



**DRAFT**

# City of Watertown Zoning Ordinance Update

December 12, 2022



Prepared By:



**City of Watertown  
Zoning Update  
Contents**

**DRAFT**

**This document is a draft for discussion purposes only and is subject to change  
December 2022**

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.....	46
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.....	56
Sec. 310-41 Parking Area Design Standards .....	57
Sec. 310-42 Off-Street Loading Requirements .....	57
Sec. 310- 43 Reserved .....	57
ARTICLE VII - Supplemental Regulations.....	58
Applicability .....	58
Adult Uses:.....	58
Agriculture, Personal.....	60
Amusement, Recreation or Entertainment (outdoor): .....	61
Automotive uses, Commercial.....	61
Drive Thru, Accessory.....	63
Dwelling, Accessory Units (ADU) .....	64
Emergency Services .....	64
Essential Services .....	64
Garden Center .....	64
Garden Center, Retail.....	64

Geothermal Energy Systems .....	65
Home Occupations.....	65
Kennel, Commercial, Pet/Dog Daycare, and Animal Shelter.....	66
Live-Work Unit.....	66
Manufactured Homes .....	66
Manufactured Home Parks .....	66
Mobile Home Parks.....	67
Neighborhood Retail .....	68
Night Club.....	68
Residential Adaptive Reuse, Pre-Existing:.....	68
Short-Term Rental.....	68
Self-Storage Facilities .....	68
Storage Yard .....	69
Solar Energy Systems, Accessory .....	69
Solar Energy Systems, Principle.....	69
Townhouse/Rowhouse Dwelling .....	71
Vending Lots .....	71
Veterinary Clinic/Hospital .....	71
ARTICLE VIII - General Regulations.....	73
City Center Overlay District.....	73
Corner Lots .....	73
Decks, Terraces and Steps.....	73
Fences.....	73
Landscape and Buffer Requirements.....	74
Lighting.....	79
Outdoor Drinking and Eating Establishments.....	79
Performance Standards.....	80
Recreational Vehicles (RV) .....	80
Swimming Pools.....	80
Temporary Uses and Structures. ....	81
Trash Dumpsters and Enclosures.....	82
Visibility at corners.....	82
ARTICLE IX – Non-Conforming Lots, Structures and Uses.....	83
Sec. 310- 44 Purpose.....	83

Sec. 310- 45 Nonconforming Lots of Record .....	83
Sec. 310- 46 Nonconforming Structures .....	83
Sec. 310- 47 Nonconforming Uses.....	84
Sec. 310- 48 Discontinuance of Nonconforming Uses .....	84
Sec. 310- 49 Improvements of Nonconforming Uses and Structures.....	84
Sec. 310- 50 Pre-Existing Applications and Previously Approved Plans.....	84
ARTICLE X – Site Plan Review .....	86
Sec. 310- 51 Applicability .....	86
Sec. 310- 52 Exemptions .....	86
Sec. 310- 53 Coordination with Other Permits and Approvals.....	86
Sec. 310- 54 Site Plan Review Submission Procedures .....	86
Sec. 310- 55 Planning Commission Review Criteria.....	88
Sec. 310- 56 Public Hearing for Site Plan Review .....	89
Sec. 310- 57 Planning Commission Decision .....	89
Sec. 310- 58 Expiration of Review.....	89
Sec. 310- 56 Reserved .....	89
Article XI - Special Use Permit .....	90
Sec. 310- 60 Purpose.....	90
Sec. 310- 61 Applicability .....	90
Sec. 310- 62 Coordination with Other Permits and Approvals.....	90
Sec. 310- 63 Procedures for Special Use Permits .....	90
Sec. 310- 62 Special User Permit Review Criteria.....	90
Sec. 310- 63 Notice and Hearing.....	91
Sec. 310- 64 Decision and Notification .....	91
Sec. 310- 65 Special Use Permit Restrictions, Expiration, Revocation, and Enforcement .....	92
Sec. 310- 66 Reserved .....	92
Article XII Planned Development District.....	85
Sec. 310- 67 Purpose and Intent.....	85
Sec. 310- 68 Planned Development District Proposal.....	85
Sec. 310- 69 Criteria for PDD Consideration.....	86
Sec. 310- 70 Planned Development District Proposal Procedure.....	86
Sec. 310- 71 Procedures Before the City Council.....	88
Sec. 310- 72 Expiration or Abandonment .....	89
Sec. 310- 73 Changes and Amendments .....	89

Sec. 310- 74 Existing Planned Development Districts .....	89
Sec. 310- 75 Reserved .....	89
ARTICLE XIII - Administration and Enforcement.....	90
Sec. 310- 76 Administration and Enforcement Officials. ....	90
Sec. 310- 77 Zoning Compliance Certificate; Certificate of Occupancy .....	90
Sec. 310- 78 Planning Commission Powers and Duties.....	91
Sec. 310- 79 Zoning Board of Appeals Powers and Duties.....	92
Sec. 310-80 Appointment of Alternate Members. ....	92
Sec. 310- 81 Training.....	93
Sec. 310- 82 Minimum Training Requirements Established.....	93
Sec. 310- 83 Lack of Training Not To Affect Validity Of Actions.....	94
Sec. 310- 84 State Environmental Quality Review Act.....	94
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. ....	94
Sec. 310- 85 Reserved .....	94
Sec. 310- 86 Reserved .....	94
Article XIV - Variances and Appeals.....	95
Sec. 310-87 Appeals.....	95
Sec. 310-88 Rehearing.....	97
Sec. 310-89 Reserved.....	97
Sec. 310-90 Reserved.....	97
Article XV - Applications Procedures .....	98
Sec. 310- 91 County Approval.....	98
Sec. 310- 92 Conduct of Public Hearings.....	98
Sec. 310- 93 Required notice for public hearing.....	98
Sec. 310- 94 Reserved. ....	99
Sec. 310- 95 Reserved.....	99
Article XVI – Definitions .....	100
Sec. 310- 96 Definitions.....	100
ACCESSORY STRUCTURE.....	100
ACCESSORY USE .....	100
ADULT ENTERTAINMENT.....	101
ADULT USE.....	101

ALLEY .....	101
ALTERATION .....	101
AMUSEMENT, RECREATION, OR ENTERTAINMENT, INDOOR .....	101
AMUSEMENT, RECREATION, OR ENTERTAINMENT, OUTDOOR .....	101
ANIMAL CLINIC/VETERINARY HOSPITAL .....	101
ANIMAL SHELTER .....	101
ASSISTED LIVING .....	102
AUTO REPAIR .....	102
AUTOBODY REPAIR .....	102
AUTOMOTIVE USES.....	102
BAR/RESTAURANT/CAFÉ/BREW PUB.....	102
BASEMENT/CELLAR.....	102
BED-AND-BREAKFAST.....	102
BREWERY/DISTILLERY/WINERY .....	103
BREWERY/DISTILLERY/WINERY, MICRO.....	103
BUILDING.....	103
BUILDING HEIGHT .....	103
BUILDING FRONTAGE.....	103
CAR WASH .....	103
CEMETERY .....	103
CENTER LINE, ROAD .....	103
CLINIC.....	104
CLUB, PRIVATE.....	104
CO-HOUSING .....	104
COMMUNAL HOUSING .....	104
COMMUNITY CENTER .....	104
COMMUNITY GARDEN .....	104
COMMUNITY RESIDENTIAL FACILITY .....	104
COMPOSTING FACILITY .....	105
CONVENTION CENTER.....	105
CORNICE .....	105
DAY CARE, ADULT .....	105
DAY CARE, FAMILY .....	105
DAY CARE CENTER.....	105

DAY CARE CENTER, ACCESSORY.....	105
DISTRICT .....	106
DRIVEWAY .....	106
DRIVE-THROUGH, ACCESSORY.....	106
DWELLING .....	106
DWELLING UNIT.....	106
DWELLING, ATTACHED.....	106
DWELLING, DETACHED.....	106
DWELLING, SINGLE UNIT.....	106
DWELLING, TWO UNIT .....	106
DWELLING, MULTI-UNIT .....	106
DWELLING, MULTI-UNIT, PRE-EXISTING .....	107
DWELLING, TOWNHOUSE/ROWHOUSE.....	107
DWELLING, APARTMENT BUILDING.....	107
DWELLING, ACCESSORY UNIT.....	107
EMERGENCY SERVICES .....	107
ERECTED .....	107
ESSENTIAL SERVICES .....	107
EXCAVATION.....	107
FENCE .....	108
FLOOR AREA, GROSS.....	108
FLOOR AREA, NET .....	108
FREIGHT TERMINAL, MOTOR.....	108
FREIGHT TERMINAL, RAIL.....	108
FUEL/CONVENIENCE STATION.....	108
FUNERAL HOME.....	108
GARDEN CENTER.....	109
GARDEN CENTER, RETAIL .....	109
GEOHERMAL ENERGY SYSTEM .....	109
GEOHERMAL, ACCESSORY .....	109
GEOHERMAL, PRINCIPAL.....	109
GOLF COURSE .....	109
GRADE .....	109
HOME OCCUPATION, MAJOR.....	109



HOME OCCUPATION, MINOR .....	109
HOSPITAL.....	110
HOTEL/MOTEL/HOSTEL.....	110
HOUSE OF WORSHIP .....	110
HYDRO .....	110
IMPERVIOUS SURFACE .....	110
INDUSTRIAL FACILITY .....	110
INDUSTRIAL FACILITY, PRE-EXISTING .....	110
INN .....	111
JUNKYARD OR SALVAGE YARDS.....	111
KENNEL, COMMERCIAL .....	111
LANDSCAPED AREA .....	111
LIVE-WORK UNIT.....	111
LOADING SPACE.....	111
LOT .....	111
LOT AREA.....	111
LOT, CORNER .....	111
LOT COVERAGE .....	112
LOT DEPTH.....	112
LOT, INTERIOR.....	112
LOT LINES.....	112
LOT OF RECORD .....	112
LOT, THROUGH .....	112
LOT WIDTH .....	112
MANUFACTURED HOME .....	113
MANUFACTURED HOME PARK .....	113
MARIJUANA DISPENSARIES, RETAIL.....	113
MARIJUANA CULTIVATION, MANUFACTURING, PACKAGING .....	113
MIXED-USE BUILDING .....	113
MODULAR HOME.....	113
MUNICIPAL PARK .....	113
MUSEUM.....	113
NIGHTCLUB.....	114
NONCONFORMING STRUCTURE.....	114

NONCONFORMING LOT .....	114
NONCONFORMING USE .....	114
OCCUPANT.....	114
OFFICE .....	114
ORDINARY HIGH-WATER MARK.....	114
OUTDOOR CAFÉ, ACCESSORY .....	115
OUTDOOR STORAGE .....	115
PARCEL .....	115
PARKS and OPEN SPACES .....	115
PARKING LOT (OFF-STREET).....	115
PARKING STRUCTURE.....	115
PERSONAL HORTICULTURE.....	115
PERSONAL AGRICULTURE.....	115
PET/DOG DAY CARE .....	115
PLANNED DEVELOPMENT.....	116
PORCH .....	116
PRINCIPAL BUILDING.....	116
PRINCIPAL USE.....	116
PUBLIC UTILITY.....	116
RECYCLING FACILITY.....	116
REDEMPTION CENTER.....	116
REDEVELOPMENT .....	116
RESIDENTIAL ADAPTIVE REUSE, PRE-EXISTING.....	116
RETAIL, GENERAL AND SERVICE.....	116
RETAIL, NEIGHBORHOOD .....	117
RIGHT-OF-WAY LINES.....	117
RIVER SETBACK .....	117
SCHOOL, COLLEGE UNIVERSITY OR TRADE.....	117
SCHOOL, PRE-SCHOOL, ELEMENTARY, MIDDLE OR HIGH .....	117
SELF STORAGE.....	117
SETBACK LINE, BUILDING .....	117
SHOPPING CENTER.....	117
SHORT-TERM RENTAL .....	117
SIGN.....	118

BUILDING SIGN .....	118
DISPLAY AREA .....	118
ELECTRONIC MESSAGING CENTER.....	118
FREESTANDING SIGN.....	118
MONUMENT SIGN.....	118
NONCONFORMING SIGN.....	118
SANDWICH-BOARD SIGN.....	119
SIGN INSTALLATION .....	119
SIGN MAINTENANCE .....	119
SIGN STRUCTURE .....	119
TEMPORARY SIGN .....	119
WINDOW SIGN.....	119
SITE PLAN.....	119
SKILLED NURSING FACILITY .....	119
SOLAR ENERGY SYSTEM .....	120
SOLAR, ACCESSORY .....	120
SOLAR, PRINCIPAL.....	120
SPECIAL EVENTS, OUTDOOR.....	120
STORAGE YARD .....	120
STORY .....	120
STREET.....	120
STRUCTURE.....	120
TECHNOLOGY/RESEARCH FACILITY.....	121
TEMPORARY STRUCTURE.....	121
TEMPORARY USE .....	121
THEATER.....	121
TRAVEL TRAILER / RECREATIONAL VEHICLE (RV).....	121
USE .....	121
VARIANCES, AREA .....	121
VARIANCES, USE .....	121
VEHICLE CHARGING STATION .....	121
VEHICLE SALES/ RENTAL/ STORAGE.....	122
VENDING LOT.....	122
WALK-UP WINDOW, ACCESSORY .....	122

WAREHOUSE/WHOLESALE DISTRIBUTION.....	122
WIND ENERGY SYSTEM .....	122
WIND, ACCESSORY .....	122
WIND, PRINCIPAL.....	123
YARD.....	123
YARD, FRONT .....	123
YARD, REAR.....	123
YARD, SIDE.....	123
ZOO / AQUARIUM.....	123
Article XVII – Amendments, Repealer, and Severability .....	124
Sec. 310- 97 Authorization. ....	124
Sec. 310- 98 Initiation of Amendments.....	124
Sec. 310- 99 Procedures.....	124
Section 310- 100 Hearing on Proposed Amendment; Notice Thereof. ....	124
Section 310- 101 Adoption of Amendment.....	125
Section 310-102 Protest Petition.....	125
Sec. 310- 103 Repealer.....	125
Sec. 310- 104 Severability. ....	125

DRAFT

# 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.**

# ARTICLE II – Establishment of Zoning Map and Districts

## Sec. 310-9 Zoning Map.

- A. Map incorporated. The boundaries of the zoning districts hereby established are shown on a map entitled "Watertown Zoning District Map" dated (Insert date) 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.

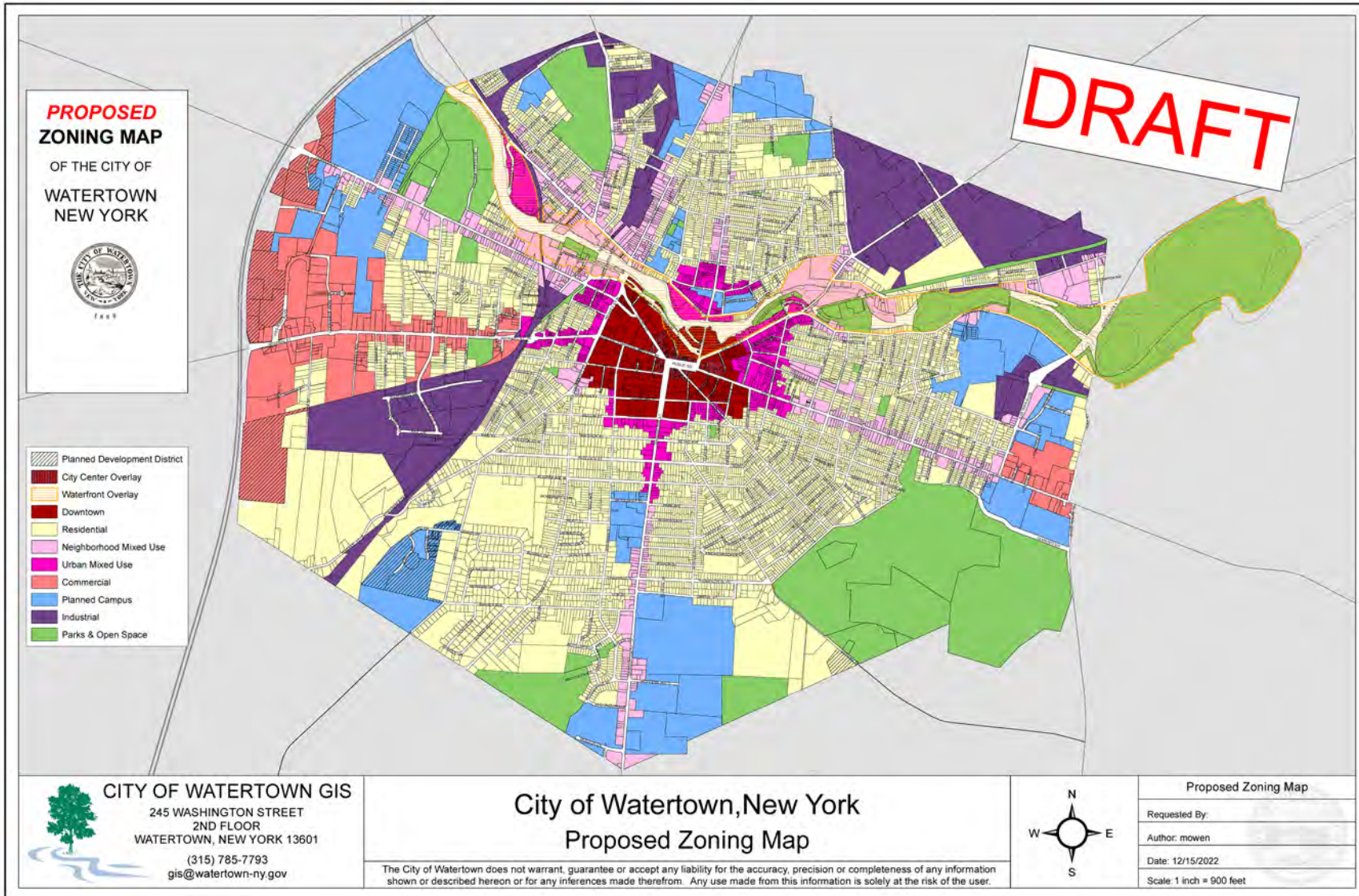
### **Waterfront Overlay District (WFO).**

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.**

DRAFT

# 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. If the Supplemental Regulations column is marked with an 'X' there are additional regulation. If there supplemental regulations they apply regardless of there is an 'X' in the column.

DRAFT

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			X
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
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			X
Inn	S	S		S		S			
Hotel/Motel/Hostel	S	S		S					
Short Term Rental	P	P	P		P				X

Districts	
D	Downtown
UMU	Urban Mixed Use
NMU	Neighborhood Mixed Use
CC	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

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		X
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		X
Golf Course					S			S	
Hospital						S			
Clinic	S	S	SUP	S		S	S		X
Mixed-Use Building	S	S	SUP						
Nightclub	SUP			SUP					X
Offices	S	S	SUP	S		S	S		X
Private Clubs	DR	S	SUP	DR				S	X
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
CC	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	X
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		
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		X
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
CC	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		X
Kennel, Commercial				S			S		X
Pet/Dog Day Care, Commercial		SUP	SUP	S			S		X
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
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		X
Geothermal, Accessory	P	P	P	P	P	P	P	P	X
Public Utility	DR	DR	DR	DR	DR	DR	DR	DR	X
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							P		
Hydro							DR		

<b>Districts</b>	
<b>D</b>	Downtown
<b>UMU</b>	Urban Mixed Use
<b>NMU</b>	Neighborhood Mixed Use
<b>CC</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

<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			X
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
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		X
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>CC</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

<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
(Indoor)		S	SUP			X
(Outdoor)	S	S	SUP		SUP	X
Bar, Restaurant, Café, brewpub	DR	DR	SUP			
Brewery/Distillery/Winery (Micro)	DR	DR	SUP			
Brewery/Distillery/Winery		SUP				X
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						X
Golf Course					S	
Hospital						
Clinic						X
Mixed-Use Building	S	S	SUP			
Nightclub	SUP					X
Offices						X
Private Clubs					S	X
Theater						
Theater. Drive-In						
Vending Lot	DR	DR	DR		DR	X
Marijuana Dispensaries/Retail* subject to opt-in/opt-out status						

Districts	
D	Downtown
UMU	Urban Mixed Use
NMU	Neighborhood Mixed Use
CC	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	W-CBD	W-UMU	W-NMU	W-R	W-P&OS	Supp Regs
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	
e. MUNICIPAL/CIVIC	W-D	W-UMU	W-NMU	W-R	W-P&OS	Supp Regs
Cemetery						
Community Center	S	S	SUP			X
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				
f. INDUSTRIAL	W-D	W-UMU	W-NMU	W-R	W-P&OS	Supp Regs
Composting Facility						
Freight Terminal, Motor						
Freight Terminal, Rail						
Industrial Facility						X
Industrial Facility, Pre-existing	P					X
Storage Yard						X
Self Storage Facility						X
Technology/ Research Facility		SUP				
Warehouse/ Wholesale Distribution						
Recycling Facility						

Districts	
D	Downtown
UMU	Urban Mixed Use
NMU	Neighborhood Mixed Use
CC	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>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						X
Kennel, Commercial						X
Pet/Dog Day Care, Commercial						X
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	P	P	P	P	P	X
Public Utility	DR	DR	DR	DR	DR	X
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>CC</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

<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

The accompanying tables provide graphic examples and dimensional requirements for each of the zoning districts.

DRAFT

# 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

## 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

## 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

## 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%

## 8. Pedestrian Access

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

## 9. Building Articulation

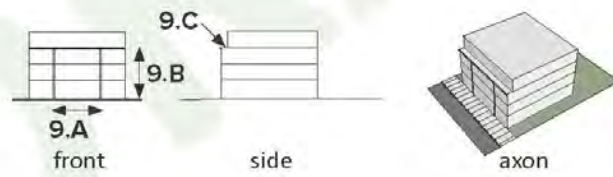
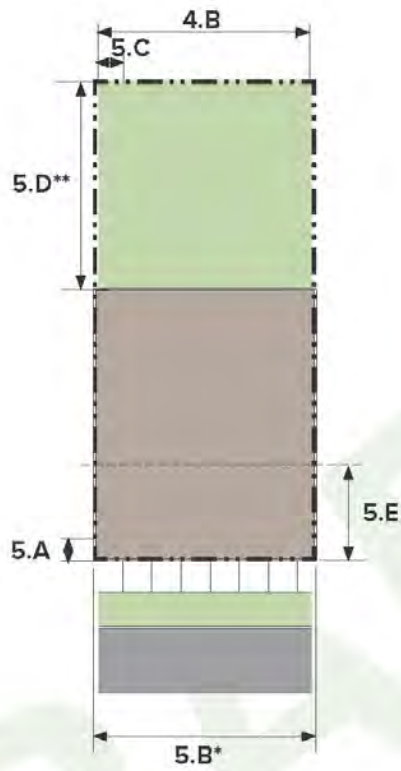
A	Vertically oriented projection or recess no greater than 30 ft apart. Exceptions: not required above 5th story or where windows are consistently recessed 4 in. or more.
B	A horizontal projection is required between the first and third stories.
C	Any building taller than 50 ft must have a 4 ft minimum 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

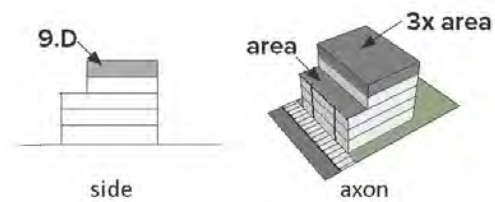
max 12 ft frontage unbuilt

\*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. 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

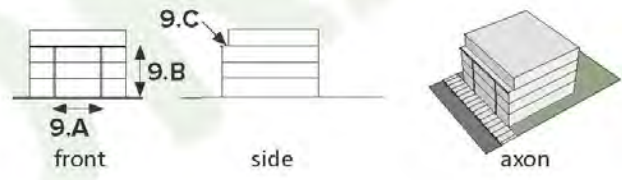
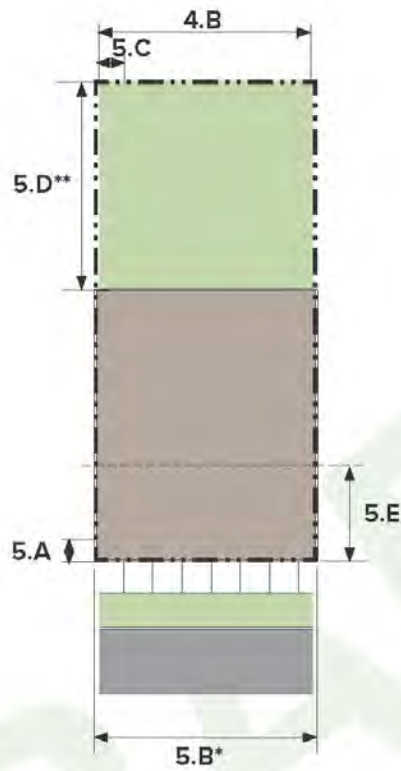
A	Vertically oriented projection or recess no greater than 30 ft apart. Exceptions: not required above 5th story or where windows are consistently recessed 4 in. or more.
B	A horizontal projection is required between the first and third stories.
C	Any building taller than 50 ft must have a 4 ft minimum 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

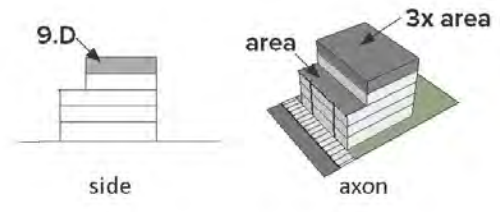
max 12 ft frontage unbuilt

\*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. 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

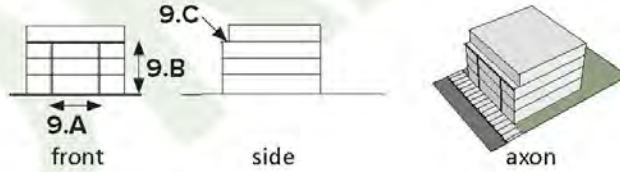
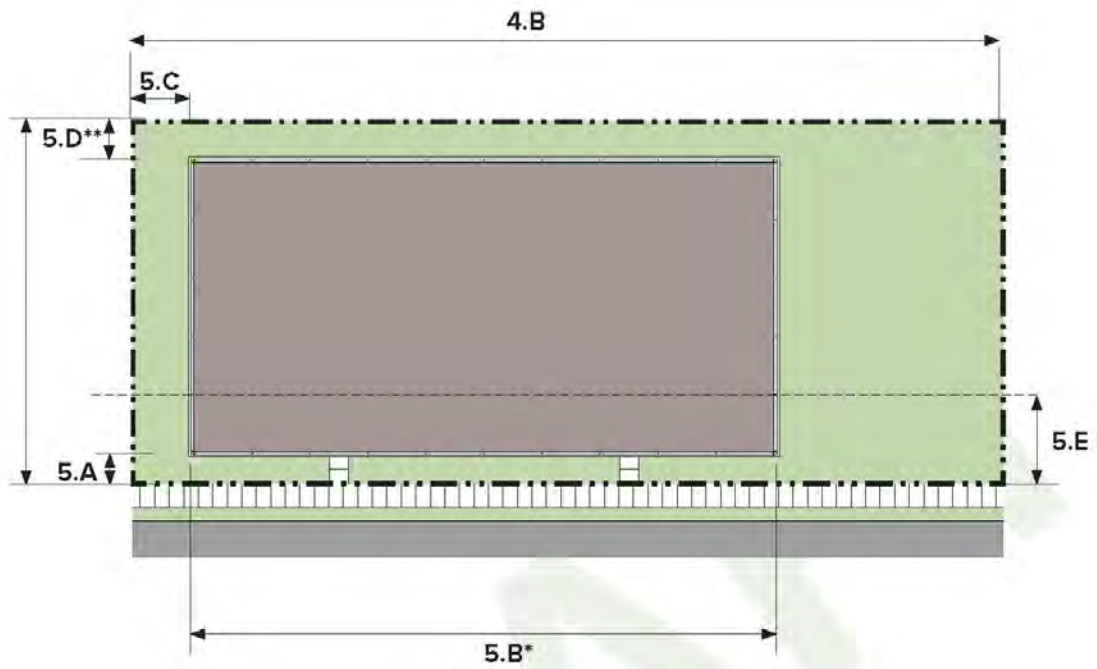
A	Vertically oriented projection or recess no greater than 30 ft apart. Exceptions: not required above 5th story or where windows are consistently recessed 4 in. or more.
B	A horizontal projection is required between the first and third stories.
C	Any building taller than 50 ft must have a 4 ft minimum 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

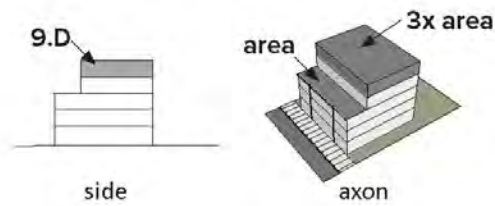
max 25 ft frontage unbuilt

\*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. 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

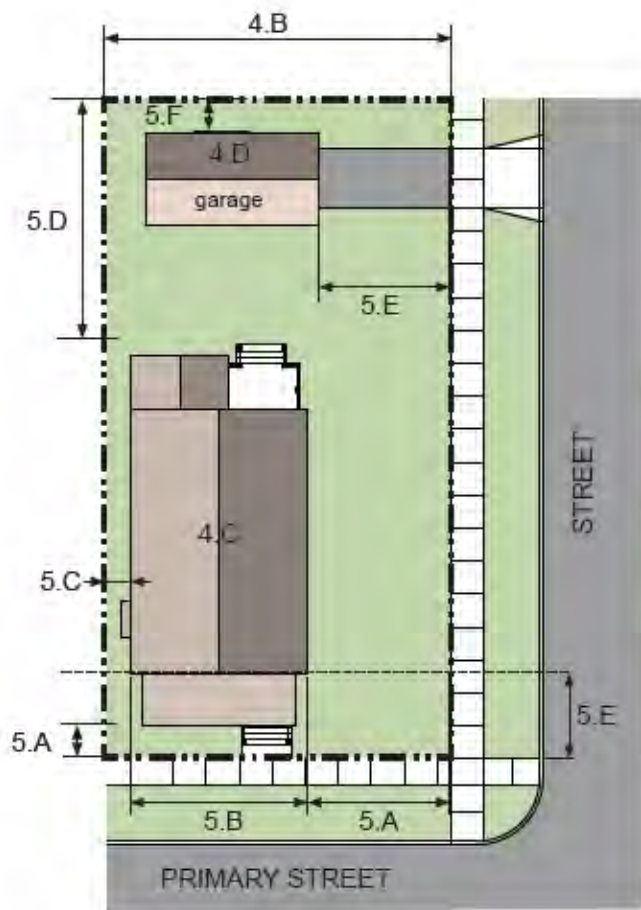
A	Front yard (min/max)	10 ft min/ max average of adjacent
B	Facade length (max)	n/a
C	Side yards (min)	5 ft
D	Rear yard (min)	10 ft
E	Parking Setback and Accessory Structure front yard	Greater than primary facade*
F	Accessory Structure side/ rear yard	5 ft

## 7. Transparency

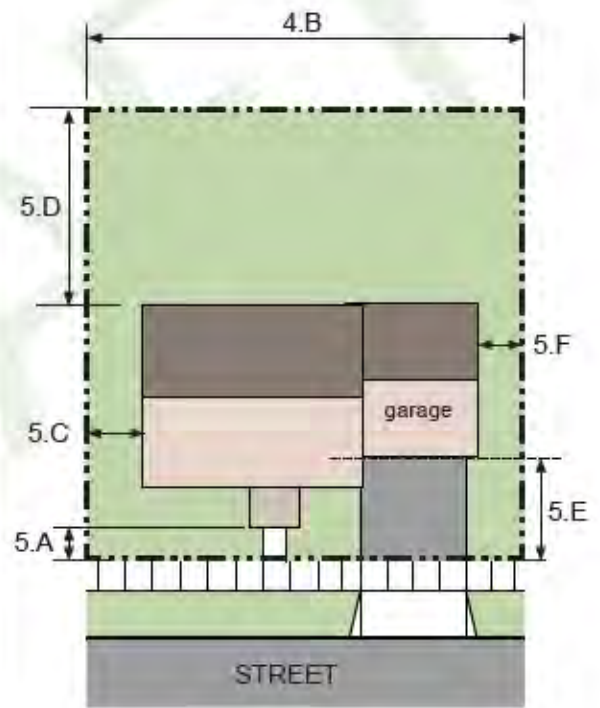
A	Ground floor transparency, front facade (min)	30%
B	Ground floor transparency, corner side facade (min)	30%
C	Upper floor transparency, front and corner side facades (min)	30%



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



CORNER LOT



TYPICAL LOT

# 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

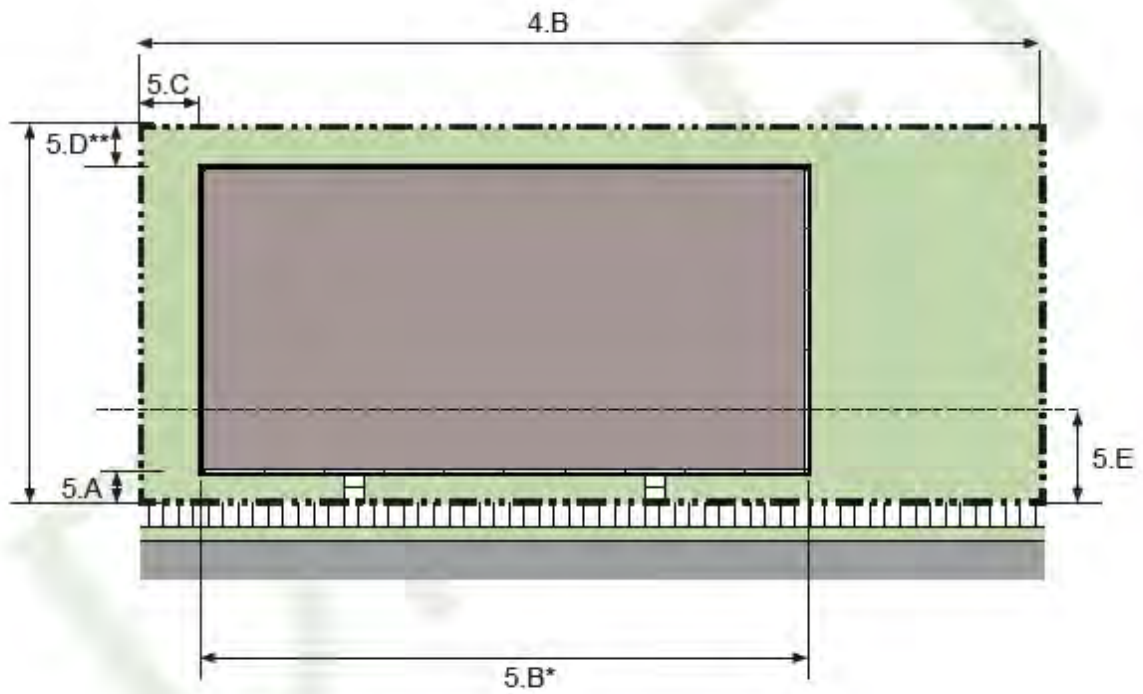
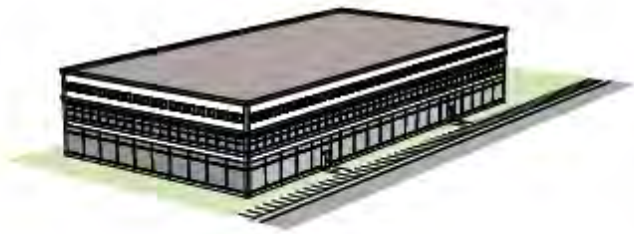
A	Front yard (min/max)	25 ft / none
B	Facade length (max)	n/a*
C	Side yards (min total)	10 ft + buffer
D	Rear yard (min)	10 ft + buffer**
E	Parking & Loading Setback	none
F	Accessory Structure	n/a

## 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. 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

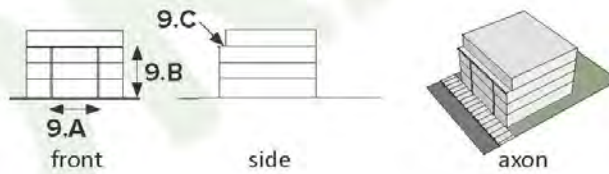
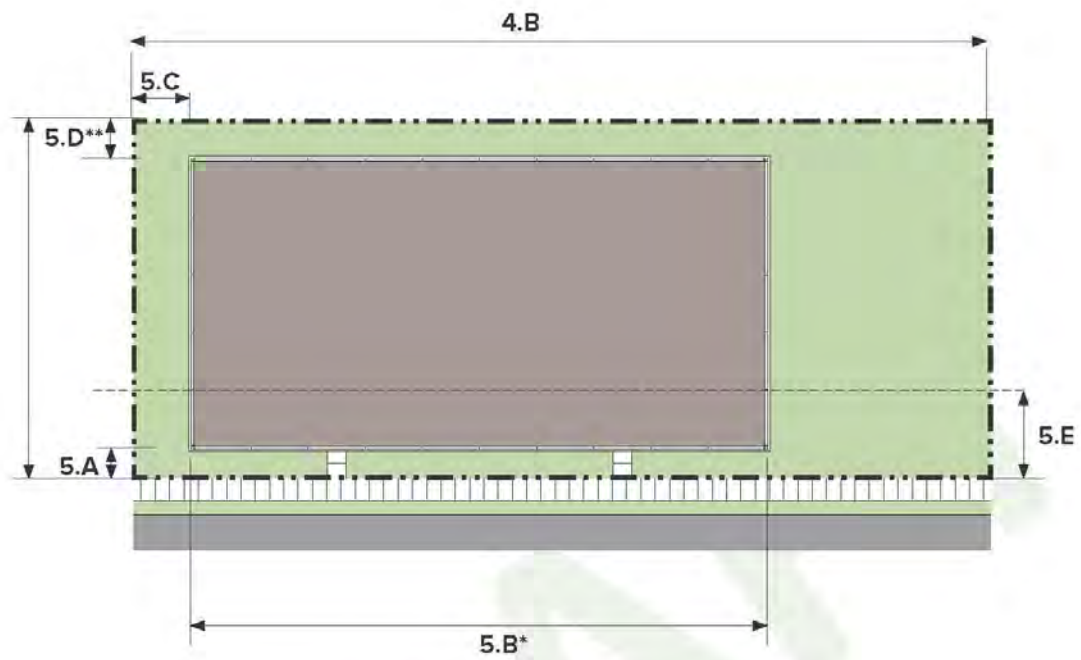
A	Main entrance location (required)	Facing Sidewalk
B	Functional entry spacing	n/a

## 9. Building Articulation

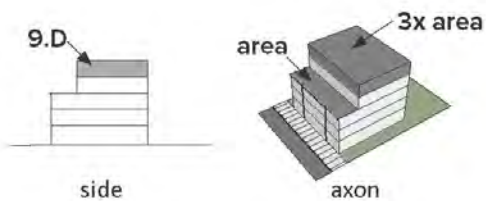
A	Vertically oriented projection or recess no greater than 30 ft apart. Exceptions: not required above 5th story or where windows are consistently recessed 4 in. or more.
B	A horizontal projection is required between the first and third stories.
C	Any building taller than 50 ft must have a 4 ft minimum 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. 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

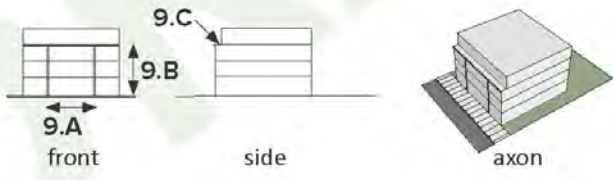
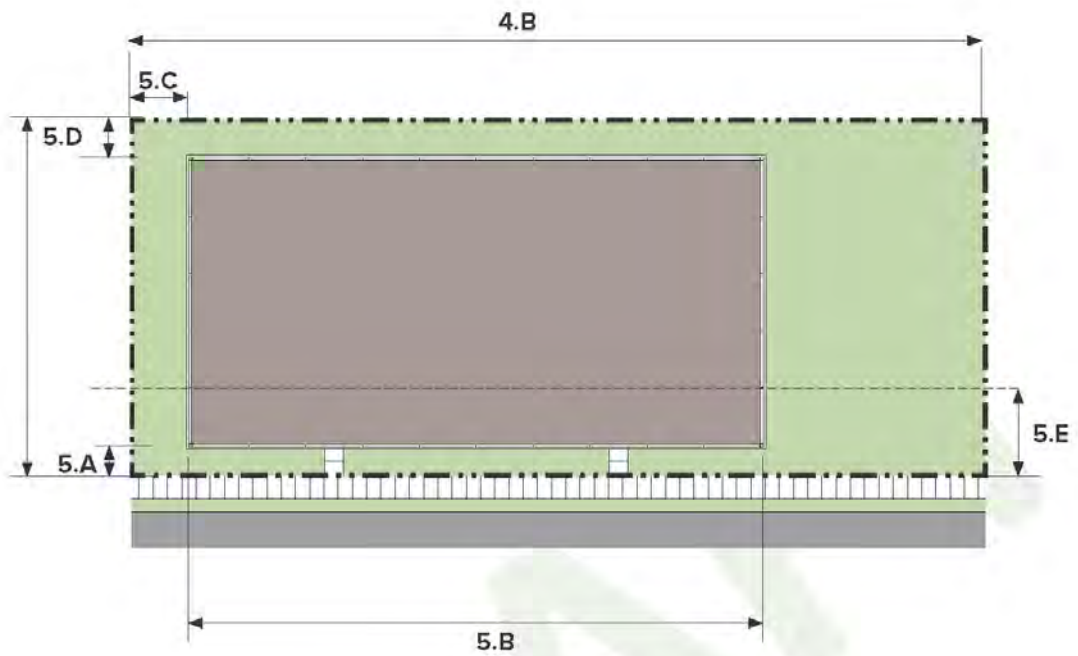
A	Main entrance location (required)	Facing Sidewalk
B	Functional entry spacing	100 ft max

## 9. Building Articulation

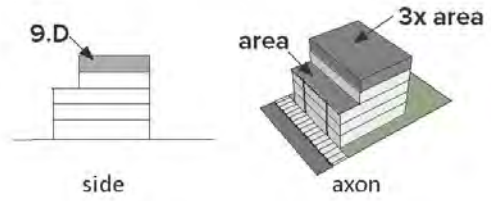
A	Vertically oriented projection or recess no greater than 30 ft apart. Exceptions: not required above 5th story or where windows are consistently recessed 4 in. or more.
B	A horizontal projection is required between the first and third stories.
C	Any building taller than 50 ft must have a 4 ft minimum 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. Rear yard may be reduced to no less than 10 feet when providing public access.



**Stepback Bonus**



DRAFT

# 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.

1. 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:

**Maximum Sign Surface Area Per Sign**

<b>District</b>	<b>(square feet)</b>
R District	4
NMU	20
UMU	50
Downtown	50
Commercial	200
Planned Campus	200
Industrial	200
Parks and Open Space	20
Waterfront Overlay	50

2. 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.
3. Within City-owned public park and recreation lands there may be 100 square feet of sign area along external public streets.
4. 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.
5. 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:

$$\text{Measure distance (ft)} = \sqrt{[\text{area of EMC sign (in sq ft)} \times 100]}$$

- 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 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

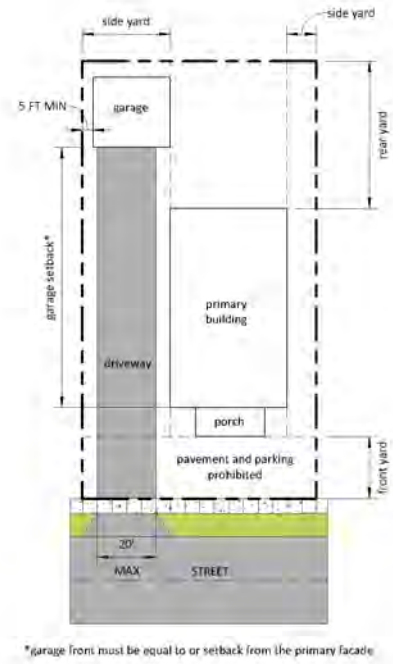
- A. Maximum parking spaces by District:
  - 1. D – 0 without a Transportation Demand Management Plan (TDMP)
  - 2. UMU – 20
  - 3. NMU – 16
  - 4. CC – 50
  - 5. R – 6 without a Transportation Demand Management Plan (TDMP)
  - 6. PC – 75 - Any reduction of 20 parking spaces from a previously approved Site Plan requires a TDMP
  - 7. P&OS - 24
- B. Minimum parking spaces by District.
  - 1. No minimum required in D, CC, 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. Increases from the maximum. If additional parking spaces are desired above the maximum, the following applies:
  - 1. Up to 50 percent above the maximum shall require a Parking Plan.
  - 2. Over 50 percent and up to 100 percent of the maximum shall require a Transportation Demand Management Plan (TDMP)
  - 3. Above 100 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.
- E. 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.
- F. 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 existing 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 dimensional standards for a standard size car described below are met.



- 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 per 20 spaces.
- 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**

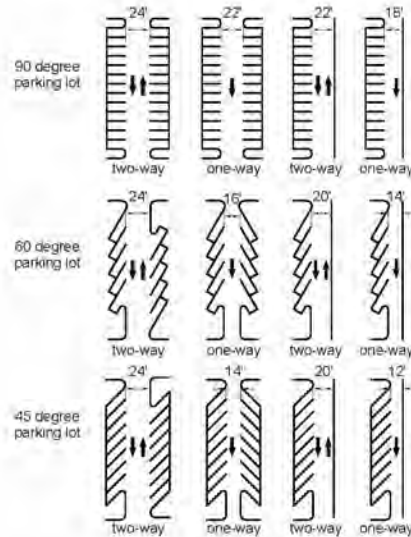
#### **A. Compact Cars**

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.

DRAFT

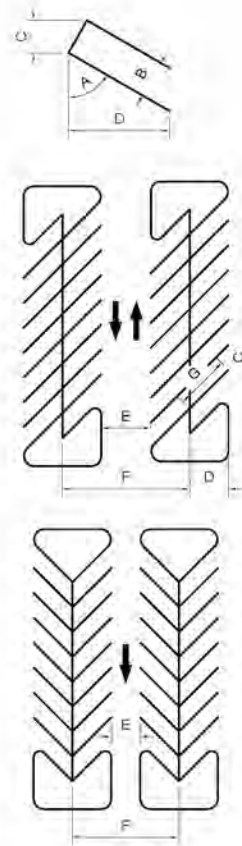
B. Parking Space and Travel Lane Dimensions

**Parking Lot Standards**  
 All parking spaces should consist of a rectangular area not less than eight and one-half (8 1/2) 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	Dimensions (feet)				One-Way		Two-Way	
	stall width	curb length	stall depth	stripe length	aisle width	section width	aisle width	section width
A	B	C	D	G	E	F	E	F
30	8.5	17	16.4	32.7	12	44.7	24	58.7
45	8.5	12	18.7	26.5	14	51.4	24	61.4
60	8.5	9.8	19.8	22.9	16	55.8	24	63.6
90	8.5	8.5	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**

# ARTICLE VII - Supplemental Regulations

## Applicability

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

## 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.

## **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.

### **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.

### **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.

### **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.

### **Dwelling, Accessory Units (ADU)**

- A. Only one ADU shall be permitted per parcel.
- B. ADUs shall not be permitted on the same lot as a multi-unit, two-unit dwelling or dwelling apartment building.
- C. In the Residential (R) District, the property owner shall occupy either the primary or the ADU as his or her primary residence.
- D. 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.

### **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.

### **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.

### **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.

### **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

### **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.

### **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 above 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.

## **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.

## **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.

## **Manufactured Homes**

The installation of the manufactured home shall conform to the requirements of the NYS Building Code and the United States Department of Housing and Urban Development.

- A. All mobile homes within the shall be installed on a permanent foundation with the wheel and tongue removed.
- B. The mobile home 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.

## **Manufactured Home Parks**

- A. The minimum acreage for a manufactured home park shall be 8 acres.
- B. The manufactured home park area shall be not less than three acres, with 10% of the total area developed for recreational purposes.
- C. Manufactured 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 at least 24 feet wide with 10 feet of clearance on each side.
- E. There shall be parking with at least two paved spaces for each lot.
- F. No manufactured 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 manufactured home park property lines.
- H. No manufactured 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 manufactured home, except a canopy and/or porch open on three sides or an addition made by a manufactured home manufacturer. One accessory building not to exceeding 100 square feet, may be permitted on each manufactured home lot.
- J. Each lot shall have a water supply source approved by the City Department of Water and State Department of Health.
- K. Each lot shall have attachment for sewage disposal approved by the City Department of Water and State Department of Health.
- L. Manufactured homes and manufactured home parks shall comply with all appropriate provisions of the International Building Code.
- M. All utility lines shall be underground.

### **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.

## 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.

## 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.

## 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.

## 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.
- E. Short-Term rentals in the R District shall be limited to X (cumulative weeks/months) per calendar year.

## 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.

## 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.

## 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.

## 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.

### **Townhouse/Rowhouse Dwelling**

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

### **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.

### **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.

DRAFT

# ARTICLE VIII - General Regulations

## 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.

## 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.

## 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.

## 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.

## **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) 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. The side and rear yard landscaped strip shall be 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**

<i>Acer tataricum</i> Tatarian Maple	<i>Acer saccharum</i> ‘Sugar Cone’ Sugar-cone Maple
<i>Amelanchier spp.</i> (varieties) Serviceberry Varieties	<i>Aesculus x carnea</i> (varieties) Red Horse-chestnut
<i>Carpinus caroliniana</i> American Hornbeam	<i>Cercis canadensis</i> Eastern Redbud
<i>Cornus florida</i> Flowering dogwood	<i>Cotinus obovatus</i> American Smoketree
<i>Cornus mas.</i> Corneliancherry Dogwood	
<i>Crataegus crus-galli inermis</i> Thornless Cockspur Hawthorn	<i>Crateagus phaenopyrum</i> Washington Hawthorn
<i>Gleditsia triacanthos</i> ‘Impcole’ Imperial Honeylocust	<i>Maackia amurensis</i> Amur Maackia
<i>Maclura pomifera</i> ‘white shield’ White Shield Osage Orange	<i>Malus spp.</i> (cultivars) Crabapple
<i>Ostrya virginiana</i> Eastern hophornbeam (Ironwood)	<i>Syringa reticulata</i> (varieties) Japanese Tree Lilac

**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
- Tilia x flavescens* ‘Glenleven’  
Glenleven Linden

- 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 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

## 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.

## Outdoor Drinking and Eating Establishments

- A. If there is an outdoor space that will be used for dining it shall be setback at least 50 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.
- 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 50 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 50 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.

## 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.

## 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

## 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.

### **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 50 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 50 foot setback is unnecessary.
  - 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.

### **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.

### **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.

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

## Sec. 310- 44 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- 45 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- 46 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- 47 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- 48 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- 49 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- 50 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 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 prior to the effective date of this chapter, unless plans were approved three (3) or more years ago.

DRAFT

# ARTICLE X – Site Plan Review

## Sec. 310- 51 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- 52 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- 53 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- 54 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- 55 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- 56 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- 57 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- 58 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- 56 Reserved**

# Article XI - Special Use Permit

## Sec. 310- 60 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- 61 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- 62 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- 63 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- 62 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- 63 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- 64 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- 65 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- 66 Reserved**

# Article XII Planned Development District

## Sec. 310- 67 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- 68 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- 69 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- 70 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- 71 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- 72 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- 73 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- 74 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- 75 Reserved**

# ARTICLE XIII - Administration and Enforcement

## Sec. 310- 76 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- 77 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- 78 Planning Commission Powers and Duties**

- A. 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 and pursuant to Chapter 21, Article 3, of the General City Law of the State of New York.

- B. 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 reviewing 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 reviewing 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- 79 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. 310-80 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- 81 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- 82 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- 83 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- 84 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- 85 Reserved**

**Sec. 310- 86 Reserved**

DRAFT

# Article XIV - Variances and Appeals

## Sec. 310-87 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. 310-88 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. 310-89 Reserved.**

### **Sec. 310-90 Reserved.**

# Article XV - Applications Procedures

## Sec. 310- 91 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- 92 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- 93 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- 94 Reserved.**

**Sec. 310- 95 Reserved.**

DRAFT

# Article XVI – Definitions

## Sec. 310- 96 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 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 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 a building, sign, tank, fence, pole, pool, and any fixtures, additions and alterations thereto.

Construction must be more than six inches above grade or in excess of 100 square feet 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- 97 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- 98 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- 99 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- 100 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- 101 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 310-102 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- 103 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- 104 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.