

(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  
Village

Local Law No. 2 of the year 1995

A local law to Amend Local law No. 3 of 1991, "Zoning Law of the Village of Watkins Glen"

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:

B-3 BUSINESS TRANSITION DISTRICT: The following regulations shall apply in the B-3 Business Transition District:

A. STATEMENT OF INTENT AND OBJECTIONS

1. The intent of B-3 Business Transition District regulations is to encourage a greater degree of flexibility for development in areas where single family residential uses predominate, but multi family and business uses and structures may be appropriate if developed in a manner to ensure compatibility with surrounding single family residential uses and their intensity.
2. The B-3 Business Transition District regulations permit a variety of uses that may be enhanced or dependent upon a location adjacent to a main thoroughfare. 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 B-3 Business Transition District regulations are complied with, while providing greater flexibility for development.

B. USE PERMITTED

1. Permitted uses:
  - a. All residential uses allowed and subject to all of the regulations specified for R-3 Residential Use Districts shall be permitted.

2. Special permitted uses:

- a. Those uses listed in 2b, provided that the general criteria for a special use permit are met. It is the intent of this law that the uses listed in 2b be limited in size, scope and hours of operation to minimize impacts upon the adjacent residential neighborhood. Restrictions to meet this intent will be established through negotiation during site plan review (see Article IV for procedures).
  - b. (i) Tourism-oriented uses, including but not limited to, wineries, microbreweries, full service restaurants, hotels, inns, bed & breakfasts, museums, art galleries, specialty retail uses, including on and off premises sales, which would benefit from a high traffic, high visibility location, but are appropriate in terms of their scale, density and design for location in a predominately residential neighborhood. Excluded are recreational and marine-related sales and service, family entertainment and other uses that include noise producing outdoor activities inappropriate for a residential area.  
  
(ii) Office uses, including, but not limited to, business, medical, professional, educational, civic, institutional, religious, corporate or service organization offices.
3. Accessory uses on the same parcel with, and customarily incidental to, any of the foregoing land uses described in 2a. or b., including off-street parking and loading areas, garages and storage areas for trash and refuse.

C. AREA LIMITATIONS AND GEOMETRIC CONTROLS

1. A maximum of fifty percent (50%) of the gross land area in the proposed development parcel may be devoted to a specific use or combination of uses permitted. Said maximum shall include all principal and necessary structures but shall exclude required yards, the space devoted to streets, and required off-street parking lots within the parcel.
2. Setbacks and buffer areas shall be utilized to create identifiable physical boundaries between existing single family residential and proposed multi-family or non-residential uses. In addition, the specific design and setting of multi-family or non-residential buildings should be responsive to the character and utilization of adjacent residential properties.
3. A minimum of a 30' setback shall be required for buildings, parking or storage between existing single-family residential uses in the adjacent R-2 districts, and any proposed multi-family or non-residential uses in the B-3 district. A minimum 10' landscape buffer zone may also be required as an

effective screening treatment between such use or districts.

4. The minimum distance between any point on a building and a parcel boundary or street right-of-way shall not be less than 10 feet. Where non-residential uses are developed adjacent to residential uses within the B-3 district, this minimum distance shall not be less than 30 feet.
5. Maximum height: No buildings or structures shall exceed three stories or 35 feet in height, not including roof top mechanicals or enclosures.

#### D. SPECIAL PERMITS

Upon application for a building permit for uses allowed by special permit only, the following requirements for approval of a special permit shall be considered by the Zoning Board of Appeals.

1. Site Plan - A plan for the proposed development of a site for a special permitted use shall be submitted and approved in accordance with Article IV by the Planning Board.
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 or renewal permit shall expire seven (7) years after the date of issuance unless revoked prior thereto.
4. Renewal - Not less than sixty (60) days prior to the date of expiration for a special permit or renewal permit an applicant must file for the permit renewal. The Code Enforcement Officer will make an inspection of the site to determine if there is compliance with the terms of the original permit. Upon determination that the site is in compliance or has been brought into compliance, the Officer will issue a renewal permit.
5. Standards - The Zoning Board of Appeals shall not authorize any permit under the provisions of this section unless it finds in each case that the uses:
  - a. Standards:
    1. Will be in harmony with the comprehensive plan set forth in this ordinance and with the general purposes and intent of this ordinance;
    2. Will not tend to depreciate the value of adjacent property;
    3. Will not create a hazard to health, safety or the general welfare;

4. Will not alter the essential character of the neighborhood;
  5. Will not cause significant adverse environmental impacts; and
- b. In considering any application the Zoning Board of Appeals shall also take into account the following:
1. Accessibility of the property in relation to existing and proposed streets and the effect of the special use on the traffic patterns;
  2. The nature and intensity of the operation and its compatibility with surrounding development and uses;
  3. The means by which surrounding properties will be protected from any objectional influences, such as noise, odors, glare, or dust, which may be produced by such special use.

#### B-3 DISTRICT BOUNDARIES

1. Article II, Section 2(c), describing the R-3, Two-Family and Multiple Residential Use District, is hereby amended to delete the second course thereof.
2. Article II, Section 2(h), is hereby amended to add the following after the first course thereof:

"Also, beginning at the intersection of Quarter Mile Creek and Route 14; thence southerly along the centerline of Route 14 to its intersection with Partition Street; thence westerly along the centerline of Partition Street to the extended west boundary line of the properties located along the west side of North Monroe Street; thence northerly to the intersection with the south boundary line of the former Magee Estate Carriage House Property; thence westerly and northerly to the intersection with the east boundary line of properties located along the east side of the properties located along the east side of North Glen Avenue to a point where the boundary line extended intersects with Quarter Mile Creek; thence easterly along the course of the Creek to the place of beginning."

3. Article II, Section 2 (b) is hereby amended to amend the second sentence of the first course;

"Also, beginning at the centerline of Madison Avenue and Partition Street; thence westerly along the centerline of Partition Street to its intersection with the extended west boundary line of the properties located along the west side of North Monroe Street; thence northerly to the intersection with the south boundary line of the former Magee Estate Carriage House property; thence westerly and northerly to the

intersection with the east boundary line of the properties located along the east side of North Glen Avenue to a point where the boundary line extended intersects with Quarter Mile Creek, ... "

Article I, Section 3 is hereby amended to add the following definition:

1. Hotel or Inn: A building or any part thereof, which contains living and sleeping accommodations for the transient occupancy, has an exterior entrance or entrances and which may or may not include dining facilities.

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

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

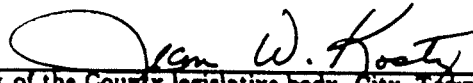
~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority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

~~(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 certification.)~~

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

(Seal)

Date: October 25, 1995

(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 Schenectady

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 Connie Fern Miller

Title Attorney

~~County~~  
~~City~~ of Watkins Glen  
~~Town~~  
Village

Date: October 25, 1995