landscaped strip, one (1) large deciduous tree (2" DBH minimum) shall be provided every forty (40) linear feet, or one (1) small to medium deciduous tree (1.5" DBH minimum) shall be provided every twenty (20) linear feet, or one (1) large coniferous tree (6' minimum), stagger planted shall be provided every fifteen (15) linear feet. Planting beds containing assorted shrubs are recommended in between the trees.
  - 2) Commercial, Downtown, UMU, and NMU Districts. A landscaped strip shall be provided to separate the C, D, UMU and NMU Districts from the Residential (R) District. The landscaped strip shall be a minimum of fifteen (15') wide. Within the landscaped strip, one (1) large deciduous tree (2" DBH minimum) shall be provided every thirty five (35) linear feet, along with planting beds in between the trees containing assorted shrubs or one (1) small to medium deciduous tree (1.5" DBH minimum) shall be provided every twenty (20) linear feet, along with planting beds in between the trees containing assorted shrubs or one (1) large coniferous tree (6' minimum), stagger planted shall be provided every fifteen (15) linear feet. In addition to the required trees and shrubs, a six (6) foot high opaque fence (stockade or equal) shall be provided.
  - 3) Industrial Districts. A landscaped strip shall be provided to separate the Industrial District from the Residential (R) District. The landscaped strip shall be a minimum of twenty (20') wide. Within



the landscaped strip, one (1) large deciduous shade tree (2" DBH minimum) shall be provided every thirty (35) linear feet, along with planting beds in between the trees containing assorted shrubs or one (1) small to medium deciduous tree shall be provided every twenty (20) linear feet, along with planting beds in between the trees containing assorted shrubs or one (1) large coniferous tree (6' minimum), stagger planted shall be provided every twelve (12) linear feet. In addition to the required trees and shrubs, an eight (8) foot high opaque fence (stockade or equal) shall be provided.

### Special Provisions for Existing Sites

When an existing site is undergoing any external alteration or expansion of the site or building, the objective of these standards is to bring the existing site into compliance with the standards of this section in relation to the extent of expansion or change on a site.

### Incentives to Preserve Existing Trees

The Planning Commission encourages the preservation of quality and mature trees by providing credits toward the required landscaping. Trees intended to be preserved shall be indicated with a special symbol on the landscape plan and shall be protected during the construction through use of a fence around the drip line. To obtain credit, the preserved trees shall be of a high quality and at least two and one half (2-½) inches diameter. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site as determined by the Planning Commission. The credit for preserved trees shall be as follows:

Diameter of Preserved Tree (in inches)	Number of Trees Credited
Over 12"	5
8" – 11.9"	4
2.5" – 7.9"	2

Credit for preserving existing trees may not be utilized in lieu of trees in the landscaped strip along street rights-of way or the required buffer zone. Credit may be applied only to required interior or exterior parking lot tree planting. Any preserved trees receiving credit which are lost within three (3) years after construction completion shall be replaced by the landowner with trees otherwise required.

### Recommended Tree Species

- A. The following list of trees is recommended for use in fulfilling the requirements of these standards. The list is not meant to be exclusive but rather a guideline to indicate types of trees that have been found to grow well in the Watertown area in urban soils.
- B. Applicants should coordinate with the City Planning and Community Development Department to review the proposed planting plan to determine appropriate species for the project.

#### Small to Medium Deciduous Trees

*Acer tataricum*

Tatarian Maple

*Acer saccharum* 'Sugar Cone'

Sugar-cone Maple

*Amelanchier spp.* (varieties)  
Serviceberry Varieties  
*Carpinus caroliniana*  
American Hornbeam  
*Cornus florida*  
Flowering dogwood  
*Cornus mas.*  
Corneliancherry Dogwood  
*Crataegus crus-galli inermis*  
Thornless Cockspur Hawthorn  
*Gleditsia triacanthos* 'Impcole'  
Imperial Honeylocust  
*Maclura pomifera* 'white shield'  
White Shield Osage Orange  
*Ostrya virginiana*  
Eastern hophornbeam (Ironwood)

**Large Deciduous Trees**

*Acer x fremanii* (varieties)  
Freeman Maple  
*Acer saccharum*  
Sugar Maple  
*Acer saccharum subsp. nigrum*  
Black maple  
*Betula papyrifera*  
Paper Birch  
*Catalpa x erubescens* 'Purpurea'  
Purple Leaf Catalpa  
*Corylus colurna*  
Turkish Filbert  
*Gleditsia triacanthos inermis* (varieties)  
Thornless Honeylocust  
*Liriodendron tulipifera*  
Tulip Tree  
*Prunus sargentii*  
Sargent Cherry  
*Quercus macrocarpa*  
Bur Oak  
*Quercus robur* (varieties)  
English Oak  
*Taxodium distichum*  
Bald Cypress

*Aesculus x carnea* (varieties)  
Red Horse-chestnut  
*Cercis canadensis*  
Eastern Redbud  
*Cotinus obovatus*  
American Smoketree  
  
*Crateagus phaenopyrum*  
Washington Hawthorn  
*Maackia amurensis*  
Amur Maackia  
*Malus spp.* (cultivars)  
Crabapple  
*Syringa reticulata* (varieties)  
Japanese Tree Lilac

*Acer rubrum* (varieties)  
Red Maple  
*Aesculus hippocastanum* (varieties)  
Horsechestnut  
  
*Catalpa speciosa*  
Northern Catalpa  
*Celtis occidentalis*  
Hackberry  
*Ginkgo biloba* (cultivars)  
Ginkgo  
*Gymnocladus dioicus*  
Kentucky Coffeetree  
*Platanus x acerfolia*  
London Planetree  
*Quercus bicolor*  
Swamp White Oak  
*Quercus muehlenbergii*  
Chinkapin Oak  
*Quercus rubra*  
Northern Red Oak  
*Tilia americana* (cultivars)  
American Linden

*Tilia x flavescens* 'Glenleven'  
Glenleven Linden

*Tilia cordata* (varieties)  
Littleleaf Linden

**Large Coniferous Trees**

*Abies balsamea*

Balsam Fir

*Picea abies*

Norway Spruce

*Picea pungens glauca*

Colorado Blue Spruce

*Pinus nigra*

Austrian Pine

*Pseudotsuga menziesii*

Douglas Fir

*Abies concolor*

White Fir

*Picea glauca*

White Spruce

*Picea omorika*

Serbian Spruce

*Pinus strobus*

White Pine

*Thuja occidentalis* (varieties)

Northern White Cedar

*Juniperus virginiana*

Red Cedar

**Sec. 310- 84 Lighting**

- A. No replacement or installation of new lighting fixtures shall be permitted unless in conformance with this section.
- B. These standards may be waived or modified by the Planning Commission during Site Plan Review or Special Permit Review or by the Planning and Community Development Department if the Department finds that the existing circumstances of the property or adjacent uses do not warrant Site Plan Review or Special Use Permit review.
- C. General requirements for all Zoning Districts.
  - 1. All outdoor lights and illuminated signs shall be designed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property.
  - 2. Light trespass. Light trespass shall not exceed 0.25 footcandles at the property line of properties with residential uses. Light trespass shall not exceed 0.5 footcandles at the property line for all other uses.
  - 3. Electrical feeds. Electrical feeds to lighting standards shall be run underground, not overhead.
  - 4. Time controls. All nonessential lighting shall be time controlled. "Nonessential" can apply to display, aesthetic, parking and sign lighting.
  - 5. Shielding. All outdoor fixtures shall be fully shielded and installed in such a way that no light is emitted above a horizontal plane running through the lowest part of the fixture. The lighting shall also be shielded to prevent direct glare and/or light trespass, and shall be, as much as physically practical, contained to the target area.
  - 6. Prohibitions. The following is prohibited:
    - a. Uplighting. Externally lit signs, displays, buildings, structures, streets, parking areas, recreational areas, landscaping, and other objects lit for aesthetic or other purposes must be lit from the top and shine downward.

- b. The use of laser lighting for outdoor advertising or entertainment and the operation of searchlights for advertising purposes.
- c. Unshielded wallpack-type fixtures.
- d. Lighting that changes in color, intensity, direction, etc. is prohibited.
- e. An exception to the above includes the lighting of the United States Flag.

### **Sec. 310- 85 Outdoor Drinking and Eating Establishments**

- A. If there is an outdoor space that will be used for dining it shall be setback at least 30 feet when adjacent to the Residential (R) District. This distance may be waived or modified by the Planning Commission during Site Plan Review or Special Permit Review or by the Planning and Community Development Department if the Department finds that the existing circumstances of the property or adjacent uses do not warrant Site Plan Review or Special Use Permit review and that a 30 foot setback is unnecessary.
- B. Outdoor spaces used for dining adjoining a Residential District shall be closed to patrons by 11:00 p.m.
- C. Outdoor spaces used for outdoor cooking of food shall be setback at least 30 feet when adjacent to R District. This distance may be waived or modified by the Planning Commission during Site Plan Review or Special Permit Review or by the Planning and Community Development Department if the Department finds that the existing circumstances of the property or adjacent uses do not warrant Site Plan Review or Special Use Permit review and that a 30 foot setback is unnecessary.
- D. Outdoor music, live or recorded, adjoining a Residential (R) District shall be closed to patrons by 8:00 p.m. on weeknights (Sunday to Thursday) and 11:00 p.m. on weekend nights (Friday and Saturday.)
- E. The fence regulations herein may be waived or modified for the purposes of screening the outdoor dining area from the adjacent residential use by the Planning Commission during Site Plan Review or Special Permit Review or by the Planning and Community Development Department if the Department finds that the existing circumstances of the property or adjacent uses do not warrant Site Plan Review or Special Use Permit review.

### **Sec. 310- 86 Performance Standards**

The following activity standards shall apply to all uses in all districts

- A. Noise. No continuous hum, intermittent noise or noise with any noticeable shrillness of a volume of more than 50 decibels, measured at lot lines shall be permitted.
- B. Vibration. No vibration discernible at the lot lines or beyond shall be permitted.
- C. Smoke. No emission of visible grey smoke of a shade equal to or darker than No. 2 on the Ringelmann Chart, measured at the point of emission shall be permitted.
- D. Odors. No obnoxious odor noticeable at the lot line or beyond shall be permitted.
- E. Fly ash; dust. No emission which can cause any damage to human or animal health or vegetation or other forms of property or any excessive soiling shall be permitted.
- F. Liquid or solid wastes. No discharge into any present or future disposal system, public or private, or streams or into the ground of any materials of such nature or temperature as to contaminate groundwater or surface water supply shall be permitted.
- G. Radioactivity. No activities which emit dangerous radioactivity at any point, as covered by federal government standards shall be permitted.

- H. Fire and explosion hazard. No process or storage of material in such manner as to create undue hazard by reason of fire or explosion shall be permitted.
- I. Electrical emissions. Electrical operations shall not create disturbances to other types of electrical transmissions in the vicinity shall be permitted.
- J. Vermin. No material stored either indoors or outdoors in a manner which attracts vermin shall be permitted.

### **Sec. 310- 87 Planned Campus Standards**

Parcels located in the Planned Campus District that collectively function as a single site with similar, complementary, or common uses shall be treated as a single entity for determining parking and signage requirements.

### **Sec. 310- 88 Recreational Vehicles (RV)**

- A. A recreational vehicle intended for portable temporary housing of guests or occupants may be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot for up to 30 consecutive days within a twelve-month period. There shall be no fee charged for such occupancy.
- B. A recreational vehicle may be used for temporary housing of the owner of the lot on which a residential dwelling is being constructed in conjunction with a valid building permit.
- C. Recreational vehicles on undeveloped lots shall not be permitted.
- D. Recreational vehicles shall
  - 1. Not be allowed in front yard setback
  - 2. Not operate a generator between the hours of 10:00pm and 7:00am
  - 3. Have proof of adequate water, sewer, and electric provisions

### **Sec. 310- 89 Swimming Pools**

- A. All swimming pools must comply with New York State requirements.
- B. All swimming pools shall be considered structures and meet the setback requirement provisions of this chapter.
- C. Private pools are prohibited in all front yards.
- D. All appurtenant structures, installations and equipment, such as showers, dressing rooms, equipment houses or other buildings and structures shall comply with all applicable requirements of this chapter.
- E. Discharge of water. Pool water may not be discharged at the curb or upon the surface of any street. The discharge of water shall not cause a nuisance to the abutting property or to the public.

### **Sec. 310- 90 Temporary Uses and Structures.**

- A. The Bureau of Code Enforcement is authorized and may, at its discretion, issue permits for temporary structures and/or uses, on public or private property by private sponsors, except as may otherwise be regulated in this Chapter, for a prescribed term, granting the minimum necessary but not to exceed six months.
- B. Exception. Temporary uses and structures shall not include the use of recreational vehicles, travel trailers or other mobile dwellings, tents, or yurts except for housing related to a federal, state, or local emergency declaration.

C. Permit Standards.

1. The granting of the temporary permit shall be in writing and shall stipulate any conditions as to time, nature of use and or structures permitted, and arrangements for removal and restoration is necessary.
2. If the operator of the temporary use is not the owner of the site where the temporary use will be located, written permission from the property owner is required.
3. Temporary permits are subject to any reasonable conditions and safeguards to minimize any injurious effect on the neighborhood or contiguous property.
4. The granting of a temporary permit shall be accompanied by written stipulations regarding the following, as needed, setbacks, lot coverage, off-street parking signage and lighting to protect the public health, safety, peace, morals, comfort, convenience, and general welfare of the immediate vicinity.
5. All temporary uses must meet any applicable federal, state, and local requirements, including, but not limited to, licensing, health, safety, and building and fire code requirements.

D. Specific Requirements for Outdoor Special Events

1. Outdoor special events adjoining a Residential District shall be closed by 11:00 p.m.
2. For outdoor special events, outdoor cooking of food shall be setback at least 30 feet when adjacent to R District.
3. Outdoor music, live or recorded, adjoining a Residential (R) District shall be finished by 8:00 p.m. on weeknights (Sunday through Thursday) and 11:00 p.m. on weekends (Friday and Saturday.)

- E. Granting of temporary uses. For periods longer than six (6) months, the Zoning Board of Appeals may grant, after due notice and public hearing, the temporary occupancy and use of a structure or lot in any district for a purpose that does not conform with the district requirements provided that such occupancy and use is a temporary one and subject to any reasonable conditions and safeguards which the Board may impose to minimize any injurious effect on the neighborhood or contiguous property. The permit shall be granted for a period of 12 months and shall be renewable for a period of not more than 12 months.

### **Sec. 310- 91 Trash Dumpsters and Enclosures**

- A. All trash dumpsters shall be located as to have easy access for removal and not to interfere with internal vehicular and pedestrian circulation or with normal traffic patterns on adjoining streets.
- B. All trash dumpsters shall be enclosed and screened by a combination of fence or wall and landscape materials.
- C. A solid screen of a minimum height equal to the height of the dumpster shall be erected around three sides of the dumpster excluding the side for access.
- D. Access to the dumpster shall be screened by a solid gate and shall remain closed and secured at all times excluding of loading and unloading of material within said dumpster.
- E. No trash dumpster/enclosure shall be located in the front yard or City right-of-way of any property.
- F. Trash dumpsters shall not be located within any required setback area.

### **Sec. 310- 92 Visibility at corners.**

No structure, fence or shrubbery over three feet in height shall be maintained on any corner lot within a triangular shaped area which is formed and measured starting from a point located at the intersection of the

two street lines to the points on such lines a distance of 40 feet from their intersection and a line connecting such points.

**Sec. 310- 93 Reserved**

**Sec. 310- 94 Reserved**

**Sec. 310- 95 Reserved**

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# ARTICLE IX – Non-Conforming Lots, Structures and Uses

## Sec. 310- 96 Purpose

It is the purpose of this Article to provide for the regulation of legally nonconforming uses, lots of record, and structures, and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue.

## Sec. 310- 97 Nonconforming Lots of Record

- A. If an existing lot of record on or after the effective date of this Chapter is nonconforming, an Area Variance to waive any lot dimensional requirements is not required in order for a Building Permit to be secured, provided that such lot does not adjoin other lots in the same ownership.
- B. All such adjoining lots in the same ownership shall be treated together as one lot when a lot is nonconforming. Undeveloped lots shall be merged; one developed lot and one undeveloped lot shall be merged; two developed lots are not required to be merged.
- C. New structures may be built on a nonconforming lot that was in legal existence prior to the adoption of this chapter so long as such new buildings or structures comply with all of the dimensional regulations of the District in which it is located.
- D. Lawfully existing structures located on nonconforming lots may be moved, expanded, enlarged or replaced without an Area Variance, as long as such change complies with all of the dimensional regulations of the District in which it is located.

## Sec. 310- 98 Nonconforming Structures

- A. Lawful use may continue of any structure that does not meet the dimensional requirements of this Chapter, provided that structure was in legal existence prior to the adoption of this Chapter.
- B. Any building or structure, for which a valid Building Permit was lawfully issued prior to the adoption of this Chapter, may be completed and used in accordance with the plans and specifications for such building or structure.
- C. Re-establishment of nonconforming structures.
  - 1. Replacement. A nonconforming structure damaged or destroyed by fire, flood, wind or other natural disaster, may be rebuilt in the same footprint. Such rebuilding shall require Site Plan Review, and Special Use Permit if required per the Use Table in this Chapter, for all uses except single- and two-unit dwellings. The restoration or rebuilding shall be commenced with a Building Permit within 12 calendar months of such damage or destruction and be completed within 24 calendar months.
  - 2. Modification. A nonconforming structure shall not be added to or enlarged or altered in any manner, in a way, which increases its nonconformity. All such modifications, which increase the nonconformity, shall



require an area variance from the Zoning Board of Appeals. Additions, enlargements, or alterations that comply with the dimensional requirements are permitted.

### **Sec. 310- 99 Nonconforming Uses**

- A. Any nonconforming use that existed lawfully at the time of adoption of this Chapter may be continued subject to the following provisions.
  - 1. Expansion.
    - a. A nonconforming use that existed at the time of adoption of this Chapter may be expanded within any portion of the existing structure in which it is located. It shall be prohibited to expand a nonconforming use beyond the area of the existing structure in which the use is located, unless granted a Use Variance from the Zoning Board of Appeals.
    - b. A nonconforming use or activity conducted, or operated outside may not be expanded.
  - 2. Change of Use. A nonconforming use shall not be changed to any other nonconforming use.
  - 3. Replacement. If a nonconforming use is replaced by another use, such use shall conform to the Use Regulations in the District in which it is located.
- B. Destruction and restoration If any structure in which a nonconforming use is conducted is hereafter damaged, removed, or destroyed by fire, wind, explosion, or other natural cause, to the extent of 75 percent or less of its fair market value at the time of such damage, application for any reconstruction or restoration of such structure for a Building Permit, to resume the nonconforming use shall be made within one year and the structure for the nonconforming use shall be constructed within one additional year unless the permit is renewed. If the extent of the damage is greater than 75 percent a use variance shall be required to reinstate the use.
- C. Any pre-existing legal use that is allowable by Special Use Permit under this Chapter, but has not been issued a Special Use Permit, shall be considered a permitted use. The expansion of such a use, other than a single-unit or two-unit dwelling, shall require Site Plan Approval or Special Use Permit, unless such expansion has been permitted by a prior Site Plan Approval or Special Use Permit.

### **Sec. 310- 100 Discontinuance of Nonconforming Uses**

- A. Whenever a nonconforming use has been discontinued for a period of 12 months, such use shall not thereafter be restarted except as provided in this Article. Such use shall not be considered continuous unless there is proof, as provided by the property owner, of active use for at least 60 days within each and every 12 month period.
- B. A nonconforming use shall be deemed to have been discontinued if it is changed to a conforming use.

### **Sec. 310- 101 Improvements of Nonconforming Uses and Structures**

All non-conforming uses and structures shall be maintained and shall not constitute a danger to the health, safety or general welfare of the public.

## **Sec. 310- 102 Pre-Existing Applications and Previously Approved Plans**

- A. Pre-Existing Applications. All applications before the Planning Commission, City Council, Zoning Board, or Department Staff that have been deemed complete prior to the adoption of this code by the respective boards may proceed in accordance with the rules as they existed prior to the adoption of this Code.
- B. Previously Approved Plans. Nothing in this chapter shall be deemed to require any change to the plans or buildings approved, but do not have a certificate of occupancy and/or a certificate of completion, prior to the effective date of this chapter, unless plans were approved three (3) or more years ago.

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# ARTICLE X – Site Plan Review

## Sec. 310- 103 Applicability

- A. Site plans, prepared and approved in accordance with the provisions of this article, shall be required to assist the Planning Commission in the review of certain applications for Building Permits, Special Use Permits and Certificate of Occupancy, and to assure compliance with all applicable requirements of this chapter.
- B. This Article applies to all uses as indicated with an S or SUP in the Use Table unless exempt pursuant to this Article.

## Sec. 310- 104 Exemptions

- A. Where the space proposed for occupancy is within an existing building or structure that will not undergo exterior alterations unless the new use is going to require additional parking.
- B. Additions or expansion to existing buildings when the proposed addition or expansion does not exceed 500 square feet of the gross floor area of the existing building unless the new use is going to require additional parking.
- C. Any permitted use on a temporary basis for a period not to exceed one year.
- D. For uses indicated with a DR in the Use Table, the Planning and Community Development Department may waive the requirement for Site Plan Review.

## Sec. 310- 105 Coordination with Other Permits and Approvals

- A. Site Plan review shall be included as an integral part of the Special Use Permit approval process and no separate Site Plan Approval shall be required for uses requiring a Special Use Permit.
- B. Area Variances.
  - 1. Where a Site Plan application contains one or more features which do not comply with the dimensional regulations of this Chapter, the Planning Commission may refer the Area Variance application to the Zoning Board of Appeals without a decision or determination by the Bureau of Code Enforcement or Planning and Community Development Department.

## Sec. 310- 106 Site Plan Review Submission Procedures

- A. Pre-Application Meeting. Prior to submitting an application, an applicant may request a pre-application meeting with Planning and Community Development Department staff, and others as may be appropriate, to inform the applicant of applicable procedures, submission requirements, development standards and other pertinent matters before the applicant finalizes the development proposal.
- B. Sketch Plan Conference
  - 1. A meeting shall be held between the Planning and Community Development Department and the applicant to review the basic site design concept. Department staff may recommend revisions or modifications as appropriate to ensure that the proposed development will be in harmony with the rest of the community and environment. The applicant shall provide the following:

- a. Brief description of the proposed project.
  - b. General site plan of proposed improvements drawn to scale.
  - c. An area map at the scale of one inch equals 2,000 feet depicting the parcel under consideration for site plan review, and all properties, water bodies, streets, and easements within 200 feet of the property boundaries.
  - d. A map of site topography at no more than five-foot contour intervals. If general site grades exceed 5 percent or if portions of the site have susceptibility to erosion, flooding, or ponding, a soil overlay and a topographic map showing contour intervals of not more than two feet of elevation should be provided.
2. After staff review, upon referral to the Planning Commission, the Commission may determine that the information provided is sufficient to grant approval and may waive further Site Plan review and approve the Sketch Plan as agreed to by the applicant and the Planning and Community Development Department if the Commission determines that such approval is in the interest of the public health, safety, and welfare.
    - a. If the site plan is not approved based on the Sketch Plan, the Planning Commission will inform the applicant of additional information required for formal Site Plan review.
- C. Site Plan Application Submission requirements.
1. Applications for Site Plan approval shall be made to the Planning Commission using forms supplied by, and delivered to, the Planning and Community Development Department.
  2. The applicant shall provide the requested number of application paper copies, and an electronic copy, to the Planning and Community Development Department.
  3. The applicant shall submit the fee as established in the City of Watertown fee schedule and any required escrow deposit for review costs, as required by the Planning Commission. The application shall not be deemed complete unless such fee is paid.
  4. The Planning Commission shall determine whether the application is complete. Once the Planning Commission has determined the application is complete, the 62-day review period begins, unless it is extended by mutual consent.
- D. Identification of Required Site Plan Information.
1. The Planning Commission shall adopt a list of required information for Site Plan applications. This list may be updated by the Planning Commission as necessary.
  2. At a minimum, all Site Plan applications shall provide the following information as applicable to the project.
    - (i) The proposed use or uses and a general description of the proposed development.
    - (ii) A site plan drawn to a scale of not less than 50 feet to the inch on one or more sheets, illustrating the proposed development and use and including the following:
    - (iii) The boundary lines and dimensions of the subject property; existing subdivision lots; available utilities; and easements, roadways, railroads, rail lines and public rights-of-way crossing and adjacent to the subject property.
    - (iv) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic control.
    - (v) Potential for cross-access agreements where feasible.

- (vi) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
  - (vii) Location, arrangement, appearance and sufficiency of off-street parking and loading.
  - (viii) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
  - (ix) Adequacy of stormwater and drainage facilities.
  - (x) Adequacy of water and sewage disposal facilities.
  - (xi) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation. (subject to landscaping guidelines)
  - (xii) Protection of adjacent or neighboring properties against noise, glare, odor, unsightliness, or other objectionable features.
  - (xiii) Adequacy of fire lanes and other emergency zones and the provisions of fire hydrants.
  - (xiv) Special attention to the adequacy of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
  - (xv) Overall sensitivity to the environment.
- b. The Planning Commission may require that any plans required as part of a Site Plan application be stamped by a licensed professional land surveyor, engineer, architect, landscape architect or other appropriate licensed professional as applicable.

### **Sec. 310- 107 Planning Commission Review Criteria**

The Planning Commission's review of Site Plan applications shall include, but not limited to, the following criteria:

- A. The proposed use's compatibility and consistency with the goals and recommendations of the City of Watertown Comprehensive Plan, Complete Streets Policy, and other approved City plans and programs.
- B. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- C. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- D. Location, arrangements, appearance and sufficiency of off-street parking and loading as required by this Chapter.
- E. Location, arrangement, size, design and general site compatibility of buildings as required by this Chapter
- F. Adequacy of stormwater and drainage facilities as required by this Chapter and by Chapter 260 of the City Code, Storm Water Management and Erosion and Sediment Control.
- G. Adequacy of water supply and sewage disposal facilities.
- H. Adequacy of fire lanes and other emergency zones and the provisions of fire hydrants.
- I. Compliance with Outdoor Lighting Standards of this Chapter
- J. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation as required in this Chapter.
- K. Adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

- L. Adequacy of protection of the City's natural resources including waterways and open spaces, steep slopes and scenic viewsheds.
- M. Protection of adjacent or neighboring properties against noise, glare, odor, unsightliness or other objectionable features.

### **Sec. 310- 108 Public Hearing for Site Plan Review**

- A. Public Hearing.
  - 1. The Planning Commission may conduct a public hearing on the Site Plan. Such hearing shall be held within 62 days of the date that the Planning Commission determines that the application for Site Plan review is complete and shall be advertised in the City's official newspaper or, if there is none, in a newspaper of general circulation in the City at least 5 days before the public hearing.
  - 2. In addition, a copy of the public notice shall be mailed to property owners within 200' of the property boundaries 10 days prior to the meeting date.

### **Sec. 310- 109 Planning Commission Decision**

- A. Within 62 days of a public hearing, or a complete application without a public hearing the Planning Commission shall make a decision unless the period is extended by mutual agreement between the applicant and the Planning Commission.
- B. A copy of the decision shall be filed in the City Clerk's office within five business days. The approval or approval with modifications and/or conditions shall include authorization to the Planning Commission Chairperson or Clerk of the Planning Commission to stamp and sign the Site Plan upon the applicant's compliance with applicable conditions and the submission requirements stated herein.
- C. If the Planning Commission's resolution includes a requirement that modifications be incorporated in the Site Plan, conformance with these modifications shall be considered a condition of approval. If the Site Plan is disapproved, the Planning Commission may recommend further study of the Site Plan and resubmission to the Planning Commission after it has been revised or redesigned.
- D. A copy of the decision (resolution) shall be mailed to the applicant with a request for signature. No Building Permit shall be issued by the Bureau of Code Enforcement without the applicant's signature of acknowledgment on the Site Plan resolution.
- E. The Planning Commission's decision shall be provided to the Bureau of Code Enforcement.

### **Sec. 310- 110 Expiration of Review**

- A. The Site Plan approval granted shall expire eighteen (18) months from the date of approval unless a Building Permit is secured and work has commenced on the approved activity. All work must be completed within two years of issuance of a building permit unless:
  - 1. A different, specified time limit is established during project review by the Planning Commission and included in the approval; or
  - 2. The applicant requests an extension of time needed to secure a building permit. Such request shall be granted at the discretion of the Planning and Community Development Department.
  - 3. The extension of a building permit shall be at the discretion of the Bureau of Code Enforcement.

## Sec. 310- 111 Reserved

# Article XI - Special Use Permit

## Sec. 310- 112 Purpose

Special Use Permits are for uses which possess characteristics that may pose land use or nuisance concerns or other issues. Accordingly, such uses require special consideration and may include additional regulations for each such use to mitigate impacts on surrounding properties and uses. Each use warrants consideration as an individual case in the district and on the specific lot on which it is proposed to be located. Granting of a Special Use Permit for a use in a zoning district shall be based on its own unique facts and circumstances and shall not establish any precedent for granting of a Special Use Permit for the use or any other special permit use on any other lot in the district or in other districts.

## Sec. 310- 113 Applicability

All uses of land listed in the Use Table indicated as permitted with a Special Use Permit shall be allowed upon issuance of a Special Use Permit by the City Planning Commission.

## Sec. 310- 114 Coordination with Other Permits and Approvals

- B. Site Plan Approval is required as part of the Special Use Permit approval process for uses involving new construction, or any land development activities not specifically exempted by the Site Plan Review process. Such Site Plan Review shall be carried out in conjunction with, these special use permit procedures.
- C. Sketch Plan Conference
  - 1. A meeting shall be held between the Planning and Community Development Department and the applicant to review the basic site design concept. Department staff may recommend revisions or modifications as appropriate to ensure that the proposed development will be in harmony with the rest of the community and environment. The applicant shall provide the following:
    - a. Brief description of the proposed project.

## Sec. 310- 115 Procedures for Special Use Permits

- A. A request for Special Use Permit shall be submitted on an application form available from the City Planning and Community Development Department.
- B. Each application shall be accompanied by a fee as established in the fee schedule by the City Council.
- C. Applications shall be submitted to the City Planning and Community Development Department for transmission to the Planning Commission.

## Sec. 310- 116 Special User Permit Review Criteria

The Planning Commission's review of a Special Use Permit shall include, but not limited to, the following criteria:

- A. The proposed use will be consistent with the purposes of this Chapter and the requirements of the zoning district in which it is located.
- B. The proposed use's compatibility and consistency with the goals and recommendations of the City of Watertown Comprehensive Plan, Complete Streets Ordinance and other approved City plans and programs.
- C. The impact on the nature and character of the surrounding neighborhood, natural environment, historic district or corridor in which it is located.
- D. The overall impact on the site and its surroundings, considering environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances.
- E. Restrictions and/or conditions on design of structures or operation of the use (including hours of operation) necessary either to ensure compatibility with the surrounding uses or to protect the natural resources of the City.
- F. The adequacy and accessibility of essential public facilities and services, such as streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools.
- G. The proposed use's impact on traffic congestion, impairment of pedestrian safety, or capacity challenges to Level of Service on existing streets, considering their current width, surfacing, and condition, and any improvements proposed to be made to them by the applicant.
- H. The impact on adjacent historic resources as formally recognized by the New York State and Federal Registers of Historic Places.
- I. In reviewing the adequacy of the Supplemental or General Regulations as they may relate, the Planning Commission may impose more restrictive conditions.

### **Sec. 310- 117 Notice and Hearing**

- A. Upon determining that the application is complete, the Planning Commission shall set a public hearing within 62 days.
- B. Notice of the Public Hearing shall be advertised in the City's official newspaper or, if there is none, in a newspaper of general circulation in the City at least five days before the public hearing. In addition, a copy of the public notice shall be mailed to each applicant 5 days prior to the meeting date, and one copy of the notice shall be mailed to the property owners within 100 feet of the property lines of the property for which the application applies including properties on the opposite side of the street or highway.

### **Sec. 310- 118 Decision and Notification**

- A. The Planning Commission shall not issue a Special Use Permit unless it makes a written finding that the proposed use will satisfy the criteria set forth above. In order to reach positive findings in support of the Special Use Permit, the Planning Commission may require conditions of, and/or modifications to, the project. Such conditions must relate to the impact of the project on the surrounding area based on the criteria outlined above. If the Planning Commission does not make a positive finding in support of the Special Use Permit, it shall deny the Special Use Permit. In issuance of such a denial, the record of the Planning Commission must address the criteria outlined above and include the facts and reasons upon which such denial was based.
- B. Within 62 days from the date of any public hearing, the Planning Commission shall render a decision in writing. For purposes of this section, a decision shall be signed by the Chairperson or the Clerk of the Planning Commission. Not later than five business (5) days following the rendering of the decision of the Planning



Commission granting or denying the application, the applicant and parties of record shall be notified of the decision in writing. Such written notification shall include the findings of fact for denial or approval, whichever is applicable.

- C. The Commission shall file the decision in the City Clerk's Office within five (5) business days after the day it is rendered. The Planning Commission will also retain in its files a copy of each decision

### **Sec. 310- 119 Special Use Permit Restrictions, Expiration, Revocation, and Enforcement**

- A. A Special Use Permit shall be limited to the specific property for which the application was made.
- B. A Special Use Permit shall be deemed to authorize only the particular special use or uses specified therein.
- C. A conditional Special Use Permit approval shall expire at the end of six (6) months if the conditions have not been satisfied. The Planning Commission may, however, consent to an extension of up to six (6) additional months.
- D. A Special Use Permit shall expire one year from the date it was granted if the involved property has not been used for the approved use.
- E. A Special Use Permit may be issued as:
  - 1. Permanent-
  - 2. Temporary, to cease on a specified date and not to be renewable.
  - 3. Renewable within a specified period of time set by the Planning Commission.
- F. A Special Use Permit may be revoked by the Bureau of Code Enforcement if the conditions of the Special Use Permit are violated. Prior to a decision to revoke a Special Use Permit, notification shall be provided to the permit holder and a Public Hearing shall be held using the decision and modification process described above.
- G. Any violation of the conditions of a Special Use Permit or a violation of any applicable performance criteria of this Chapter shall be deemed a violation of this Chapter and shall be subject to enforcement action as provided herein.
- H. All Special Use Permits shall run with the land and will be transferred to successive property owners provided the permit has not expired, been revoked and provided that the use has not ceased.
- I. A Special Use Permit shall expire immediately upon the cessation of the approved use on the involved property.

### **Sec. 310- 120 Reserved**

# Article XII Planned Development District

## Sec. 310- 121 Purpose and Intent

- A. Planned Development Districts are for exceptional settings and situations where the Dimensional and Use requirements of this Chapter do not fit with the intended project.
- B. Planned Development Districts shall have unique characteristics and circumstances of geography, topography, surrounding development, special goals and objectives of the community, and special factors pertaining to public health and safety, permanence of buildings, aesthetics, and intrinsic as well as extrinsic values of property.
- C. The Planned Development District regulations and procedures may apply to parcels of relatively small size as well as large scale development, depending upon the nature of the proposed uses and improvements and their relationship with other surrounding uses and the overall characteristics of the area's location.
- D. Planned Development Districts are intended to encourage innovations in land development and renewal techniques so that the growing demands of the community may be met with greater flexibility and variety in type, design and layout of sites and buildings and by the conservation and more efficient use of open spaces and other amenities generally enhancing community life.
- E. Applications shall support sustainable land use and development practices, efficient use of land, public services, and utilities.
- F. Projects intending to meet an underserved need in the community or benefit the community at large are encouraged.

## Sec. 310- 122 Planned Development District Proposal

- A. Planned Development Districts shall comprise at least one (1) acre of land, shall have more than one use as shown on the Use District Table, may not be used to create off-premise signs, and shall not exceed the sign requirements of the underlying district.
- B. A Planned Development District may be proposed by a private person or entity, the Planning Commission, City Staff, the City Council, or by any other public body, public benefit corporation, development agency or government; whether or not actual development of the proposal is to be carried out by the proponent or under sponsorship of the proponent.
- C. Any person, corporation, partnership, or association having an ownership interest in a proposed district, or any group of owners united in interest, acting jointly and in pursuant to any agreement to carry out the proposal in separate ownership, may propose a Planned Development District in accordance with the procedures hereinafter established.
- D. A parcel, parcels, district or site proposed for a Planned Development District need not be under single ownership where the proposed development consists of a group of structures or improvements capable of being developed separately but in accordance with a single, unitary plan, and in which the separate owners indicate their express intentions to enter into such private agreements between or among themselves as will facilitate their mutual enterprise, and assure its completion as planned to the satisfaction of the City.

## **Sec. 310- 123 Criteria for PDD Consideration**

The following criteria shall be addressed by the applicant and considered by City Council, City Staff, and Planning Commission for all PDD proposals:

- A. That the proposal cannot be achieved with the strict application of the Dimensional and Use requirements of this Chapter.
- B. That the proposal substantially conforms with the City's Comprehensive Plan and other adopted plans, with regional comprehensive plans, and with other expressions of municipal development policy.
- C. That there is a need for the proposed development in the proposed location and that there is a reasonable probability of economic success of the proposal.
- D. That the existing character of the neighborhood will not be adversely affected and that adequate safeguards are provided to limit possible detrimental effects of the proposed development on adjacent properties and on the neighborhood in general.
- E. That there is ample provision for water, sewer, storm and surface water drainage and other utilities.
- F. That there is adequate availability of schools, police and fire protection, parks and recreational facilities and other community facilities and public services.
- G. That there are no social, economic, environmental or cultural consequences likely to follow the proposed development that are not consistent with desirable community standards or public policy.
- H. That natural areas are maintained and protected as part of the proposed development.
- I. That the location, height and bulk of buildings and structures on the site are in proportion to each other and relate well to other structures and visual perspectives in the vicinity.
- J. That careful attention has been given to the patterns of pedestrian and bicycle circulation and to the effective use and design of open spaces, landscaping, exterior facade and amenities.
- K. That vehicular access is adequate to and within the site, that parking and loading spaces are adequate and well located relative to the uses and structures to be served, that there are no conflicts between vehicular traffic and the other uses and activities proposed.
- L. That the proposed installation of driveways, lighting, signs, landscaping, fencing, screening, and other site details are generally in harmony with the proposed structures; with adjacent properties, with the rights and interests of the general public, and with the design qualities and objectives suggested by this chapter and the Planning Commission.

## **Sec. 310- 124 Planned Development District Proposal Procedure**

- A. PDD adoption requires an amendment to this Ordinance and Map(s); Ordinance amendments are discretionary acts of the City Council.
- B. Before any Subdivision Approval, Site Plan Approval or Building Permit is issued by the City, the applicant or their authorized agent shall apply for and secure approval of such PDD in accordance with the procedures of this Section.
- C. Planned Development District proposals may be made at the earliest planning stage practical to allow time for a complete evaluation and to allow for the consideration of alternative plans or methods, to assess the full impact and consequences of the proposal, to formulate modifications or conditions as may be needed. The Planning Commission or the City Council may, from time to time, promulgate such guidelines, rules and

regulations as may be deemed necessary for the orderly presentation and processing of such proposal in addition to those contained in this Article. Such guidelines may also establish permanent or temporary priorities on the type, location, or scale of development proposals.

- D. All proposals for Planned Development Districts shall be submitted directly to the City Planning and Community Development Department.
- E. Proposals shall include information regarding the proposed mix of uses, development density and scale, infrastructure improvements, community amenities and retained natural areas. A sketch plan drawn to scale is required. The City Planning and Community Development Department may ask for additional information including but not limited to:
  - 1. Delineation of the various residential areas, indicating for each such area:
    - a. General extent, size, and composition in terms of total number of dwelling units.
    - b. Approximate percentage allocation by dwelling unit type (i.e., single unit, two-unit, townhouse, multi-unit).
  - 2. The location of any nonresidential uses and the approximate square footage of all non-residential uses.
  - 3. The general outlines of the interior roadways, sidewalk systems, and open space.
  - 4. A location map showing existing uses and names of owners of abutting lands.
  - 5. If the development is to be phased, a general indication of how the phasing is to proceed.
- F. City staff, or their professional consultants, as the case may be, shall prepare a professional opinion regarding the verification of data shown in the proposal, the proposal's relationship with this Ordinance and with the Comprehensive Plan, the possible effects of the proposal upon the surrounding properties, the general harmony with the essential character of the area, the aesthetic and design qualities of the proposal, and such other factors or considerations as may be appropriate in considering the merits of the proposal.
- G. After review by City staff, the proposal shall be forwarded to the City Council for their consideration. If accepted, the City Council shall refer the proposal to the Planning Commission who shall consider the proposal and make findings based on the criteria listed in this Article.
- H. Upon the applicant's submission of all final plans and specifications for the development, the matter shall be placed on the agenda of the Planning Commission at its next regular meeting.
- I. In considering the final plans and specifications for a development in a Planned Development District, the requirements for lot area, lot width, building coverage, building heights and other bulk, density or parcel specifications of this chapter, or the other physical requirements of this chapter shall be observed as general guidelines, and may be more or less restrictive in accordance with the recommendations of City Planning and Community Development Department, or professional consultant(s), or in accordance with criteria or guidelines promulgated or adopted from time to time by the Planning Commission. In its review, the Planning Commission shall consider the following:
  - 1. A topographic map.
  - 2. A location map showing existing uses and names of owners of abutting lands.
  - 3. Delineation of the various residential areas, indicating for each such area general extent, size, and composition in terms of total number of dwelling units.
  - 4. Approximate percentage allocation by dwelling unit type (i.e., single unit, two-unit, townhouse, multi-unit).

5. Description of the intended market structure.
  6. All development height and bulk standards; and calculation of percent of permeable area.
  7. The location of any nonresidential uses and the approximate square footage of all non-residential uses.
  8. The general outlines of the interior roadways and sidewalk systems, intended road ownership, and all existing rights-of-way and easements, whether public or private.
  9. Delineation of open space, trails or recreational areas.
  10. A utility system, including sanitary sewers, stormwater sewers, and water, electric, gas and telephone lines, and any facilities required for stormwater treatment.
  11. A landscape plan showing the materials to be used and their treatment for private and common open space.
  12. Signage and lighting plans. All lighting must be LED, and must be directional, so as not to spill on neighboring properties.
  13. Enough information on land areas adjacent to the proposed PDD to show the relationships between the proposed development and adjacent areas, including adjacent buildings, land uses, zoning classifications, densities and intensities, circulation systems, public facilities, and floodplains, wetlands, and other natural resource areas.
  14. The proposed treatment of the perimeter of the PDD, including land use restrictions, setbacks, landscaping, and other measures, such as screens, fences and walls.
  15. Evidence of how the applicant's proposed mix of land uses meets existing community demands.
  16. A general statement as to how common open space is to be owned and maintained.
  17. If the development is to be phased, a general indication of how the phasing is to proceed.
  18. Evidence of the applicant's financial competence to carry out the plan.
- J. The Planning Commission may seek public input from the community on the application by conducting a public hearing. Such public hearing shall be advertised in the City's official newspaper or, if there is none, in a newspaper of general circulation in the City at least 5 days before the public hearing.
- K. The Planning Commission may adopt a resolution recommending to the City Council that the parcel be rezoned to the designated Planned Development District and shall transmit such resolution and the other supporting materials related to the proposal, to the City Council. The resolution may contain conditions, restrictions, or limitations that the Planning Commission deems requisite to its recommendation.
- L. If the Planning Commission declines to recommend rezoning, or in the event that the Planning Commission does not act upon the proposal within a period of 90 days after the date that the complete application has been submitted as determined by both the City Planning and Community Development Department and the Planning Commission, the applicant may submit the proposal directly to the City Council with a request that said City Council consider the proposal upon its own motion. The applicant shall, in such instance, make full disclosure to the City Council of the reasons for Planning Commission's failure or refusal to approve. Before taking final action upon such proposals, the City Council shall hear and consider any statements or opinions of the Planning Commission as to the merits of the proposal or reasons for its failure or refusal to approve.

### **Sec. 310- 125 Procedures Before the City Council**

- A. Upon receipt of a resolution of the Planning Commission recommending an Ordinance amendment to include a PDD, the City Council shall proceed in accordance with the amendment provisions of §310-99.
- B. Referral to the Planning Commission of the proposed amendment shall be deemed waived unless a substantial change in the proposal shall occur after the date of the Planning Commission recommendation.
- C. Proposed zoning amendment shall include direction as to when further Site Plan review, Subdivision review, or other approvals are required.

### **Sec. 310- 126 Expiration or Abandonment**

- A. If development authorized by the Planning Commission in a Planned Development District has not been commenced and diligently pursued within 24 months from the date when the final plans and specifications were approved by the City Council, the City Council may upon its own motion institute an amendment to rezone such Planned Development District back to the underlying Use District as provided on the Use District Map pursuant to the Amendment provisions of this Chapter.
- B. Parcels with an active PDD may choose to abandon a PDD and develop in accordance with the provisions of the underlying zoning.

### **Sec. 310- 127 Changes and Amendments**

- A. Any changes to an approved Planned Development District that are determined to be exempt from Site Plan Review pursuant to this Article may be approved by the City Planning and Community Development Department and do not require further approval by the City Council or Planning Commission.
- B. Any changes or minor amendments to an approved Planned Development District may be reviewed and acted upon by the Planning Commission through the Site Plan Review processes.
- C. Changes or amendments to an approved Planned Development District that are determined by the City Planning and Community Development Department to be beyond the scope of the Planning Commission's authority shall still be reviewed by the Planning Commission, but such changes shall not become effective until approved by the City Council in accordance with the Amendment provisions of this Chapter.

### **Sec. 310- 128 Existing Planned Development Districts**

- A. Any Planned Development District, existing at the time of the adoption of this chapter, and shown on the Zoning Map, may continue to be used for such purposes as delineated in the ordinance that established such district. Development must continue to occur based on the district plan that was approved as part of the PDD establishment. Any changes or amendments to the approved uses or district plan must follow the changes and amendments provisions of this section.

### **Sec. 310- 129 Reserved**

# ARTICLE XIII - Administration and Enforcement

## Sec. 310- 130 Administration and Enforcement Officials.

This chapter shall be administered by the Planning and Community Development Department and enforced by the Bureau of Code Enforcement. No Zoning Compliance Certificate, Building Permit or Certificate of Occupancy for any building, structure or land shall be issued except where all provisions of this chapter have been met and complied with, or unless the property has been granted an applicable variance by the Zoning Board of Appeals.

- A. The Planning and Community Development Department's duties shall include:
  - 1. Issue or deny Zoning Compliance Certificates within seven (7) business days of receipt of the completed application.
  - 2. Interpret the provisions of this chapter.
  - 3. Scale and interpret district boundaries on Zoning Maps.
  - 4. Refer appropriate matters to the City Planning Commission, Jefferson County Planning Board, Zoning Board of Appeals and the City Council.
  - 5. Attend all City Planning Commission and Zoning Board of Appeals meetings unless excused by the Chairperson of such Boards.
- B. The Bureau of Code Enforcement's duties shall include:
  - 1. Inspect all site improvements and coordinate with the Planning and Community Development Department and other officials and agencies, as appropriate, in order to certify that the requirements of this chapter and any conditions of approval have been fully complied with.
  - 2. Approve Certificate of Occupancy.
  - 3. Revoke or suspend a permit where there is false, misleading or insufficient information or where the applicant has not done what was proposed on the application or required as a condition of approval.
  - 4. Issue notices to remedy stop-work orders and investigate violations.
  - 5. Conduct surveys of the City to detect unauthorized construction on any existing structure or unauthorized development of lots.
  - 6. Issue Building Permits.

## Sec. 310- 131 Zoning Compliance Certificate; Certificate of Occupancy

- A. Zoning Compliance Certificate. The purpose of the Zoning Compliance Certificate is to provide a procedure for reviewing proposed uses and activities for compliance with the requirements specified in this chapter for the district in which the uses or activities are located.
  - 1. A Zoning Compliance Certificate shall be required for any building, structure or part thereof that is hereafter used, occupied, erected, moved or altered. In addition, there shall be no alteration of the land surface preliminary to or incidental to any such activities, including grading, filling, excavation, paving, etc., except for testing and surveying, without first obtaining a Zoning Compliance Certificate.

2. A Zoning Compliance Certificate shall not be required for maintenance and repairs (e.g., roofing, window replacement, siding replacement, etc.) that does not expand the exterior dimensions of the structure and that does not involve a change in use.
  3. All applications for a Zoning Compliance Certificate shall include one copy of a layout or plot plan showing the actual dimensions of the lot to be built upon, the size and location of the building(s) and accessory building(s) to be erected on the lot and such other information as may be necessary to determine compliance with the provisions of this chapter.
  4. The approved application shall be sent back to the applicant with a copy to Bureau of Code Enforcement.
  5. When required, an application for a Zoning Compliance Certificate must be obtained and filed prior to the issuance of a Building Permit.
  6. No Zoning Compliance Certificate shall be issued for any use or building where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this chapter.
  7. Each application for a Zoning Compliance Certificate shall be accompanied by a check or other form of payment acceptable to the City of Watertown, in the amount as established in the City-approved fee schedule.
  8. The City shall deem any Zoning Compliance Certificate issued under this chapter expired if construction has not commenced within eighteen (18) months from the date of issue.
  9. The City shall deem any construction that has been discontinued for a period of 12 consecutive months or longer to have been abandoned. The City shall authorize construction to resume only upon the issuance of a new Zoning Compliance Certificate.
  10. The issuance of a Zoning Compliance Certificate shall not authorize the establishment or expansion of any use, nor the development, construction, relocation, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any additional permits and approvals which may be required by the Planning and Community Development Department or Bureau of Code Enforcement, including but not limited to Site Plan Approval, Special Use Permit, Use or Area Variance, a Building Permit and an Certificate of Occupancy.
  11. Any person who is denied the issuance of a Zoning Compliance Certificate, who is ordered to comply with the provisions of this chapter, who is ordered to cease and desist any use prohibited by this chapter, or who is otherwise in disagreement with the judgment of the Planning and Community Development Department with respect to the administration of this chapter, may appeal to the Zoning Board of Appeals.
- B. Certificate of Occupancy. No building shall be erected, altered or in any way changed as to construction or use, under a permit or otherwise, and no land shall be occupied or used without a Certificate of Occupancy signed by the Bureau of Code Enforcement.
1. The Certificate of Occupancy shall not be issued until the building, its uses, accessory uses and the use of land comply in all respects with this chapter.
  2. Where determined appropriate and with such conditions as he or she may deem it appropriate to impose, the Bureau of Code Enforcement may issue a temporary permit for a specified part of the building.



## **Sec. 310- 132 Planning Commission Powers and Duties**

- A. Establishment. Pursuant to § 27 of Article 3 of the General City Law of the State of New York, the Planning Commission created in and for the City of Watertown shall be and hereby is continued with the members thereof hereafter to be appointed in accordance with Article 12-A of the General Municipal Law of the State of New York, and in addition to the powers and duties specified in Article 12-A of the General Municipal Law, said Commission shall have hereafter all of the powers and duties specified for a Planning Board, as provided in Article 3 of the General City Law and acts amendatory thereto.
- B. General. In exercising its powers, the Commission may reserve or affirm wholly or partly, or modify the order; requirement, decision or determination as in its judgment ought to be made in accordance with the provisions of this chapter.
- C. Jurisdiction. The Commission shall have all the power and duties prescribed by law and this chapter which are more particularly specified as follows:
  - 1. Site plan review. The Commission shall be responsible for approving site plans in association with all zoning actions where site plan review is required, including planned developments.
  - 2. Special Use Permit. The Commission shall be responsible for approving site plans in association with all zoning actions where special use permit is required.
  - 3. Subdivisions. The Commission is given the authority to review all proposed subdivisions of property in the City.
  - 4. Recommendations to the City Council. The Commission is responsible for reviewing proposals for zoning amendments and making recommendations to the City Council on such. The Commission may also be required to review other proposals and make recommendations as allowed by this chapter.

## **Sec. 310- 133 Zoning Board of Appeals Powers and Duties.**

- A. General. In exercising its powers, the Board may reverse or affirm wholly or partly, or modify the order, requirement, decision or determination as in its judgment ought to be made in accordance with the provisions of this chapter and pursuant to Chapter 21 Article 5-A, Section 81 of the General City Law of the State of New York.
- B. Jurisdiction. The Board shall have all the power and duties prescribed by law and this chapter which are more particularly specified as follows:
  - 1. Interpretation. Upon appeals from a decision by the Bureau of Code Enforcement, the Planning and Community Development Department or any other administrative official, or by its own motion, the Zoning Board of Appeals, after due notice and public hearing, shall decide appeals where it is alleged that an error or misinterpretation in any order, requirement, decision, grant or refusal has been made in carrying out the enforcement of the provisions of this chapter, including the determination of the exact location of any district boundary if there is uncertainty with respect thereto.
  - 2. Grant Variances. The Zoning Board of Appeals, after due notice and public hearing, may vary or adapt the strict application of any of the requirements of this chapter where, in the case of exceptional physical limitations to land or buildings, such strict application would result in a practical difficulty (Area Variance) or unnecessary hardship (Use Variance) which would deprive the owner of the reasonable use of the land or building involved.

3. Allow building in bed of mapped streets. If after due notice and hearing as provided for in Chapter 21, Article 3, Section 35 of the General City Law of the State of New York and in accordance with the provisions set forth an advisory opinion has been rendered by the Planning Commission, the Zoning Board of Appeals may grant a permit for a building in the bed of a mapped street or highway shown upon the official map or plan of the City.

### **Sec. 310-134 Appointment of Alternate Members.**

- A. Appointment; term; powers; applicability of New York State law.
  1. This article is enacted to provide a process for appointing alternate members of the Planning Commission, and Zoning Board of Appeals. These individuals would serve due to conflicts of interest by the regular members or when a permanent Planning Commission member is unable to attend.
  2. Alternate members of the Boards shall be appointed by the duly authorized appointing authority for a term of one year. No more than three alternate members may be appointed at one time.
  3. The Chair of the Planning Commission or Zoning Board may designate an alternate to substitute for a member when such member is unable to participate on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial meeting at which the substitution is made.
  4. All provisions of New York State law relating to Planning Commission or Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provision of a local law/local ordinance relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

### **Sec. 310- 135 Training.**

- A. It is the purpose of this section to establish minimum training, attendance and continuing education hourly requirements for members of the Planning Commission and Zoning Board of Appeals, including alternates.
- B. It is the purpose of this division to ensure that the complex and diverse process of administering local land use laws, where decisions have a profound effect on the character of the City and the wellbeing of its citizens, is conducted by a well-trained and knowledgeable body of Planning Commission and Zoning Board of Appeals members including alternates.
- C. It is the intent of this division to ensure that Planning Commission and Zoning Board of Appeals members and alternates obtain training to enhance their ability to carry out their duties under law and to regularly attend the meetings held by the Board to which they are appointed.

### **Sec. 310- 136 Minimum Training Requirements Established.**

- A. All members of the Planning Commission and Zoning Board of Appeals shall be required to attend a minimum of four hours of relevant training courses within each year beginning from the first full year of their appointment to such board.
- B. Suitable training in excess of four hours per year may be accumulated and carried over into the succeeding year for the purpose of satisfying the training requirements for the following calendar year. However, no more

than four hours may be carried for more than one year. All members of the Planning Commission and Zoning Board of Appeals must not go more than two calendar years without completing additional training hours.

- C. The training requirement may be satisfied by educational activities substantially devoted to planning, zoning or other land use issues, such as (1) attending conferences, seminars or workshops; (2) participating in on-line training or tutorials; (3) attending college courses; (4) reading journal articles or books; (5) any other educational activities considered acceptable by the Planning and Community Development Department. Training may be offered by a municipality, regional or county planning office or commission, county, regional or state planning federation, state agency, statewide municipal association, college or university or other similar entity.
- D. Noncompliance with minimum requirements relating to training hours shall be deemed a proper cause for removal from position on either board.
- E. The costs of such seminars, workshops, or continuing education courses so designated shall be reimbursed by the City upon successful completion.

### **Sec. 310- 137 Lack of Training Not To Affect Validity of Actions.**

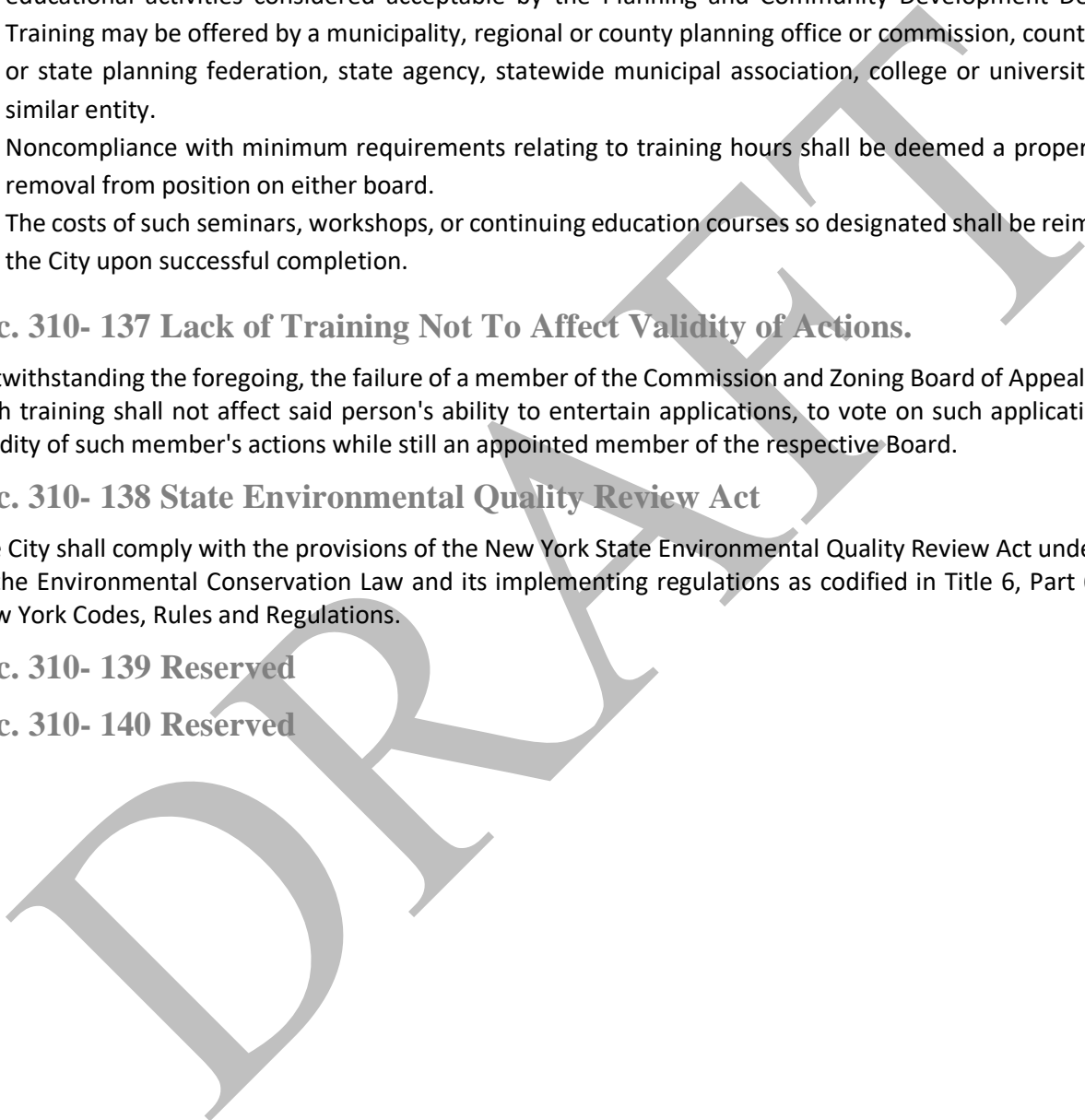
Notwithstanding the foregoing, the failure of a member of the Commission and Zoning Board of Appeals to obtain such training shall not affect said person's ability to entertain applications, to vote on such applications or the validity of such member's actions while still an appointed member of the respective Board.

### **Sec. 310- 138 State Environmental Quality Review Act**

The City shall comply with the provisions of the New York State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the New York Codes, Rules and Regulations.

### **Sec. 310- 139 Reserved**

### **Sec. 310- 140 Reserved**



# Article XIV - Variances and Appeals

## Sec. 310-141 Appeals

- A. Applicants, or any officer, department, board or bureau of the City, have the right to appeal to the Zoning Board of Appeals any order, requirement, decision, interpretation or determination (Zoning Compliance Certificate) of officials charged with the administration and enforcement of this Chapter. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, interpretation or determination being appealed and shall make such order, requirement, decision, interpretation or determination as, in its opinion, ought to have been made in the matter by the Planning and Community Development Department or Code Enforcement Bureau, and to that end shall assume all the powers of the administrative official from whose order, requirement, decision or determination the appeal is taken.
- B. Time of appeal. Such appeal shall be taken within 60 days after the filing of any order, requirement, decision, interpretation, or determination of the Planning and Community Development Department or Code Enforcement Bureau charged with the enforcement of such ordinance or local law by filing with such Planning and Community Development Department and with the Zoning Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The Planning and Community Development Department from whom the appeal is taken shall transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- C. Stay upon appeal. An appeal to the Zoning Board of Appeals shall stay the enforcement of the Ordinance from which the appeal has been taken, unless the Code Enforcement Bureau determines that the stay of enforcement would pose imminent peril to life or property.
- D. Application.
  - 1. The Zoning Board of Appeals shall not act upon any application for a Variance or an Interpretation until the required public hearing has been held. The Zoning Board of Appeals shall render a written decision on the application within 62 days of the close of the public hearing. This time period may be extended by mutual consent of the applicant and the Board.
  - 2. Application.
    - a. Every application for a Variance shall be filed with the Planning and Community Development Department.
    - b. The application shall contain the following information:
      - i. The specific provision or provisions of this chapter from which an area or use variance is sought.
      - ii. The nature and extent of the Variance sought.
      - iii. The special conditions of the property, or the nature of the use and/or development of contiguous properties, which would make such a Variance necessary.
      - iv. A detailed statement indicating why the Variance should be granted.
      - v. A detailed site plan drawn to scale or with all measurements clearly labeled.

- vi. Photographs of the land or building involved which highlight the area affected by the variance.
4. Standards for Area and Use Variances. The Zoning Board of Appeals shall prescribe appropriate conditions and safeguards to carry out the requirements of this subsection and shall not grant any variance unless it shall make a finding of fact based upon the evidence as presented to it in each specific case as specified below:
- a. Area Variance.
    - i. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Bureau of Code Enforcement or Planning and Community Development Department, to grant area variances as defined herein.
    - ii. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
      - 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance;
      - 2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
      - 3. Whether the requested Area Variance is substantial;
      - 4. Whether the proposed Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
      - 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the Area Variance.
    - iii. The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
    - iv. Imposition of conditions. The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.
  - b. Use Variances.
    - i. The Zoning Board of Appeals, on appeal from the decision or determination of the Bureau of Code Enforcement or Planning and Community Development Department, shall have the power to grant use variances, as defined herein.

- ii. No such Use Variance shall be granted by a Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
    - 1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
    - 2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
    - 3. The requested Use Variance, if granted, will not alter the essential character of the neighborhood; and
    - 4. The alleged hardship has not been self-created.
  - iii. The Zoning Board of Appeals, in the granting of Use Variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
6. Expiration of Variances.
- a. Whenever a Variance is authorized by the Zoning Board of Appeals, the activity authorized thereby shall be established and any construction authorized thereby shall be diligently prosecuted and shall be completed within twelve months after the effective date of such Variance, unless an extension of not more than six months shall be granted by the Zoning Board of Appeals because of the occurrence of conditions unforeseen at the time of authorizing such Variance.
  - b. If not so acted on and completed within a period of twelve months, unless the same is extended as aforesaid, such Variance shall automatically expire without notice.

### **Sec. 310-142 Rehearing.**

A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination of the Board not previously reviewed may be made by any member of the Board. A unanimous vote of all members of the Board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the Board may reverse, modify or annul its original decision or determination upon the unanimous vote of all members then present, provided the Board finds that the rights vested in persons acting in good faith in reliance upon the reviewed order, decision or determination will not be prejudiced thereby.

### **Sec. 310-143 Reserved.**

### **Sec. 310-144 Reserved.**

# Article XV - Applications Procedures

## Sec. 310- 145 County Approval.

Pursuant to Sections 239-l, 239-m, 239-nn of the General Municipal Law, certain classes of actions shall be reviewed by the Jefferson County Planning Department.

## Sec. 310- 146 Conduct of Public Hearings.

All public hearings as required by this chapter, whether they be conducted by Zoning Board of Appeals or the Commission, shall be conducted in accordance with the following provisions:

- A. No public hearing shall be held unless the required notice for same has been satisfied in accordance with the provisions of Section 310- 93.
- B. All hearings shall be open to the public. Any person may appear and testify at such hearing, either in person or by an authorized agent or attorney.
- C. The hearing body shall by general rule prescribe procedures for the conduct of hearings (i.e. Robert's Rules of Order.)
- D. The Chair, upon a vote of the majority of members, may continue or defer a hearing, according to one of the following criteria:
  1. If a hearing has been opened and public testimony has been received and there is cause for continuation of the hearing, no formal notice as required by Section 310-93 shall be required if the hearing is continued to a specific date; or
  2. If a hearing on a special use permit, a variance, or an amendment to the Zoning Map has not been opened, and there is cause for deferral of the hearing, written notice to adjacent property owners as required shall be remailed, except such notice shall be mailed not less than five days in advance of the public hearing; or
  3. If a hearing is concluded, but action is deferred until a future date, no formal notice as set forth in this chapter shall be required prior to action being taken.

## Sec. 310- 147 Required notice for public hearing.

- A. No public hearing as required by the provisions of this chapter shall be held unless documented evidence can be presented that the following notice requirements have been satisfied. The subject of the public hearing need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a reference to the place or places within the City where copies of the subject of the public hearing may be examined.
- B. Publication. Public notice of any hearing shall be published once in the official newspaper of the City of Watertown. Such notice shall be published not less than 5 days nor more than 21 days before the date of the hearing and shall specify the time and place of the hearing and the nature of the matter before the hearing body. Such notice shall be the responsibility of the Planning and Community Development Department.
- C. Notice.
  1. With respect to an application for amendment to the Zoning Map, Site Plan (when required), Subdivision, Special Use Permit, an Interpretation, and a Use or Area Variance the Planning and Community

Development Department shall send written notice to all owners of property within 200 feet of the exterior boundaries of the subject property. Such written notice shall state the date, time and place of the public hearing, the location of the property, the nature of the proposal, and the name of the applicant. Such written notice shall be postmarked not less than 10 days before the hearing, to the last known address of the owner(s) as shown on the current real property tax roll.

- D. Additional notice. The hearing body may by resolution prescribe additional means and forms of notices in connection with any matter falling within its jurisdiction.

**Sec. 310- 148 Reserved.**

**Sec. 310- 149 Reserved.**

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# Article XVI – Definitions

## Sec. 310- 150 Definitions

- A. Generally. The definitions contained in this section shall be interpreted as defined herein, except when the context clearly indicates otherwise. Any terms not defined herein shall have ascribed to them their ordinarily accepted meanings and/or such as the context herein may imply.
- B. Construction. The following rules of construction apply to the text of this chapter:
  - 1. The particular shall control the general.
  - 2. In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
  - 3. The word "shall" is mandatory and the word "may" is permissive.
  - 4. Words used in the present tense include the future; words used in the singular number include the plural, and the plural the singular, unless context clearly indicates the contrary.
  - 5. The word "building" includes "structure" and any part thereof.
  - 6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
  - 7. The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
  - 8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:
    - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
    - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
    - c. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
  - 9. "Abut" means having a common boundary or relationship at either a common property line, street or alley.
  - 10. "Adjoin" means having a common boundary or relationship at a common property line.
- C. List of definitions.

### ACCESSORY STRUCTURE

A structure that is associated with and incidental to the principal building on the same lot.  
Accessory structures are subordinate in area, extent, or purpose to the principal building.

### ACCESSORY USE

A use that is associated with and incidental to the principal use on the same lot. An accessory use may not be accessory to another accessory use.

## **ADULT ENTERTAINMENT**

A public or private establishment with or without food and/or alcoholic beverages, which features topless or bottomless dancers, or strippers, or other entertainment characterized by an emphasis on sexual activities.

## **ADULT USE**

Any establishment or business involved in providing adult entertainment.

## **ALLEY**

A dedicated public right-of-way affording a secondary means of vehicular or pedestrian access to adjacent property and not intended for general traffic circulation.

## **ALTERATION**

As applied to a building or structure, means a change or rearrangement in the structural parts, or in the entrance and exit facilities, or an enlargement, or the moving from one location or position to another.

## **AMUSEMENT, RECREATION, OR ENTERTAINMENT, INDOOR**

A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, amusement or other recreation activities. Excludes gaming and gambling facilities.

## **AMUSEMENT, RECREATION, OR ENTERTAINMENT, OUTDOOR**

Sports, exercise, leisure time activities, amusement or other recreation activities conducted outdoors. Examples include driving ranges, miniature golf, swimming pools, tennis courts, motorized cart and motorcycle tracks, water parks, amusement parks, batting cages, trampoline facilities, mountain bike park, and paintball courses.

## **ANIMAL CLINIC/VETERINARY HOSPITAL**

A facility for the medical or surgical care by a doctor of veterinary medicine licensed in the State of New York of small animals commonly kept as household pets and having no limitation on overnight accommodations for such animals. Crematory facilities shall not be allowed in a veterinary hospital.

## **ANIMAL SHELTER**

Any facility where homeless, stray, abandoned, rescued or unwanted animals are received, harbored, maintained or made available for adoption to the general public and which is owned, operated or maintained by a duly incorporated nonprofit or tax-exempt

organization devoted to the welfare, protection, or humane treatment of animals.

**ASSISTED LIVING**

Assisted Living Residence facility which provides housing, on-site monitoring, and personal care services and/or home care services (either directly or indirectly), in a home-like setting for senior (over 55) residents.

**AUTO REPAIR**

Engine or motor repair, electrical work, EV battery replacement, tune-ups and all other passenger vehicle repair activities not specifically listed in the definition of "autobody repair."

**AUTOBODY REPAIR**

Any area of land, including structures thereon, that is used or designed to be used for the maintenance, servicing, repair or painting of vehicles, rebuilding engines or transmissions, bodywork, framework, or welding.

**AUTOMOTIVE USES**

All uses listed under the automotive category of the use table.

**BAR/RESTAURANT/CAFÉ/BREW PUB**

An establishment whose principal business is the selling of unpackaged food or beverages to the customer in a ready-to-consume state, where the customer usually consumes the food or beverage on the premises. Includes micro-breweries/distilleries/wineries producing less than 5,000 barrels of beer, cider, wine, liquor, and/or mead annually.

**BASEMENT/CELLAR**

The portion of a building which is partly or wholly below grade but so located that the vertical distance from the average exterior grade to the ceiling is less than or equal to the vertical distance from the average exterior grade to the floor (that is equal to or more than halfway below ground level). This portion is not a completed structure and serves as a substructure or foundation for a building.

**BED-AND-BREAKFAST**

A structure containing up to five sleeping rooms which are designed or intended for occupancy by which are occupied by one or more guests for compensation, but in which no provision is made for cooking. Separate sanitary facilities may or may not be provided for each room and one or more meals for each guest may be included at the discretion of the owner, who shall be a resident of the bed-and-breakfast establishment.

## **BREWERY/DISTILLERY/WINERY**

Any place or premises that is primarily used for producing beer, cider, liquor, wine, or mead for sale. The establishment is subject to all applicable New York State laws and regulations. It may include retail and may have an adjacent bar, tavern, taproom or restaurant.

## **BREWERY/DISTILLERY/WINERY, MICRO**

A brewery/distillery/winery where the annual combined production of beer, cider, liquor, wine, and mead onsite does not exceed 75,000 barrels annually and where the product is sold for consumption onsite to the general public.

## **BUILDING**

Any structure having a roof supported by columns or walls, used or intended to be used for the shelter, housing or enclosure of persons, animals or chattels. Structural connections, such as a covered walkway or canopy porch, roof, foundation walls, tunnel connections above or below ground, enclosed or otherwise, shall not be construed as creating a single building from two or more buildings. Where divided by party walls, each portion of a building shall be deemed a separate building except as otherwise provided herein.

## **BUILDING HEIGHT**

The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

## **BUILDING FRONTAGE**

The first-floor building elevation(s) facing a public street. In the case where the principal entrance(s) of the building(s) is oriented toward a parking lot, the elevation containing the principal entrance may be selected by the owner as the "building frontage," instead of the elevation(s) facing a public street.

## **CAR WASH**

Any building or premises devoted to the business of washing automobiles for a fee.

## **CEMETERY**

A place dedicated to the permanent interment of human remains including cremated remains.

## **CENTER LINE, ROAD**

A line lying midway between the right-of-way lines of a street.

## **CLINIC**

A facility where people are admitted for examination and treatment and may be lodged overnight and/or for an extended period of time.

## **CLUB, PRIVATE**

A nonprofit association of persons who are bona fide members, which owns or leases a building or portion thereof, the use of such premises being restricted to members and their guests. Includes non-profits registered as fraternal, social, civic, athletic, and trade clubs. Excludes fraternities and sororities associated with academic institutions.

## **CO-HOUSING**

An intentional community of single dwelling units, or two-unit dwellings, with shared indoor and outdoor spaces. The attached or stand-alone dwellings have traditional facilities, including a private kitchen. Shared spaces typically feature a common house, which may include a large kitchen and dining area, laundry, and recreational or open spaces.

## **COMMUNAL HOUSING**

Building(s) or structure(s) providing non-transient housing or accommodation in either shared or private dwelling units in a communal setting, together with services which may include shared kitchen/dining facilities, sanitary facilities, laundry facilities, amenities, and other facilities to the residents living therein. Residence in the communal housing requires membership in and/or payment to a non-profit, religious, health care, or educational institution.

## **COMMUNITY CENTER**

A cultural, educational, or recreational facility designed for neighborhood-wide or City-wide use and operated on a not-for-profit basis.

## **COMMUNITY GARDEN**

Land used for the cultivation of plants by multiple users for personal or group consumption or for sale or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by group members.

## **COMMUNITY RESIDENTIAL FACILITY**

A supportive living facility subject to licensure by the NYS Office of Mental Health or the NYS Office for People with Developmental Disabilities which provides housing for individuals, including residential treatment facilities for children and youth.

## **COMPOSTING FACILITY**

A facility where organic matter derived primarily from off-site is processed by biological decomposition for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

## **CONVENTION CENTER**

A commercial facility used for conventions, conferences, seminars, product displays, recreational activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption. This term does not include banquet halls, clubs, lodges, or other meeting facilities of private or non-profit groups that are primarily used by group members.

## **CORNICE**

A horizontal molded projection which crowns or finishes the wall of a building.

## **DAY CARE, ADULT**

A place that provides individuals with socialization, supervision, monitoring, personal care, or nutrition in a protective setting during any part of the day, but for less than a 24-hour period. Additional services may include and are not limited to maintenance and enhancement of daily living skills, transportation, caregiver assistance, case coordination and assistance, or relief of inclement weather to adults and minors where such condition is dangerous to human health.

## **DAY CARE, FAMILY**

A personal residence designed and/or operated to provide family or group day care for between three and twelve children and operated on a regular basis for a fee. All state licensing requirements are to be met and all operation is to be in accordance with New York State Department of Social Services regulations.

## **DAY CARE CENTER**

A place, other than a personal residence, designed and/or operated to provide day care for children and operated on a regular basis for a fee. All state licensing requirements are to be met and all operation is to be in accordance with New York State Department of Social Services regulations.

## **DAY CARE CENTER, ACCESSORY**

A Day Care Center that is an accessory use.

## **DISTRICT**

A portion of the incorporated territory of the City within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

## **DRIVEWAY**

The space specifically designated and reserved on a lot primarily for the movement of vehicles from one site to another or from a site to a public street.

## **DRIVE-THROUGH, ACCESSORY**

An accessory structure or use that permits customers to receive services or obtain goods while remaining in their automotive vehicle.

## **DWELLING**

Any building that contains one or more dwelling units for living purposes.

## **DWELLING UNIT**

A single unit with one or more rooms providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

## **DWELLING, ATTACHED**

A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

## **DWELLING, DETACHED**

A dwelling which is surrounded by open space on all sides of the building.

## **DWELLING, SINGLE UNIT**

A detached dwelling occupied exclusively by one dwelling unit.

## **DWELLING, TWO UNIT**

Two dwelling units which are attached, or a detached dwelling with two dwelling units.

## **DWELLING, MULTI-UNIT**

A detached dwelling that contains three or four dwelling units; or a dwelling that consists of two attached dwellings in which the total number of dwelling units for both does not exceed four.

## **DWELLING, MULTI-UNIT, PRE-EXISTING**

A multi-unit dwelling in existence on or before the adoption of this code.

## **DWELLING, TOWNHOUSE/ROWHOUSE**

Three or more dwelling units which are attached, with each dwelling containing one unit that extends from the foundation to the roof with open space on at least two sides including front and rear and a separate means of egress.

## **DWELLING, APARTMENT BUILDING**

A dwelling that contains five or more dwelling units.

## **DWELLING, ACCESSORY UNIT**

An additional dwelling unit that is either part of, or an accessory structure to, a single unit dwelling. Such a dwelling shall be incidental to the principal dwelling and subordinate in size.

## **EMERGENCY SERVICES**

Facilities operated by public agencies including fire stations, other fire prevention and firefighting facilities, emergency medical technicians and ambulance substations and headquarters, and police and sheriff substations and headquarters, including interim incarceration facilities.

## **ERECTED**

Includes built, affixed, hung, placed, suspended, attached, constructed, altered, reconstructed, moved upon or any physical operations on the premises which are required and the like shall be considered a part of erection, as will the painting of wall signs.

## **ESSENTIAL SERVICES**

The erection or maintenance by public utilities or municipal departments of underground, surface or overhead energy, water, waste, communications systems, or cellular service. May include gas, electric, steam, fuel or water transmission or distribution system collection; or communication, supply, or disposal system including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety and welfare. Does not include buildings.

## **EXCAVATION**

Any breaking of ground, except common household gardening and ground care.



## **FAÇADE**

The entire area of a building exterior elevation or side, extending from the roof or parapet to the ground, and from one corner of the building to another, but does not include any structure or non-structural elements which extend beyond the roof.

## **FENCE**

A constructed barrier of wood, masonry, stone, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas on a lot of land or portion thereof.

## **FLOOR AREA, GROSS**

The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features.

## **FLOOR AREA, NET**

The actual occupied area not including unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms and closets.

## **FREIGHT TERMINAL, MOTOR**

Any premises used by a motor freight company as a carrier of goods that is the origin or destination point of goods being transported, for the purpose of dispatching, storing, transferring, loading or unloading goods.

## **FREIGHT TERMINAL, RAIL**

Any premises used by a rail freight company as a carrier of goods that is the origin or destination point of goods being transported, for the purpose of dispatching, storing, transferring, loading or unloading goods.

## **FUEL/CONVENIENCE STATION**

Any area of land, including structures thereon, that is used for the sale of gasoline, oil or other motor vehicle fuel, including a convenience store, provided that the store is an integral part of the gasoline station, excluding towing and automobile service. Autobody repair, auto repair, vehicle sales/rental/storage shall not be deemed permissible accessory uses of a fuel/convenience station.

## **FUNERAL HOME**

A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation. Funeral homes do not include

crematories.

## **GARDEN CENTER**

A business whose principal activity is the selling of plants and/or gardening, agriculture, and landscaping supplies and who may have large outside storage, growing, display, or loading areas.

## **GARDEN CENTER, RETAIL**

A business whose principal activity is the retail sale of plants and/or supplies to the general public for use in gardens, personal agriculture, or landscaping. The business may have outside storage or display packaged in quantities not exceeding those intended for personal use.

## **GEOHERMAL ENERGY SYSTEM**

Equipment for the collection of geothermal energy or its conversion to electrical energy

## **GEOHERMAL, ACCESSORY**

Any geothermal energy system that is an accessory use or accessory structure.

## **GEOHERMAL, PRINCIPAL**

A geothermal energy system that produces energy primarily for the purpose of offsite sale or consumption.

## **GOLF COURSE**

An area of land laid out for golf with a series of 9 or 18 holes each including tee, fairway, and putting green and often one or more natural or artificial hazards. Excludes miniature golf and driving ranges.

## **GRADE**

The elevation established for the purpose of regulating the number of stories and the height of buildings. Grade shall be the mean level of the finished surface of the ground adjacent to the exterior walls of the buildings.

## **HOME OCCUPATION, MAJOR**

A use which is clearly incidental to the use of the dwelling unit as a place of residence, which is conducted primarily within a dwelling unit or its accessory building(s) or where office activities are conducted within the dwelling or accessory building. A major home occupation is distinguished by the ability to perform services on site, serve customers onsite, and have up to one person other than the resident engaged in the occupation.

## **HOME OCCUPATION, MINOR**

A use which is clearly incidental to the use of the dwelling unit as a place of residence, which is conducted primarily within a dwelling unit or its accessory building(s) or where office activities are conducted within the dwelling or accessory building. A minor home occupation is distinguished by having no persons other than the resident of the property engaged in the occupation.

## **HOSPITAL**

A facility engaged in providing medical or medical and surgical services primarily to inpatients by or under supervision of a physician on a twenty-four-hour basis with provisions for admission or treatment of persons in need of emergency care and an organized medical staff and nursing service, including facilities providing services relating to particular diseases, injuries, conditions or deformities. May include accessory uses including medical laboratory, rehabilitation or therapy center, medical waste autoclave, medical research facility.

## **HOTEL/MOTEL/HOSTEL**

A commercial facility providing transient lodging containing six or more units and where the customary uses such as restaurant facilities, meeting rooms, recreation facilities playgrounds, game rooms, snack bars, shared kitchens, and leisure rooms are provided for use by the lodger and/or the general public. A nightclub may be included in hotel/motel/hostels with 50 or more rooms.

## **HOUSE OF WORSHIP**

A place for public worship, including, but not limited to, a church, synagogue or mosque.

## **HYDRO**

Any hydro energy system that is designed and intended to generate energy.

## **IMPERVIOUS SURFACE**

Any hard surface, man-made area that does not readily absorb or retain water.

## **INDUSTRIAL FACILITY**

Uses engaged in the manufacture of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, or distribution. Shall include uses such as the manufacture of electronic instruments, engineered composites, the preparation of food products, pharmaceutical manufacturing, research and scientific laboratories, or the like. Shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal, or related industries.

## **INDUSTRIAL FACILITY, PRE-EXISTING**

An industrial facility which existed prior to the adoption of this code.

## **INN**

A commercial facility, resembling traditional residential character with common access providing transient lodging and meals which is characterized by common dining facilities and leisure rooms available for use by lodgers and limited general public with no more than 12 guest rooms.

## **JUNKYARD OR SALVAGE YARDS**

Any property or place where the business of a junk dealer or salvage dealer buys, exchanges, collects, receives, stores, accumulates, sells or otherwise transfers junk or salvage materials — other than wholly within an enclosed building. In addition, a junk yard shall include property used for the storage of impounded, abandoned, partially dismantled, obsolete or wrecked automobiles — other than wholly within an enclosed building.

## **KENNEL, COMMERCIAL**

Any place where more than four dogs, cats, or other household domestic animals over four months of age are kept for sale, or on which more than two such animals are boarded for compensation.

## **LANDSCAPED AREA**

An area of grass, trees, shrubs or other natural greenery, or containing any form of landscaping or architectural treatment.

## **LIVE-WORK UNIT**

A dwelling unit used jointly for residential and commercial uses where the resident is the business owner.

## **LOADING SPACE**

An area for the temporary parking of motor vehicles while transferring, loading or unloading goods, merchandise, and products or while performing services.

## **LOT**

A single tax parcel occupied or designed to be occupied by structures or uses together with such yards and open spaces as are required by this chapter

## LOT AREA

The total horizontal area within the lot lines of the lot.

## LOT, CORNER

A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135°. A lot adjacent to a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or straight street line, extended, form an interior angle of less than 135°.

## LOT COVERAGE

The percent of the lot occupied by impervious surfaces.

## LOT DEPTH

The average horizontal distance between the front and rear lot lines.

## LOT, INTERIOR

Any lot other than a corner lot.

## LOT LINES

The lines bounding a lot as defined herein:

- (1) **FRONT LOT LINE** In the case of a lot adjacent to only one street, the line separating such lot from such street. In the case of a lot that is adjacent to more than one street, the owner may request any street lot line as the "front lot line."
- (2) **REAR LOT LINE** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet long, lying farthest from the front lot line and wholly within the lot.
- (3) **SIDE LOT LINE** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from the street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

## LOT OF RECORD

A platted parcel of land, the dimensions of which are shown on a document or map on file with the City assessor and which parcel of land actually exists as so shown. In no case shall a portion of an original platted lot constitute a lot of record.

## **LOT, THROUGH**

Any lot having frontage on two more or less parallel streets as distinguished from a corner lot.

## **LOT WIDTH**

The horizontal distance between the side lot lines, measured at the two points where the building line or setback line intersects the side lot lines.

## **MANUFACTURED (MOBILE) HOME**

A dwelling unit, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. A commercial coach, motor home, camper, or other unit originally designed as a recreation vehicle is not a manufactured home for purposes of this Code and is not permitted for occupancy purposes outside of approved locations for such units.

## **MANUFACTURED (MOBILE) HOME PARK**

Land on which two or more manufactured homes are parked and occupied for living purposes.

## **MARIJUANA DISPENSARIES, RETAIL**

A business that is registered to operate in the State of New York that sells or otherwise distributes marijuana.

## **MARIJUANA CULTIVATION, MANUFACTURING, PACKAGING**

A business that includes, but is not limited to, cultivation, harvesting, extraction or other processing, packaging, and labeling of marijuana products.

## **MIXED-USE BUILDING**

A building which contains a mix of commercial and residential uses.

## **MODULAR HOME**

A factory fabricated transportable structure designed primarily for residential occupancy constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities and designed for permanent installation on a building site. The term is intended to apply to major assemblies and does not include buildings constructed at a site from prefabricated panels, trusses, and other prefabricated supplements.

## **MUNICIPAL PARK**

A natural or landscaped area with buildings or structures provided by a unit of government to meet the active or passive recreational needs of people.

## **MUSEUM**

An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

## **NIGHTCLUB**

A business which provides or permits any musical entertainment, singing, dancing or other form of amusement including comedic performances, whether or not in connection with the service of food or beverage. Does not include an establishment such as a bar/restaurant/café/brewpub which provides incidental musical or vocal entertainment.

## **NONCONFORMING STRUCTURE**

A structure which was lawfully constructed, converted or enlarged pursuant to building permits issued by the City prior to the effective date of this chapter, or amendments thereto, and that does not conform to the regulations of the district in which it is located.

## **NONCONFORMING LOT**

A lot of record in existence prior to the effective date of this chapter or amendments thereto which does not have the minimum area, lot width or lot depth for the district in which it is located.

## **NONCONFORMING USE**

A use which was lawfully established, converted or enlarged prior to the effective date of this chapter, or amendments thereto, which does not conform to the regulations of the district in which it is located.

## **OCCUPANT**

An entity residing or doing business on a parcel. In the case of a single unit residential use, the entity is the household; for residential uses with more than one unit, the entity is the property owner; for a commercial or industrial use, the entity is the business whether it be a sole proprietorship, partnership or corporation; and in the case of a not-for-profit, the entity is the corporation.

## **OFFICE**

A building or portion thereof used primarily for conducting the affairs of a business, profession,

medical or health practitioner, service, industry, or government and generally furnished with desks, tables, files, and communication equipment. No manufacturing processes, retail sales, construction, or warehousing occurs on the premises.

**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.

**OUTDOOR CAFÉ, ACCESSORY**

An outdoor seating area consisting of tables, chairs, or other fixtures intended for the consumption of food and beverage, maintained on the property, and intended for the patrons of the food service facility or bar/restaurant/café/brewpub located on the same property having the same operator.

**OUTDOOR STORAGE**

Storage of any materials, merchandise, stock, supplies, machines and the like that are not kept in a structure having at least four walls and a roof, regardless of how long such materials are kept on the premises. Outdoor storage shall not include junkyard or salvage yards or the like.

**PARCEL**

See Lot.

**PARKS and OPEN SPACES**

Land uses consisting of open spaces, natural areas, outdoor recreation, community gardens, or other public spaces. Parks and open spaces tend to have few structures. Examples include parks, cemeteries, public squares, plazas, recreational trails, botanical gardens, zoos, athletic fields, boat launching areas, and nature preserves.

**PARKING LOT (OFF-STREET)**

A lot devoted to the temporary parking of motor vehicles defined by a boundary, with parking spaces delineated.

**PARKING STRUCTURE**

An area that is used for parking that is enclosed by a structure.

**PERSONAL HORTICULTURE**

The small-scale production, keeping, or maintenance of plants for personal use or for sale.



## **PERSONAL AGRICULTURE**

The small-scale production, keeping, or maintenance of plants and animals in urban or developed areas, which may or may not be for sale, where animals are limited to ducks, rabbits, honeybees, and female chickens (hens).

## **PET/DOG DAY CARE**

A site, building, or place designated and/or operated to provide day care for small animals commonly kept as household pets on a daily basis for a fee without boarding.

## **PLANNED DEVELOPMENT**

A site planned and developed as an integrated unit upon which residential, commercial, industrial or other land uses or any combination thereof may be authorized in a flexible manner so as to achieve the goals of the City's Comprehensive Plan.

## **PORCH**

Any veranda, gallery, terrace, piazza, portico or similar projection from a main wall of a principal building and covered by a roof. An unenclosed porch is a porch with no side enclosures that are more than 42 inches in height other than the side of the building to which the porch is attached. A porch shall extend no more than twelve feet out from the main wall of a building.

## **PRINCIPAL BUILDING**

A building in which is conducted the principal use of the zoning lot upon which it is situated.

## **PRINCIPAL USE**

The primary use to which the premises are devoted.

## **PUBLIC UTILITY**

A business or service having an appropriate franchise from the State of New York, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need such as electricity, gas, water, transportation, or communications.

## **RECYCLING FACILITY**

A facility at which recoverable resources, such as paper, glassware, white goods, plastic, cardboard and metal cans are collected, stored, flattened, crushed or bundled. It does not include a wrecking yard where vehicles or other machinery are stored, dismantled, or demolished.

## **REDEMPTION CENTER**

A facility used for the collection of bottles and cans returned for deposits.

## **REDEVELOPMENT**

A project that substantially renovates and reuses a previously vacant or nearly vacant building.

## **RESIDENTIAL ADAPTIVE REUSE, PRE-EXISTING**

The conversion of a large building in existence on or before the adoption of this code from its original or most recent use to dwelling with more than two units.

## **RETAIL, GENERAL AND SERVICE**

A business selling personal goods, services, instruction, or food. Excludes adult uses; amusement, recreation, or entertainment (indoor or outdoor); automotive uses; bar/restaurant/café/brewpubs; day care facilities; medical services; nightclubs; and offices.

## **RETAIL, NEIGHBORHOOD**

A retail, general and service business of less than 2,000 square feet of gross floor area.

## **RIGHT-OF-WAY LINES**

Lines which separate private property from existing or dedicated public property containing or proposed to contain publicly owned street surfaces, gutters, curbs, planted strips or sidewalks.

## **RIVER SETBACK**

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

## **SCHOOL, COLLEGE UNIVERSITY OR TRADE**

A public, parochial, or private school authorized to grant degrees or certificates in higher education or a school primarily devoted to giving instruction in vocational, professional, artistic, or other special subjects.

## **SCHOOL, PRE-SCHOOL, ELEMENTARY, MIDDLE OR HIGH**

Any public elementary or secondary school, universal pre-kindergarten program, an approved provider of preschool special education, any other publicly funded pre-kindergarten program, a school serving children in a special act school district, an approved private school for the education of students with disabilities, a state-supported school, or a state-operated school; as each is defined by New York State Department of Education

## **SELF STORAGE**

A facility consisting of a structure or group of structures containing individual spaces available for rent for the storage of personal property.

## **SETBACK LINE, BUILDING**

A line prescribed by the zoning district regulations delineating portions of a lot into which no building or structure shall project.

## **SHOPPING CENTER**

A group of retail or other commercial establishments that is planned, owned, and managed as a single property.

## **SHORT-TERM RENTAL**

The rental or lease of any dwelling unit or dwelling, for a period of thirty (30) days or less, to one entity. Motels, hotels, hostels, inns, and bed and breakfasts are excluded from this definition.

## **SIGN**

Any representation used to identify, advertise or promote the interests of any person or business when such sign is placed in the view of the general public out of doors or on the exterior of any building or structure, including interior and exterior window surfaces. "Representation" shall include any lettered or pictorial matter, including letters, words, symbols, emblems and insignias and the structure or device or part thereof which displays such representation. It does not include customary window display of products.

### **BUILDING SIGN**

Any sign attached to any part of a building, including windows.

### **DISPLAY AREA**

The area that encloses the limits of the message, announcement or decoration on a building or freestanding sign.

### **ELECTRONIC MESSAGING CENTER**

Any sign that contains liquid crystal diodes (LCD), light-emitting diodes (LED), plasma, light bulbs, or other digital illuminated displays that allow for fixed or changeable copy, symbols, figures, or images by remote or automatic means.

### **FOOTCANDLES**

A measurement of the amount of light reaching an object. A foot candle is the measurement of the intensity of one lumen of light falling on one square foot of surface area one foot away from the source.

## **FREESTANDING SIGN**

Any sign not attached to any part of a building, but affixed by any other means in or upon the ground.

## **MONUMENT SIGN**

A ground-level sign that a driver notices or a person passing by can easily see the business information. It is typically made from brick and mortar construction, stone, stainless steel, plastic, or other durable materials

## **NONCONFORMING SIGN**

A sign existing before the effective date of this code which would otherwise not be allowed under the terms of this section.

## **ON-PREMISE SIGN**

A sign advertising the sale or lease of property upon which it is located or a sign advertising activities conducted on the property on which it is located.

## **SANDWICH-BOARD SIGN**

A portable sign constructed in such a way that two sign boards connected at the top and angled so that the boards are freestanding.

## **SIGN INSTALLATION**

The act of placing, erecting or painting a sign, moving a sign or replacing a sign board with another. This term does not include repainting an existing sign, painting a new message over an existing sign, or replacing the panel in a lighted sign box with the same type of material.

## **SIGN MAINTENANCE**

The act of keeping a sign in the state of good repair, including repainting (whether with the same message or a new message), replacing the panel in a lighted box with the same type of material, bulb replacement and repair of electrical and structural parts.

## **SIGN STRUCTURE**

The supports, uprights, bracing, backing and framework for a sign, as distinguished from the facade or structural components of a building.

## **TEMPORARY SIGN**

A temporary sign is defined as a sign designed or intended to be displayed for a short period of time.

## **WINDOW SIGN**

A sign which is painted or affixed on glass or other window material or placed within 12 inches of the window, but not including graphics on products as part of a customary window display of products or services rendered on the premises.

## **SITE PLAN**

A plan, to scale, showing uses and structures proposed for a lot of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, major landscape features, and the location of proposed utility lines.

## **SKILLED NURSING FACILITY**

An institution (or a distinct part of an institution) which is primarily engaged in providing to residents skilled nursing care and related services for residents who require medical or nursing care, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons, and is not primarily for the care and treatment of mental diseases.

## **SOLAR ENERGY SYSTEM**

A solar collector or other device or structural design feature that relies upon sunshine as an energy source and is capable of collecting, distributing, and/or storing the sun's radiant energy.

## **SOLAR, ACCESSORY**

Any solar energy system that is an accessory use or structure.

## **SOLAR, PRINCIPAL**

A solar energy system that is ground-mounted and produces energy primarily for the purpose of offsite sale or consumption.

## **SPECIAL EVENTS, OUTDOOR.**

A Special Event is a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner, involving the gathering of individuals assembled for the common purpose of attending a special event. Uses that are accessory to a residential use including private parties, gatherings, and similar activities that are not subject to a use agreement between a private individual or group and the homeowner are not defined as a special event.

## **STORAGE YARD**

The use of any space, whether inside or outside a building for the storage or keeping of construction equipment, machinery, vehicles or parts thereof, boats and/or farm machinery.

## **STORY**

That part of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling or roof next above it.

## **STREET**

A strip of land intended primarily for vehicular traffic and providing the principal means of access to property, including but not limited to road, land, drive, avenue, highway, boulevard, or any other thoroughfare.

## **STRUCTURE**

Any object constructed, installed or placed on the land or connected to a shoreline such as an antenna, building, sign, tank, fence, pole, pool, wind turbine, and any fixtures, additions and alterations thereto. Construction must be more than six inches above grade or in excess of 100 square feet in gross floor area or over 100 feet in height to be considered a structure. Landscaping features, driveways, and parking areas shall not constitute structures.

## **TECHNOLOGY/RESEARCH FACILITY**

Buildings or portions of buildings used primarily for scientific, medical and/or high-tech research, development, and product or equipment design activities in a setting which combines offices and laboratories and may include light manufacturing. Includes laboratories serving the medical profession by the testing and analysis of specimens submitted by physicians.

## **TEMPORARY STRUCTURE**

A structure erected for a prescribed and limited duration.

## **TEMPORARY USE**

A use conducted upon a premises for a prescribed and limited duration.

## **THEATER**

A building designed for the enactment of dramatic performances, musical performances, and/or the showing of motion pictures.

## **TRAVEL TRAILER / RECREATIONAL VEHICLE (RV)**

Any vehicle or structure which is designed to be self-propelled or towable on its own wheels (sometimes referred to as a "fifth-wheel" or "tow-behind"); that is designed and intended to be used for temporary living quarters for travel, recreational, or vacation purposes.

## **USE**

Any activity, occupation, business, or operation carried out on a lot of land or in a structure.

## **VARIANCES, AREA**

The authorization by the Zoning Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of this Chapter.

## **VARIANCES, USE**

The authorization by the Zoning Board of Appeals for the use of land for a purpose that is otherwise not allowed or is prohibited by this Chapter.

## **VEHICLE CHARGING STATION**

A location that contains the equipment that supplies electric energy for the recharging of electric vehicles.

## **VEHICLE SALES/ RENTAL/ STORAGE**

Any building, land area or other premises used for the storage or sale or lease or rental of automobiles, trucks, trailers, boats, RVs, Campers, and/or manufactured homes, but not including any repair work other than warranty and other repair service conducted as an accessory use on such premises. A permanent sales office building shall be located on the same lot as the vehicle sales.

## **VENDING LOT**

Temporary use of a lot where food, beverages, goods, merchandise, or services are displayed, offered for sale, or given away.

## **WALK-UP WINDOW, ACCESSORY**

An accessory structure or use that permits customers to receive services, obtain goods, or be entertained while remaining outside on foot.

## **WAREHOUSE/WHOLESALE DISTRIBUTION**

Facilities characterized by extensive indoor storage, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise and odors, but not involved in manufacturing or production.

## **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 a water body, 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.

## **WIND ENERGY SYSTEM**

A device or structural design feature that generates energy from wind and is capable of collecting, distributing, and/or storing energy.

## **WIND, ACCESSORY**

Any wind energy system that is an accessory use or structure.

## **WIND, PRINCIPAL**

A wind energy system that is ground-mounted and produces energy primarily for the purpose of offsite sale or consumption.

## **YARD**

An open space on the same lot with a building, unoccupied or unobstructed by a portion of structure from the ground upward, except as otherwise provided in this chapter.

## **YARD, FRONT**

A yard between the front lot line and the front line of a building extended to the side lot lines; except that if the rear yard shall face the street, it shall be considered a "front yard."

## **YARD, REAR**

A yard extending across the full width of the lot and lying between the rear lot line and the principal building(s).

## **YARD, SIDE**

A yard between the principal building and a side lot line and extending through from the front yard to the rear yard.

## **ZOO / AQUARIUM**

An area or structures which contain wild animals on exhibition or display for viewing by the public.



# Article XVII – Amendments, Repealer, and Severability

## Sec. 310- 151 Authorization.

The regulations imposed and the districts created by this chapter may be amended from time to time in the manner provided herein.

## Sec. 310- 152 Initiation of Amendments.

- A. The City Council may from time to time on its own motion, amend, supplement, repeal or change the regulations and District boundaries established by this Chapter.
- B. Whenever the owners of 50 percent or more of the frontage in any district or part thereof shall present a petition, duly signed and acknowledged, to the City Council requesting an amendment, supplement, change or repeal of the regulations prescribed for such district, zone or part thereof, it shall be the duty of the City Council to vote upon said petition within 90 days after the filing of the same by the petitioners with the City Clerk.
- C. The Planning Commission may, by resolution, propose an amendment, supplement, change or repeal of the regulations to the City Council. Within 90 days from the time such resolution is received by the City Council it shall be the duty of the Council to vote on such proposed amendment, except for those resolutions regarding a Planned Development District. Planning Commission resolutions related to a PDD may be taken up at the discretion of the City Council.

## Sec. 310- 153 Procedures.

- A. All applications for an amendment to the text of this chapter or for an amendment to the Zoning Map shall be filed with the Planning and Community Development Department who shall forward a copy of the same to the Commission.
- B. Referral to Planning Commission. Every such proposed amendment of text or change in the Zoning Map shall be referred to the Planning Commission for report thereon before the public hearing provided herein. In recommending the adoption of any such proposed amendment, the Planning Commission shall state its reasons for such recommendation, describing any condition that it believes makes the amendment advisable and specifically setting forth the manner in which, in its opinion, the amendment would be in harmony with the Comprehensive Plan of land use for the city and would be in furtherance of the purposes set forth in this chapter. In recommending the rejection or revision of any proposed amendment, the Planning Commission shall similarly state its reasons.

## Section 310- 154 Hearing on Proposed Amendment; Notice Thereof.

Before any amendment, supplement or change in the regulations or district boundaries, there shall be a public notice and hearing in accordance with the requirements herein.

**Section 310- 155 Adoption of Amendment.**

After the public hearing and referral to and report by the Commission, a majority vote of the members of the City Council shall be required to amend this chapter, except as described in the Protest petition process.

**Section 310-156 Protest Petition.**

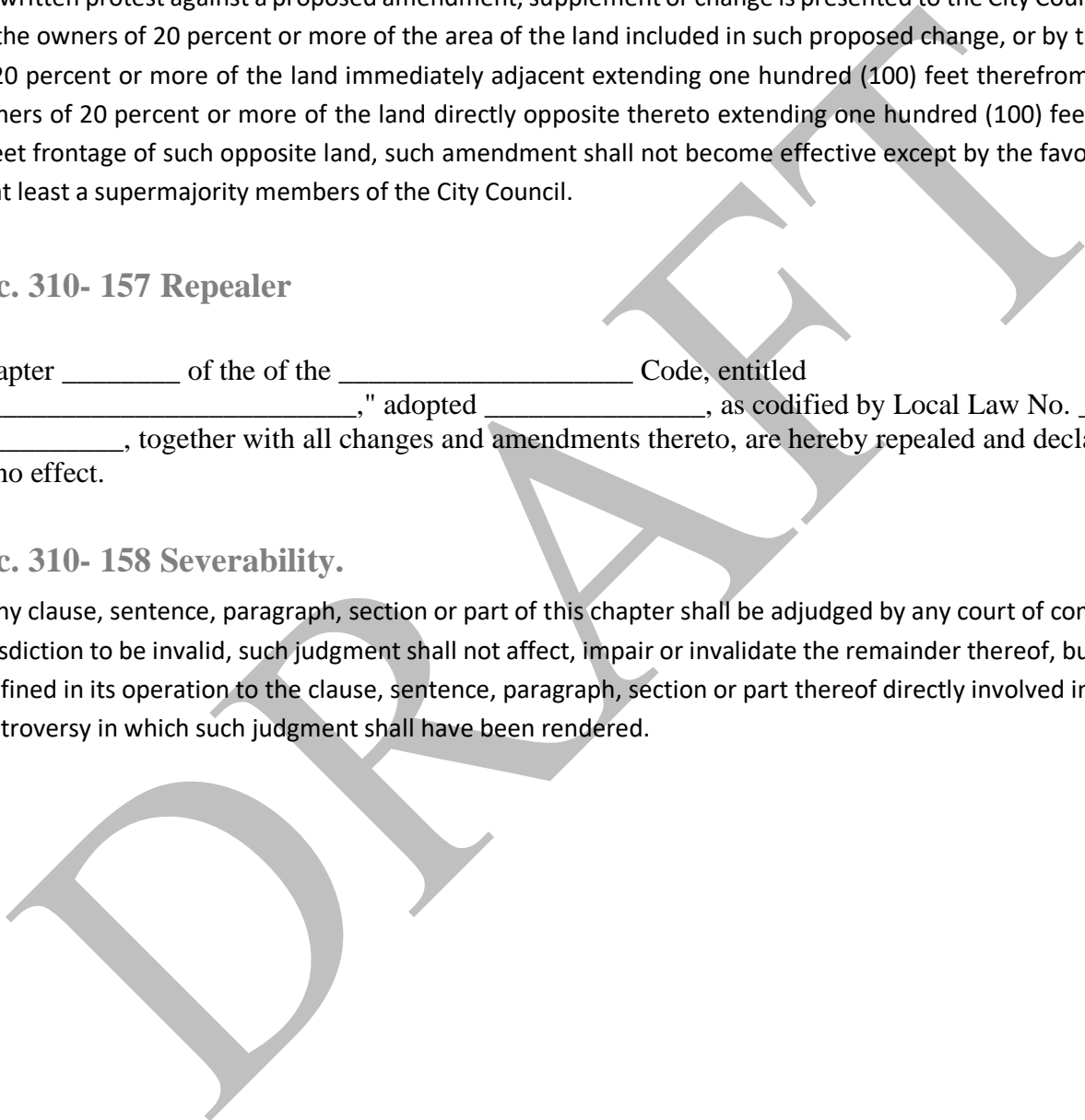
If a written protest against a proposed amendment, supplement or change is presented to the City Council, signed by the owners of 20 percent or more of the area of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent extending one hundred (100) feet therefrom or by the owners of 20 percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least a supermajority members of the City Council.

**Sec. 310- 157 Repealer**

Chapter \_\_\_\_\_ of the of the \_\_\_\_\_ Code, entitled " \_\_\_\_\_," adopted \_\_\_\_\_, as codified by Local Law No. \_\_\_\_\_ of \_\_\_\_\_, together with all changes and amendments thereto, are hereby repealed and declared to be of no effect.

**Sec. 310- 158 Severability.**

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.



## Staff Report 1

January 31, 2023

To: The Honorable Mayor and City Council

From: The Complete Streets Committee (Geoffrey Urda, Planner; Michael Delaney, City Engineer; Patrick Keenan, Superintendent of Public Works; Charles Donoghue, Police Chief; Matthew Roy, Human Resources Manager)

Subject: Complete Streets Annual Progress Report – Calendar Year 2022

On January 17, 2017, the City Council adopted a Complete Streets Policy for the City of Watertown. Section 8 of the policy, titled “Reporting,” requires the Complete Streets Committee to prepare a written annual progress report that measures the success of the policy and present it to City Council. In accordance with this requirement, the Complete Streets Committee is submitting the following report summarizing the sixth year of the enacted policy.

The policy identifies various performance measures that the report should include but does not limit the report to only those measures. A data summary of the required performance measures is on the second page of this report.

In its sixth year, the Complete Streets Committee reviewed eleven (11) upcoming transportation projects. The projects reviewed included Cedar Street, Clay Street, Morrison Street, Starbuck Avenue, High Street, Lawrence Street, Gotham Street, Mill Street, Division Street East and two segments of Academy Street. The Committee also reviewed Holcomb Street for potential future improvements, although no specific project is planned for Holcomb at this time.

Among the improvements that will result from these reviews will be:

- New crosswalk across Academy Street at the intersection with Park Drive West
- Redesigned crosswalks across Academy Street at the intersection with Washington Street
- New countdown timers at intersection of Washington/Academy (part of PSAP)
- New bicycle sharrows on Academy Street
- New crosswalk across Hoard Street at intersection with Starbuck Avenue
- New crosswalk across Starbuck Avenue at intersection with Seward Street
- New bicycle sharrows on Starbuck Avenue
- New bicycle sharrows on Mill Street (north of Main Avenue)
- Improved sidewalks along Lawrence Street
- New sidewalks to fill in an existing gap on the south side of Division Street East
- Any substandard curb ramps will be also brought into ADA compliance as a part of all projects.

While no other major Complete Streets improvements were recommended for any of the above projects, the Committee vetted each of them for opportunities to improve safety for all users.

Below are various data from the policy's prescribed performance measures for physical improvements implemented in Calendar Year 2022:

- Linear Feet of new or repaired pedestrian accommodation: 3,719
- Number of new or repaired curb ramps along City streets: 35
- Number of crosswalk and intersection improvements: 3 new crosswalks, 75 repainted
- Number of transit facilities installed or improved: 0
- Total miles of new bike lanes: 0
- Net gain in street trees: 182
- Number of traffic-calming features installed: 4
- School district walker data: 2,503 of an estimated 3,911 K-12 students are eligible for bus transportation to/from school. The remaining 1,408 are designated as walkers. Data is unavailable at this time as to how many of the students designated as walkers actually walk or ride their bicycle to school as opposed to receiving a ride to school from their parents.
- A list of approved exceptions to this policy: 0

A detailed breakdown by type of improvement and location is attached as an appendix.

Additionally, during Calendar Year 2022, the City retained BCA Architects and Engineers to perform design work for the upcoming Seward Street and Grant Street Reconstruction Project. The Complete Streets Committee had previously reviewed both streets and the Committee's reviews factored into the final designs. Planning, Engineering and Public Works Staff worked with BCA through the entire design process to establish priorities, as well as review the draft and final design submissions.

## Appendix A: City of Watertown Complete Streets Performance Measures



- 1) Linear feet (LF) of new or repaired pedestrian accommodation
  - CDBG program – Thompson Park (47 LF)
  - Sidewalk Permits (1,758 LF)
  - 1,510 LF of Walk Replaced (Street Reconstruction or Capital Projects, including DRI streetscape)
  - Other (272 LF of sidewalk replaced due to tree damage, 132 LF misc.)
- 2) Number of new or repaired curb ramps installed along City streets
  - Community Development Block Grant (CDBG) Ramps (14)
  - Consolidated Local Street and Highway Improvement Program (CHIPS) Ramps (11)
  - DRI Streetscape Project (10)
- 3) Number of crosswalk and intersection improvements
  - 3 new crosswalks
    - 3 at Washington/Flower, created as part of Stewart’s Site Plan Approval
    - In addition: 75 crosswalks repainted
- 4) Number of transit facilities installed or improved
  - None for Calendar Year 2022
- 5) Total miles of new bike lanes
  - None for Calendar Year 2022
- 6) Number of street trees planted
  - 247 street trees planted
  - 65 street trees removed
  - Net gain of 182 street trees
- 7) Number of traffic calming features installed
  - Washington Street
    - Stewart’s Shops installed two (2) Rectangular Rapid Flash Beacons (RRFB) as a condition of Site Plan Approval.
  - Franklin Street
    - Driveway consolidation and curbed landscaped islands along the northeast side of the street installed as part of the DRI Streetscape Project will calm traffic entering and exiting the adjacent parking lots and improve safety.
  - Coffeen Street
    - Driveway consolidation and curbed landscaped islands along the southwest side of the street installed as part of the DRI Streetscape Project will calm traffic entering and exiting the adjacent parking lots and improve safety.

8) School District Walker Data

- Estimated 3,911 Total K-12 students
- Of that 1,408 are ineligible for transportation to/from school (“walkers”)
- The other 2,503 are eligible (“busers”)
  
- Watertown High School (Grades 9-12)
- 722 eligible
- 356 walkers
  
- Case (Grades 7-8)
- 438 eligible
- 182 walkers
  
- Wiley (Grades 5-6)
- 494 eligible
- 80 walkers
  
- Overall, the Grades 5-12 campus has 2,272 total students, of which 1,654 are eligible for the bus.
  
- Knickerbocker
- 147 eligible
- 218 walkers
  
- North
- 305 eligible
- 143 walkers
  
- Ohio
- 82 eligible
- 216 walkers
  
- Sherman
- 185 eligible
- 141 walkers
  
- Starbuck
- 110 eligible
- 72 walkers
  
- As an additional data point, the City School District has 15 transportable students to Special Education classes at BOCES, two (2) students that receive transportation to Special Education classes at General Brown and three (3) students that receive transportation to a Special Education program at Indian River.

9) List of approved exceptions

- None

## Appendix B: Performance Measures from Year to Year

<b>Metric</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Liner feet (LF) of new or repaired pedestrian accommodation	3,650	9,146	14,186	4,179	7,140	3,719
Number of new or repaired curb ramps installed along city streets	31	55	46	80	67	35
Number of crosswalk and intersection improvements	6	13	2	4	1	3
Number of transit facilities installed or improved	0	2	2	1	1 (45 new bus stop signs)	0
Total miles of new bike lanes	1.25 miles	0	0.5 miles	0	0	0
Number of street trees planted	122	Net gain of 99 (146 planted, 47 removed)	Net gain of 80 (100 planted, 20 removed)	Net loss of 23 (84 planted, 107 removed)	Net gain of 100 (148 planted, 48 removed)	Net gain of 182 (247 planted, 65 removed)
Number of traffic-calming features installed	7	2	6	1	2	4
School District walker data	2,374 eligible for bus 1,503 designated as walkers	2,515 eligible for bus 1,406 designated as walkers	2,490 eligible for bus 1,432 designated as walkers	2,558 eligible for bus 1,314 designated as walkers	2,478 eligible for bus 1,311 designated as walkers	2,503 eligible for bus 1,408 designated as walkers
Approved exceptions	0	1	0	0	0	0

Staff Report 2

February 1, 2023

To: The Honorable Mayor and City Council

From: Kenneth A. Mix, City Manager

Subject: Fire Department Staffing Report

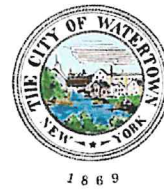
A report from Fire Chief Matthew Timerman about the Fire Department's staffing level is attached for City Council review.





## CITY OF WATERTOWN FIRE DEPARTMENT

224 SOUTH MASSEY STREET  
WATERTOWN, NEW YORK 13601  
OFFICE: 315-785-7800  
FAX: 315-785-1821



**To:** Manager Mix  
**CC:** City Council  
**From:** Chief Timerman  
**Date:** February 3, 2023  
**Re:** Fire Department Staffing

Manager Mix,

With the unfortunate denial of our FY '21 SAFER application, I believe we should discuss staffing levels at the fire department. Our current position generates very high levels of overtime. This provides some interesting opportunities for future savings.

### **Overtime Expenditures**

Our current line staffing of 66 personnel is well below the most efficient overall staffing level to meet our minimum staffing obligations. Because of this, our overtime spending is extraordinarily high. As of this date, the department has spent in excess of \$680,000 in overtime so far this fiscal year. We have used 87% of our overtime budget in the first 58% of the year. A retirement in December of 2022 will further drive our dependence on overtime until a new employee is hired, trained and on the line. We should expect overtime to approach \$1,200,000 by the end of the fiscal year.

### **Administrative Captain**

With the denial of our FY '21 SAFER application, our plan called for putting the captain assigned to the administrative captain position back to the line and demoting the junior captain back to firefighter. Since the creation of the position, the administrative captain has become an indispensable part of the admin team. The captain splits his work time roughly 50/50 between administrative tasks and Community Risk Reduction (CRR). As the lead officer for our CRR program, he coordinates the following:

- Station and apparatus tours
- Fire safety trailer presentations
- Office safety presentations
- Fire extinguisher training
- Public education
- Community CPR / First Aid classes
- Employee CPR / First Aid classes
- Juvenile Firesetter program
- Public safety announcements and interviews
- Manages WFD Facebook page
- Administers WFD smoke detector program
- Employee recruitment.

In addition, his administrative duties include:

- Administers Knox Box program



## CITY OF WATERTOWN FIRE DEPARTMENT

224 SOUTH MASSEY STREET  
WATERTOWN, NEW YORK 13601  
OFFICE: 315-785-7800  
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- Mass Gathering planning (concerts, parades, fireworks, etc.)
- Grant proposals
- Turnout gear inventory and purchasing
- Routine administrative tasks and errands.

With his efforts coordinating the CRR program, the department has reached over 12,000 members of our community this year. The loss of that position will shift his workload back onto the chief, deputy chief and municipal training officer, all of whom are already working at full capacity. There just aren't enough people to pick up the slack.

### Future Retirements

I anticipate a retirement by early spring and another this fall. There is always the potential for "surprise" retirements. Given the timeframe to interview, hire, and train new firefighters is 5-6 months, we should give consideration to over-hiring for those "known" retirements to minimize the amount of time we are short staffed.

### SAFER

The specifics for the coming year's SAFER program haven't been published, but we expect them to be similar to last year – 100% reimbursement for three years. Unfortunately, the amount of available funds will likely be less than what was available last year. Competition for SAFER grants has always been tight, and I expect it will continue to be so. While the SAFER program could result in large savings, it would take us up to a year know if we have been selected, and 17 months or more to get those SAFER firefighters online.

### Recommendations

Our analysis shows the most cost-effective overall "line" staffing level to be 72 personnel to meet the minimum staffing requirement. It is at this level where the lowest overall labor expenses (wages, benefits, retirement, FICA, and overtime) can be realized. Staffing at 72 line personnel won't eliminate overtime, but it will provide the lowest overall labor expenses (see the attached charts).

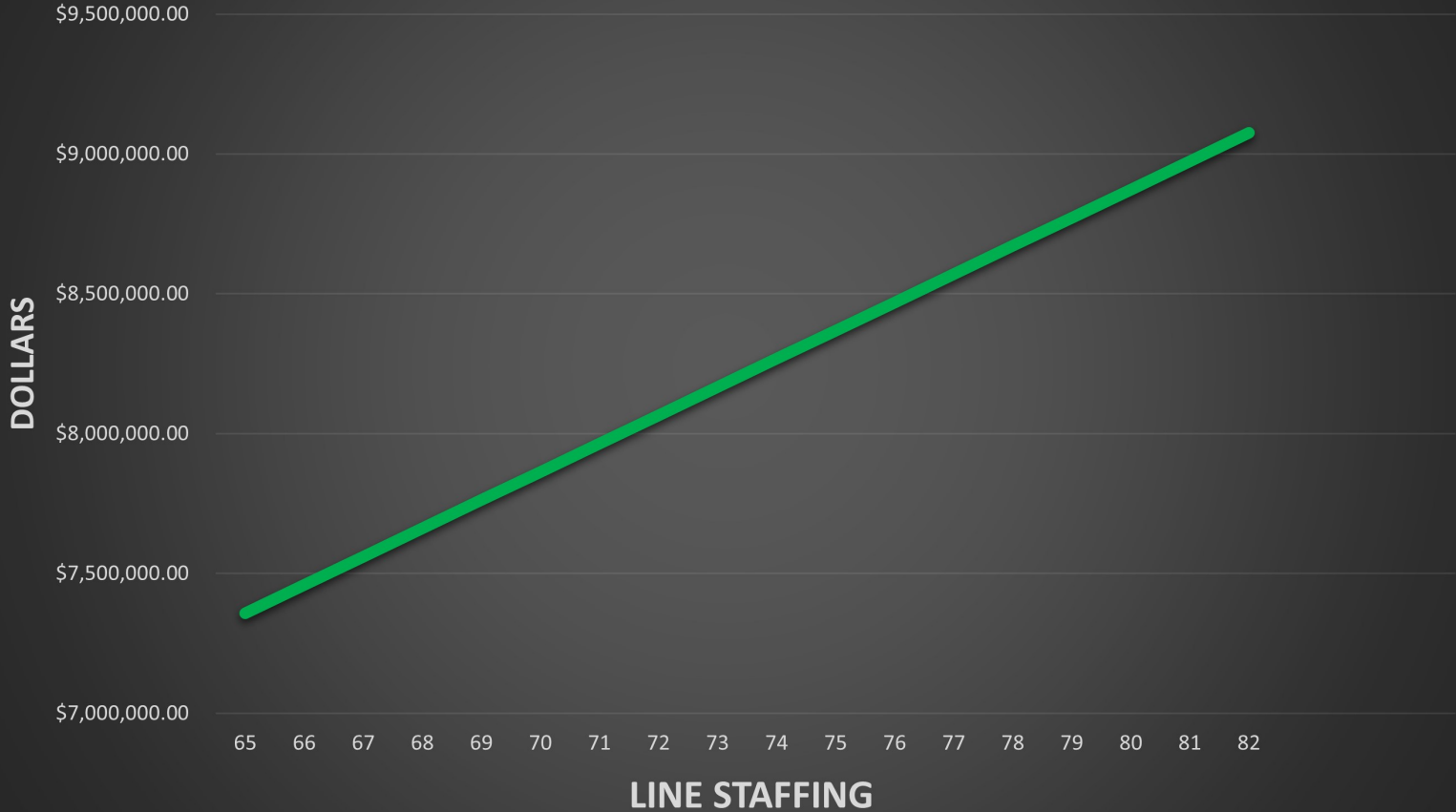
We are currently budgeted for 66 personnel assigned to the line. I recommend the following:

- Leave the administrative captain position in place and increasing line staffing to 72, plus consideration to over hire one position in anticipation of the early spring retirement. Doing so should result in considerable savings (roughly \$105,000 annually) once the new hires complete their training.
- An alternate option would be to leave the administrative captain position in place and increasing line staffing to 68, plus consideration to over hire one position in anticipation of the early spring retirement. Doing so should result in less savings (roughly \$57,925 annually) once the new hires complete their training. This option would allow for a SAFER application for an additional 4 personnel, should council desire.

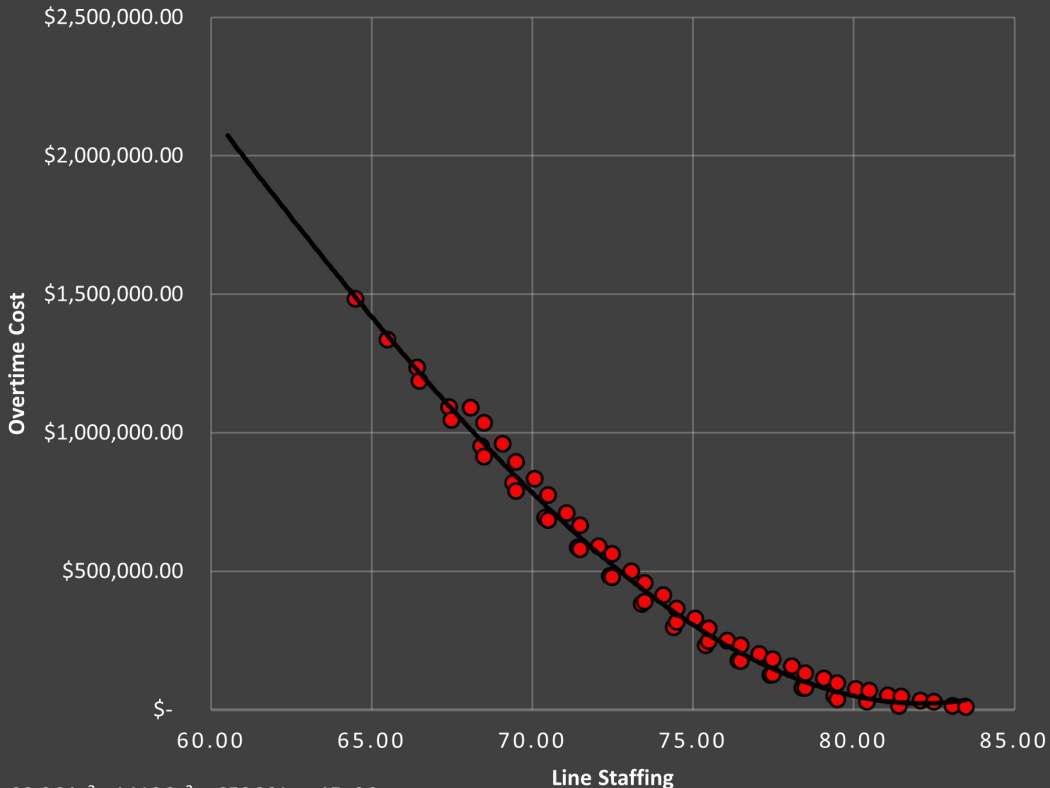
A handwritten signature in blue ink that reads "Matthew Timerman".

Matthew Timerman  
Fire Chief

# Wages & Benefits



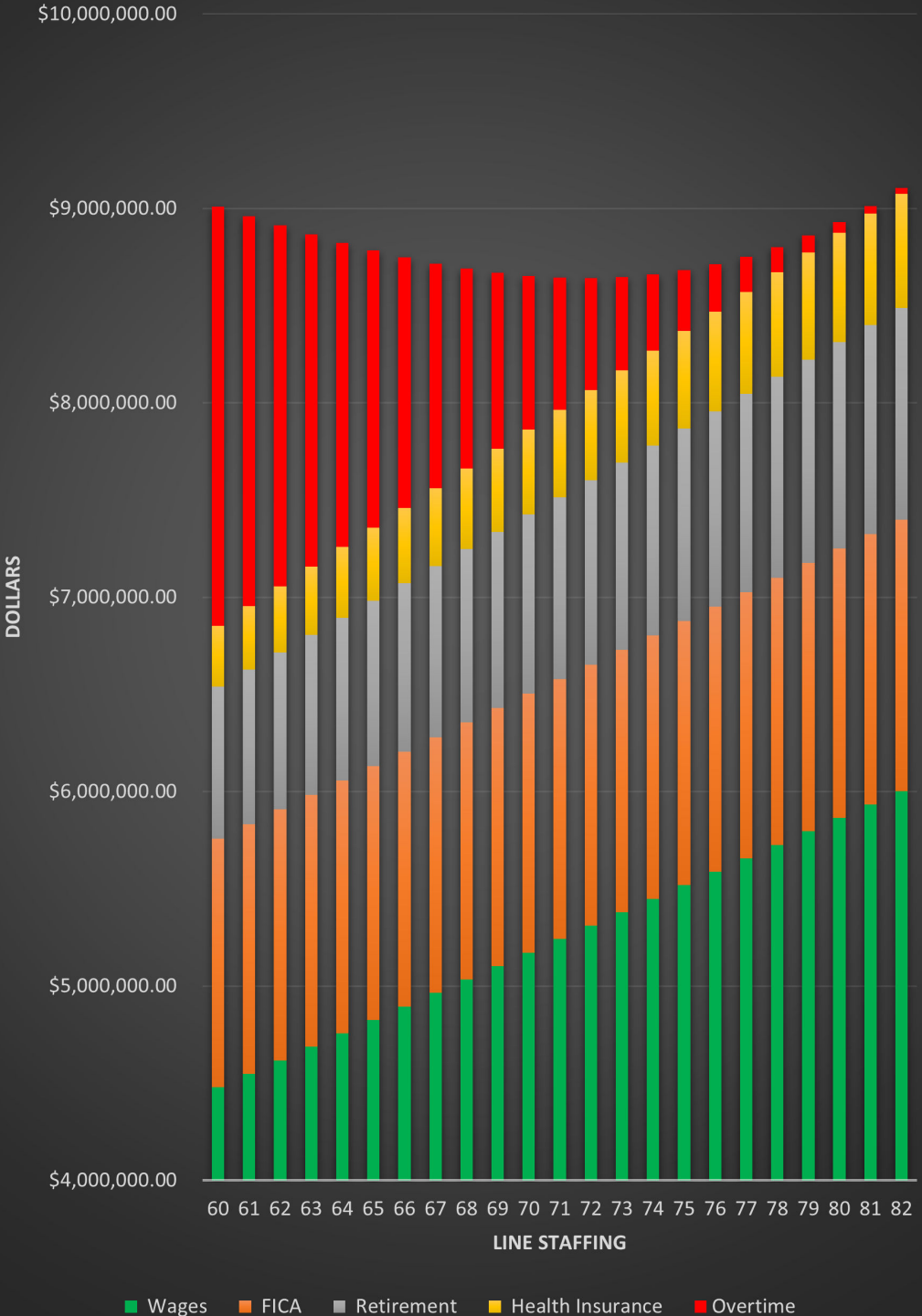
# OVERTIME (INCLUDING RETIREMENT & FICA)



$$y = 82.364x^3 - 14126x^2 + 653661x - 4E+06$$

# TOTAL LABOR COSTS

## (WAGES, BENEFITS & OVERTIME)



# TOTAL LABOR COST

