



MEMORANDUM

CITY OF WATERTOWN, NEW YORK – PLANNING OFFICE
245 WASHINGTON STREET, ROOM 304, WATERTOWN, NY 13601
PHONE: 315-785-7730 – FAX: 315-782-9014

TO: Planning Board Members
FROM: Michael A. Lumbis, Planner *ML*
SUBJECT: Zoning Text Amendment – Section 310-9 and Section 310-52
DATE: May 28, 2015

Request: To amend Section 310-9. Commercial Districts of the Zoning Ordinance to allow “Animal Hospital” as a permitted use and to amend Paragraph C of Section 310-52, Location of certain activities restricted.

Applicant: Tim Titus of Aubertine & Currier on behalf of 1445 Washington Street, LLC

Owner: City-wide

SEQRA: Unlisted

County review: Yes

Comments: The applicant is requesting an amendment to Section 310-9 of the Zoning Ordinance. The applicant is requesting that an Animal Hospital be listed as a permitted use in Commercial Districts without any restriction on the size or number of examination rooms.

“Animal Hospital” is currently a permitted use in Neighborhood Business Districts, and Commercial zoning allows any use that is permitted in Neighborhood Business. However, as currently worded in Section 310-8 (Neighborhood Business District) of the Zoning Ordinance, such animal hospitals are restricted to three examination rooms and require special approval of City Council.

The applicant wishes to apply for Site Plan Approval at a future Planning Board meeting for an expansion of the existing animal hospital that would increase the number of exam rooms in the building to four. Thus, the applicant is requesting that a text amendment be enacted so that “Animal Hospital” would be specifically listed as a use-by-right in Commercial Districts, and that the exam room limit that applies in Neighborhood Business be omitted in Commercial. The requirement for a special use permit in the Commercial district would also be eliminated.

In addition to the limits and restrictions regarding Animal Hospitals found in the Neighborhood Business section of the Zoning Ordinance, Section 310-52 (Location of certain activities

restricted) of the Zoning Ordinance does not permit Animal Hospitals within 200' of any Residence District unless constructed with enclosed soundproof ward and run areas (only by special approval of the City Council). It is also proposed to eliminate the text "only by special approval of the City Council" from Section 310-52-C as it would be contradictory to allowing the use as of right in a commercial district. The requirement for constructing the building with enclosed soundproof ward and run areas would remain, as would the special approval requirement in a Neighborhood Business district.

The proposed text amendment to the Zoning Ordinance is an Unlisted Action under SEQR. The City Council is the agency authorized to approve revisions to the Zoning Ordinance; therefore it will act as the Lead Agency pursuant to SEQR.

In Part 1 of the Short EAF, a number of questions regarding proximity to archeologically sensitive sites, wetlands, etc. are marked yes. This is because amending the Zoning Ordinance is a City-wide action, and while the applicant's parcel may not be near any such sites, there are other Commercial parcels in the City that are.

In considering the environmental impacts of this action, the City Council will need to consider whether or not the proposed text amendment would impact the environment in parts of the City where Commercial parcels are in proximity to such sensitive sites. Even though the questions are marked yes, this does not mean that the applicant's request will necessarily affect these areas.

The following are the existing regulations found in the Zoning Ordinance regarding Animal Hospitals along with the proposed text changes:

EXISTING REGULATIONS (CITY OF WATERTOWN ZONING ORDINANCE)

§ 310-8. Neighborhood Business Districts. [Amended 10-16-1961]

In Neighborhood Business Districts no building or structures shall be erected, altered or extended, and no land, building or structure or part thereof shall be used for other than one or more of the following uses, subject to the provisions of Article IV and other applicable Articles:

L. Animal Hospital, constructed with enclosed soundproof ward and run areas. Such hospital shall be restricted to three examination rooms (only upon special approval of the City Council). **[Added 6-3-1968; amended 2-2-1970]**

§ 310-52. Location of certain activities restricted.

Other provisions of this chapter notwithstanding, the following uses or activities shall not be permitted within two hundred (200) feet of any Residence District:

C. Animal hospital, unless constructed with enclosed soundproof ward and run areas (only by special approval of the City Council). **[Added 2-2-1970]**

PROPOSED REGULATIONS

Stricken text is to be deleted
Italicized text is to be added.

§310-9. Commercial Districts. [Amended 10-16-1961]

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

- A. Any use permitted in Neighborhood Business Districts. **[Amended 6-19-1967; 5-19-1975; 8-20-2007]**
- B. Medical office or clinic. **[Added 1-6-1997]**
- C. Garage for storage and adjusting and repairing of motor vehicles.
- D. Gasoline sales station.
- E. Automotive sales lot or automobile parking lot. **[Added 11-30-1964]**
- F. Multifamily dwellings. **[Added 6-19-1967; amended 2-2-1987; 8-20-2007]**
- G. Snowmobile sales lot. **[Added 12-4-1972]**
- H. *Animal Hospital, constructed with enclosed, soundproof ward and run areas.*
- I. Mobile home sales lot (only by special approval of City Council). **[Added 12-4-1972]**
- J. Other uses upon the recommendation of the Planning Board that such use is of the same general character as those permitted and will not be detrimental to the other uses within the district or to the adjoining land uses and by special approval of the City Council, only after a public hearing. **[Added 2-13-1968; amended 12-4-1972]**

§ 310-52. Location of certain activities restricted.

Other provisions of this chapter notwithstanding, the following uses or activities shall not be permitted within two hundred (200) feet of any Residence District:

- A. Garage or shop for painting of automobiles or for the repairing of automobile bodies or fenders involving hammering or other work causing loud or unusual noise or fumes or odors.

- B. Kennel or place for the boarding of animals. [**Amended 2-2-1970**]
- C. Animal hospital, unless constructed with enclosed soundproof ward and run areas. (~~only by special approval of the City Council~~). [**Added 2-2-1970**]
- D. Any use listed in § 310-10F or 310-11. [**Amended 2-2-1970**]

cc: Planning Board Members
City Council Members
Ann Saunders, City Clerk
Robert J. Slye, City Attorney
Brian Drake, Civil Engineer II
Timothy Titus, Aubertine and Currier
Dr. Christopher Jank, DVM, 1445 Washington Street LLC