



BUILDING SAFETY & ZONING DIVISION PLAN COMMISSION STAFF REPORT

TO: Plan Commission
DATE: March 24th ,2025
SUBJECT: Initial Review and Schedule Public Hearing – Text Amendment to Chapter 550 Zoning.

A request by the City of Watertown, for a text amendment to the City of Watertown Zoning Code.

BACKGROUND DESCRIPTION:

Proposed Amendment:

A recently proposed multi-family development has brought to light some concerns with the Central Business Apartments land use as it is currently written within the Zoning Ordinance. The current Zoning Ordinance allows Central Business Apartments with the approval of a Conditional Use Permit (CUP) in the Central Business (CB) Zoning District. One of the required conditions of a Central Business Apartments CUP is approval of a Planned Development (PD) Overlay Zoning District for any proposed apartment developments. In light of recent State law changes (Act 67 and Act 16) that require CUPs and permitted uses to be approved if the associated regulations can be met, a CUP that requires an additional rezoning action for approval makes this CUP requirement problematic and possibly a violation of these recent state law changes. In addition, there are also concerns about the consistency of the 'Central Business Apartments' land use with the 2019 Comprehensive Plan in regard to the allowance of first floor residential.

After consultation with Vandewalle and Associates regarding these concerns, it was determined the best resolution at this time would be to remove Central Business Apartments land use from the Zoning Ordinance via a text amendment. This change would allow the currently proposed multi-family development in the Central Business Zoning District (and future similar proposed developments) to proceed with just approval of a Planned Development (PD) Overlay Zoning District that allows multi-family development as a granted flexibility. Used in this manner, the Planned Development (PD) Overlay Zoning District approval process will give the City the proper level of project oversight while removing unnecessary burdens on developers as well as remove concerns with State Law and Comprehensive Plan consistency. The existing language in § 550-152B of the Zoning Code states that Planned Developments may consider flexibility in land uses, which would allow a development to propose ground floor residential in the Central Business (CB) Zoning District. In evaluating such requests, the Plan Commission and Common Council would consider whether the Planned Development zoning action, through negotiating the location and parameters of the development, is substantially consistent with the goals of the Comprehensive Plan.

The Planned Development (PD) Overlay Zoning District (formerly known as a PUD) is the process by which previous apartment complex developments were approved within the Central Business (CB) Zoning District prior to the addition of the Central Business Apartments land use category in 2021 (e.g. the Globe and River Mill Apartments). No apartment complexes have been developed using the Central Business Apartments land use category since its addition to the Zoning Ordinance. The topic of multi-family development in the Central Business Zoning District will be revisited and reviewed in the City's upcoming Zoning Ordinance rewrite and will include a review of the 'Central Mixed Use' Future Land Use category within the Comprehensive Plan.

PROPOSED TEXT AMENDMENT LANGUAGE:

Amendment - §550-15

~~CENTRAL BUSINESS APARTMENTS~~

~~See § 550-49G.~~

~~[Added 6-1-2021 by Ord. No. 21-23]~~

Amendment - §550-34B(2)(K)

§ 550-34B(2) Central Business (CB) District - Principal Land Uses Permitted as Conditional Use

(2) Principal land uses permitted as conditional use (per § 550-45B):

- (a) Clear-cutting.
- (b) Indoor institutional.
- (c) Outdoor institutional.
- (d) Institutional residential.
- (e) In-vehicle sales or service.
- (f) Indoor commercial entertainment.
- (g) Outdoor commercial entertainment.
- (h) Commercial indoor lodging.
- (i) Bed-and-breakfast establishments.
- (j) Group day-care center (nine or more children).[1]

[1] Editor's Note: Former Subsection B(2)(k), Boardinghouse, which immediately followed, was repealed 6-19-2018 by Ord. No. 18-4.

~~(k) Central business apartments (greater than 12 dwelling units).~~

~~[Added 6-1-2021 by Ord. No. 21-24]~~

Amendment - §550-49G

~~G. Central business apartments (more than 12 dwelling units). Description: This dwelling unit type consists of an attached, multifamily residence that takes access from a shared entrance or hallway. Dwelling units are allowed on the first floor. A minimum building code required fire-rated wall assembly division, separating living areas from the lowest level to the underside of the roof is required between each dwelling unit. No fewer than 12 dwelling units may be located in a building. Central business apartments shall only be allowed within the Central Business Zoning District.~~

~~[Added 6-1-2021 by Ord. No. 21-22]~~

~~(1) Regulations.~~

~~(a) Central business apartments shall not be allowed on a historic site or a contributing property located within a historic district regulated under Chapter 325 of the City of Watertown Municipal Code.~~

~~[1] Central business apartments located on a noncontributing property located within a historic district shall go before the Historic Preservation and Downtown Design Commission for a certificate of appropriateness.~~

~~[2] Central business apartments may be built on a historic site or a contributing property within a historic district if a certificate of appropriateness was approved by the Historic Preservation and Downtown Design Commission under § 325-7D(3). The resulting new construction shall require a certificate of appropriateness from the Historic Preservation and Downtown Design for a property within an historic district.~~

~~(b) Central business apartments shall also be required to go through the planned unit development process under § 550-152.~~

~~(c) Access limitation of dwelling unit to commercial uses. No dwelling unit shall open directly into or shall be used in conjunction with a principal or accessory commercial land use.~~

PLAN COMMISSION OPTIONS:

The following are possible options for the Plan Commission:

- Set the public hearing date for April 15th, 2025.
- Postpone public hearing to a later date or indefinitely.

STAFF RECOMENDATION:

- Staff recommends setting the Common Council public hearing date for this item for April 15th, 2025.