

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City of Watkins Glen  
Town of .....  
Village

Local Law No. 1 of the year 19 94  
to Amend Local Law No. 3 of 1991, "Zoning Law of the  
A local law Village of Watkins Glen"  
(Insert Title)

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

County  
City of Watkins Glen as follows:  
Town  
Village

Local Law No. 3 of 1991, Zoning Law of the village of Watkins Glen, is hereby amended in the following respects:

AMENDMENT 1.

**ADDITION TO ARTICLE II, SECTION 12**

Section 12, CD. Canal Development District: the following regulations shall apply in the C-1 Canal Development District:

- A. Definitions. Terms used in this section generally have the following meaning:
  1. Area: The extent of surface contained within the boundaries or extremities of land or building.
  2. Gross Area: Total of all land within the proposed development parcel used in calculating the base density of development for a project.
  3. Open Space, Common: Outdoor property, not occupied by structures, road or service areas, set aside for recreational use and enjoyment of owners, residents, customers and tenants of the development parcel for active and passive recreational purposes.
  4. Open Space Developed: Open space which contains structures, improvements, and/or landscaping necessary for the benefit and enjoyment of the owners, residents, customers and tenants of the development parcel for active and passive recreational purposes.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

## B. Statement of Intent and Objectives

1. The intent of Canal Development District regulations is to encourage greater degree of flexibility for development and to provide for a variety of activities in a planned, controlled environment that blends all uses into functionally and aesthetically complementary whole; effectively protects and conserves important fish spawning grounds, aquatic life, bird and other wild life habitats; protects buildings and lands from flooding and accelerate erosion; protects archeological resources; protects freshwater wetlands conserves natural beauty and open space; anticipates and responds to the physical and visual impacts of development in waterfront areas; and provide for public access to the waterfront areas for current and future residents

2. The Canal Development District regulations permit a variety of uses many of which are either enhanced by or dependent upon a waterfront location. A proposal for development may contain individual building sites or include multiple building sites and common property which are proposed for development as an integrated land use unit. Special permit procedures have been defined to ensure that the intent of the Canal Development District regulations are complied with, while providing greater flexibility for development. The regulations include performance criteria that provide considerable flexibility for developers to design buildings and sites without regard to restrictive lot and bulk regulations. The regulations include optional density bonuses per Section F. herein in development intensity in those instances where a developer either provides for public access, water dependent use or common private use of Canal waterfront areas. In order to protect the Village, developers seeking to utilize the optional density bonuses must demonstrate that there will be public facilities (including adequate transportation, water supply, sewage disposal and fire protection) in existence or provided by the developer to support the increased development and that environmental quality will not be adversely impacted.

## C. Uses Permitted

1. Permitted uses for properties that have frontage on the Canal:
  - a. Marina, boat launch facilities, and boat docking facilities.
  - b. Parkland, trail facilities, fishing docks and piers.
  - c. Commercial excursion and fishing charter facilities.
  - d. Other uses appropriate to a waterfront location, provided such uses are specifically approved by the Planning Board.
2. Permitted uses for properties that do not have frontage on the Canal:
  - a. The uses listed in Section 12,C.1.
  - b. Restaurants, grocery stores, and supermarkets.
  - c. Business, medical and professional offices.
  - d. Facilities for research and development.
  - e. Office uses for corporate and service organizations.
  - f. Banks or insurance company or financial institutions.
  - g. Specialty retail and personal service uses.
  - h. Discount retailing operations.

- i. Educational, civic, institutional or religious office facilities
- j. Light industry, including water related industry, solution mining operations, rail services, etc. that do not produce objectionable or injurious byproducts such as smoke, noise, glare, odors, dust or the release of hazardous materials and in which all activities are conducted completely within a building.
- k. Single or two family attached dwellings (townhouses) or single or two family dwellings having a maximum lot size of two acres.
- l. Multi-family dwellings.
- m. Hotels and motels, including conference and resort facilities.
- n. Yacht clubs, boatyards, including boat sales, rentals and storage marina supplies and equipment; boat service and repair facilities
- o. Museums and art galleries.
- p. Theaters and cinemas, excluding drive-ins.
- q. Arts and crafts shops.
- r. Agricultural operations, including, but not limited to, farms greenhouses, nurseries and gardens.

3. Special permitted uses for properties that have frontage on a waterbody

a. Those uses listed in Section 12,C.2 provided that the general criteria for a special use permit (Section 12,H.) are met and in compliance with requirements specified below in paragraph b and c is provided.

b. Uses listed in Section 12,C.2 shall be established in conjunction with one or more of the permitted uses listed in Section 12,C.1 or unimproved and/or developed common open space. When the use listed in Section 12,C. does not occupy the entire waterfront, the site plan review and approval provisions set forth in Article III shall be used to ensure that building and structures are placed on the site in a manner that would maximize the amount of open space along the waterfront.

c. Uses listed in Section 12,C.2 may include a public pedestrian walkway with public access along the entire frontage on the Canal not occupied by a permitted use listed in Section 12,C.2. Plans for the walkway and public access shall be approved by the Planning Board as part of the site plan review and approval provisions and shall be available for public use only under a mutually acceptable arrangement between the Village and the property owner

4. Special permitted uses on properties that do not have a frontage on the Canal:

- a. Refreshment stands not included as an accessory use.
- b. Adult uses, as specified in Article IV, Section 1.26.
- c. The above uses are subject to the general criteria for a special use permit in Section 12.H.

5. Accessory uses on the same parcel with, and customarily incidental to any of the foregoing land uses described in Section C1, 2, 3 and 4, including off-street parking and loading areas, garages, and storage areas for trash and refuse.

#### **D. Mix of Uses**

The mix of permissible uses, scale of any such use, density and general design standards shall be determined by the Planning Board in its review of the project plan and pursuant to the provisions set forth in these regulations.

#### **E. Area Limitations**

1. A maximum of fifty percent (50%) of the gross land area in the proposed development parcel may be devoted to a specific use of compilation of use permitted. Said maximum shall include all principal and accessory structure but shall exclude required yards, open space and recreation uses, uses listed in Section 12,C.1, and the space devoted to streets and required off-street parking lots within the parcel.

2. A minimum of twenty percent (20%) of the gross land area in proposed development parcels that have frontage on the Canal shall be devoted to developed and unimproved common or public open space and recreation uses listed in Section 12,C.1, or the pedestrian walkway and public access that may be arranged. For other development parcels, this percentage shall be ten percent (10%) of the gross land area. This area shall exclude all streets, roads, required setbacks and buffer areas and required parking spaces within the development parcel.

#### **F. Bonus Provisions**

Notwithstanding the area limitations set forth in Section 12,E., the Village Board of Trustees, upon recommendation from the Village Planning Board, may increase the density in accordance with standards set forth below for proposed development parcels with frontage on the Canal.

1. For contiguous public open space and recreation uses, public access, or uses listed in Section 12,C.2, of at least 50 percent of the Canal waterfront of the proposed development parcel, an increase in the Section 12,E.1. maximum to sixty percent (60%) may be permitted. A corresponding ten percent (10%) decrease in the Section 12,E.2 minimum may also be permitted.
2. For contiguous developed or unimproved common open space use of 10 percent of the Canal waterfront of the property within 100 feet of the Canal bank, an increase in the Section 12,E.1 maximum to fifty-five percent (55%) may be permitted. A corresponding five percent (5%) decrease in the section 12,E.2 minimum may also be permitted.
3. The developer must demonstrate that adequate public facilities are in place or will be provided, at the expense of the developer, to support the increased development permitted as a result of a bonus provided under this section. In addition, the increased development must be determined to have insignificant adverse impacts upon environmental quality via review under provisions of the State Environmental Quality Review Act.

## **G. Geometric Controls**

### **1. Required Setbacks and Buffer Areas:**

a. Setbacks and buffer areas shall be utilized to create identifiable physical neighborhoods with clear boundaries between different land uses and land use intensity.

b. Landscape buffer areas, as described in Article IV, Section 1.2 should be designed to create a transition between buildings of different scales and to lessen the impacts of dissimilar adjacent uses.

c. Where non-residential uses are adjacent to residential uses, the specific design and siting of the non-residential building should be responsive to the character and use of surrounding residential properties.

d. A minimum of a 30' side yard setback should be observed for buildings, parking or storage between residential and non-residential uses. A minimum 10' landscape buffer zone may be required as an effective screening treatment between such uses.

2. Accessory structures shall be no closer than 10 feet to the principal structure with which they are associated, and no closer than 20 feet to any other principal structure, and 5 feet to any other accessory structure.

3. The minimum distance between any point on a building and a parcel boundary or a street right-of-way shall not be less than 10 feet.

4. Maximum height: thirty five (35) feet, not including roof top mechanicals or enclosures.

## **H. Special Permits**

Special permits shall be required for the uses described under Section 12,C.3 and Section 12,C.4. Upon application for a building permit, the Superintendent of Building and Zoning shall notify the applicant of the following requirements for approval of a special permit by the Planning Board:

1. Site Plan - a plan for the proposed development of a site for a special permitted use shall be submitted in accordance with Article IV.

2. Existing Violation - No permit shall be issued for a special use for a property where there is an existing violation of this ordinance, unless such permit would eliminate or mitigate said violation.

3. Expiration - A special permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than one year for any reason.

### **4. Standards:**

a. The Planning Board shall not authorize any permit under the provisions of this section unless it finds in each case that the proposed uses:

- i. Will be in harmony with the comprehensive plan set forth in this ordinance and with the general purposes and intent of this ordinance;
- ii. Will not tend to depreciate the value of adjacent property;
- iii. Will not create a hazard to health, safety or the general welfare;
- iv. Will not alter the essential character of the neighborhood nor be detrimental to the residents thereof;
- v. Will not cause significant adverse environmental impacts; and
- vi. Will not otherwise be detrimental to the public convenience and welfare.

b. In considering any application the Planning Board shall take into account the following:

- i. Accessibility of the property in relation to existing and proposed streets and the effect of the special use on the traffic patterns
- ii. The nature and intensity of the operation and its compatibility with surrounding development;
- iii. the means by which surrounding properties will be protected from any objectional influences, such as noise, glare, or dust, which may be produced by such special use.

AMENDMENT 2.

ADDITION TO ARTICLE II. SECTION 2. i

I. CD Canal Development District

Beginning at a point 250 feet east of Decatur Street on the center line of Glen Creek; thence easterly along the center line of Glen Creek to the westbank of Chemung Canal; thence southerly along the westbank of Chemung Canal to the inter-section with the village limit line on the south; thence westerly along the south limit line of the village to the westerly limit line for the Pennsylvania Railroad; thence northerly along the westerly line of the center line of Fifteenth Street extended; thence westerly along the center line extended of Fifteenth Street to a point 250 feet east of Decatur Street; thence north-erly 90 degrees and parallel to Decatur Street to the place of beginning.

Beginning at at a point the intersection of Fourth Street and a line parallel with track of the Conrail Railroad and 15 feet northeast of its center line; thence south to a point at the center line of Glen Creek; thence north-easterly along said parallel line to the westbank of the Chemung Canal thence northerly on a line parallel to the Chemung Canal to a point at the center line of Fourth street; thence westerly along the center line of Fourth Street to the place of beginning.

**AMENDMENT 3.**

REPEAL PRESENT ARTICLE II, SECTION 2, F. AND REPLACE WITH:

**F. Type F Industrial Districts.**

Beginning at a point the intersection of Fourth Street and a line parallel with the track of the Conrail Railroad and 15 feet northeast of its center line; thence north to a point along the south shore of Seneca Lake perpendicular to said intersection; thence easterly and southerly along the south shore of Seneca Lake to its intersection with the centerline of Fourth Street; thence westerly along the centerline of Fourth Street to the place of beginning.

**AMENDMENT 4.**

REPEAL ARTICLE II, SECTION 2, 3. AND REPLACE WITH:

E. Beginning at the intersection of the centerline of Fourth Street and the eastbank of the Chemung Canal; thence northerly and easterly along the south shore of Seneca Lake to the intersection of the northern limits of the Village; thence easterly along the northern limit of the Village and the intersection with the eastern limit of the Village; thence southerly along the eastern limit of the Village to the intersection with the southern limit of the Village; thence along the southern limit of the Village to the eastbank of the Chemung Canal; thence northerly to the place of beginning.

**AMENDMENT 5.**

REPEAL PRESENT ARTICLE II. SECTION 11 LAKEFRONT DEVELOPMENT DISTRICT AND REPLACE WITH:

A.2. Specific uses shall be limited to the following:

- a. Facilities for research and development and light manufacturing that involve the manufacture, assembly and packing of products not objectionable or injurious due to smoke, noise, odors, glare, dust or the release of hazardous materials. Such products would include cloth, metal, plastic, paper, wood, electronic instruments or devices, pharmaceuticals, optics, precision instruments, laboratories, research and development and similar activities conducted completely within building.
- b. Professional and business offices including but not limited to the following services: planner, architect, landscape architect, doctor, dentist, insurance agency, lawyer, engineer, accountant, realtor, art and photography studios, travel agencies, corporate and service organization offices.
- c. Retail sales and service facilities, including retail business and service establishments, banks, insurance companies, restaurants, hotels and motels, conference center, convenience store, drugstore, barbershop, beauty salon, dry cleaners, data processing, services, theaters, sporting goods, clothing and jewelry stores, specialty retail uses, discount retailing operations, laundromat.

- d. Educational, civic, institutional or religious office facilities.
  - e. Public and quasi-public uses, including space for occupancy by social and public agencies.
  - f. Single family attached dwellings, with a building designed and occupied exclusively as a residence for one family and one of a group of two or more attached dwellings, placed side by side, separated by a party wall, each containing one or two stories and each having separate front and rear or side and rear or front and side entrances from the outside.
  - g. Single and two family dwellings, provided that the building is developed on an existing single family residential lot and the setbacks and yard areas are consistent with the majority of single and two family dwellings in the neighborhood.
  - h. Multi-family dwellings, with a building arranged, intended or designed to provide (3) or more dwelling units independent of each other, but having common hallways and entrances.
  - i. Marina and marina services.
  - j. Common, public or private open space, park or recreation areas, including playgrounds, walkways, sitting areas, courtyards and plazas, shelter, swimming pools, tennis courts and other similar outdoor areas and structures set aside for the recreation use and enjoyment of owners, residents and patrons.
  - k. Municipal uses.
  - l. Accessory uses on the same parcel with, and customarily incidental to any of the foregoing land uses, including essential off-street parking and loading areas, garages, and storage areas for trash and refuse.
- C.5. Setbacks and buffer areas shall be utilized to create identifiable physical neighborhoods with clear boundaries between different land use and land use intensity. Landscape buffer areas, as described in Article IV, Section 1.2, should be designed to create a transition between buildings of different scales and to lessen the impacts of dissimilar adjacent uses. Where non-residential uses are adjacent to residential uses, the specific design and siting of the non-residential building should be responsive to the character and uses of the surrounding residential properties.

**AMENDMENT 6.**

**ADD TO ARTICLE IV. A NEW SECTION 1.5.6**

**1.5.6 Lakefront Development Districts**

- a. Residential uses shall adhere to the regulations identified under Section 1.5.3.



- b. Business and industrial uses shall adhere to the regulation identified under Section 1.5.4.
- c. Plaza and mall signs shall adhere to the regulation identified under Section 1.5.5.

This local law shall take effect immediately upon mailing to the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 19 94 of the ~~(County)~~(City)(Town)(Village) of Watkins Glen was duly passed by the Board of Trustees on May 16, 19 94, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19 \_\_\_\_ in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 19 \_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19 \_\_\_\_ in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

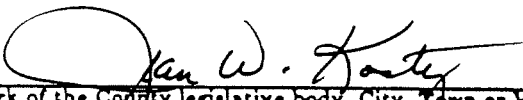
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certificate)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

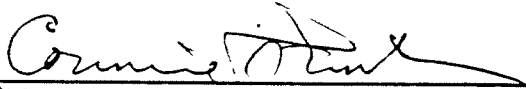
Date: May 17, 1994

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF SCHUYLER

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
Signature

Village Attorney  
Title

County  
City  
Town of Schuyler  
Village

Date: May 16, 1994