

Appendix B

Town & Village of Waterford Local Waterfront Revitalization Program

Town of Waterford Waterfront Overlay (WO) District

A. Purpose and intent.

The Town intends to protect the scenic corridors along the Erie and Champlain Canal Systems and Hudson and Mohawk Rivers, in accordance with the Local Waterfront Revitalization Program (LWRP), the Town and Village of Waterford Comprehensive Plan as well as regional and State Canal and River plans and goals. The purpose of the district is to maintain the undeveloped areas of the waterfronts and to provide a consistent level of protection of the visual, environmental and historic resources within the LWRP boundaries.

The Waterfront Overlay (WO) District has been overlaid onto existing zoning districts. All provisions of the underlying districts remain in full force, except where provisions of the WO District differ. In such cases, the more restrictive provision shall apply. The principal control mechanisms of the WO are construction setbacks from the waterline, restriction on the removal of natural vegetation within an established buffer zone adjacent to the waterline, restrictions on the removal of natural vegetation with an established buffer zone adjacent to the water, and performance standards governing land use activities within the District.

The specific purposes of this district include the following:

- (1) To preserve the existing community character and land use pattern;
- (2) To capitalize on opportunities to provide additional public access to the Hudson and Mohawk Rivers and Erie and Champlain Canal Systems;
- (3) To pursue funding sources for recreational improvements;
- (4) To maintain and improve the angling potential and water quality of the Hudson and Mohawk Rivers;
- (5) To minimize potentially adverse land uses, environmental and economic impacts that would result from proposed development; and,
- (6) To protect stable residential areas.

B. Boundary of the Overlay Zone.

The Waterfront Overlay Zone shall be the boundaries of the Local Waterfront Revitalization Program. The Map entitled “[LWRP Boundary](#)” within the LWRP illustrates the boundary of the LWRP.

C. Permitted uses

The underlying zoning district determines the permitted uses, accessory uses and special permit uses with the Waterfront Overlay District. Underlying districts within the WO include R-75, R-100, C-1, C-2, Industrial, Manufacturing, and Land Conservation.

D. Development regulations.

- (1) Setback requirements.

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- (a) The minimum setback from the high watermark of the Erie and Champlain Canal shall be seventy-five (75) feet for principal and accessory buildings.
 - (b) The minimum setback from the high watermark of the Mohawk and Hudson Rivers shall be one hundred (100) feet for principal and accessory buildings.
 - (c) Structures demonstrated to be directly related to Canal and River business/use may be authorized within the required setback distance; in granting such authorizations, the Planning Board shall minimize any adverse impacts by imposing reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property.
- (2) Additional requirements and standards.
- (a) Fences, parking and signs shall not detract from water views and are subject to regulations contained in sub-sections 161-29, 161-30, and 161-31, respectively.
 - (b) Development shall not interfere with or in any way prohibit, hinder or discourage the public use of trails along the Canals and Rivers. Opportunities for trail links between recreational trails and proposed pedestrian walkways in new developments should be established.
- (3) Site Plan Review
- (a) Any proposed principal building or any proposed or expanded paved area of greater than five thousand (5,000) square feet that would be partially or entirely located within the boundaries of the Waterfront Overlay shall be submitted for review by the Planning Board.
 - (b) The Planning Board shall review such use to determine compliance with municipal ordinances and to determine the compatibility with the Local Waterfront Revitalization Program and the Comprehensive Plan.
 - (c) The following development guidelines shall be considered for all proposed development within the Waterfront Overlay District requiring Planning Board review.
 - 1. All new development shall be integrated into the existing landscape so as to minimize its visual impact and maintain the natural beauty and environmentally sensitive shoreline areas through erosion control and the use of vegetative and structural screening, landscaping and grading.
 - 2. All development shall have a pedestrian scale, e.g., street-side and waterfront building facades shall be oriented to pedestrian passersby.

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3. Ground floors of buildings for commercial use shall be encouraged for such active uses as restaurants, retail and indoor recreation, especially when adjacent to public spaces.
4. Density pattern of new development shall complement current adjacent development and the unique historic environment.
5. Length of proposed contiguous structures shall be planned so as to establish and protect view corridors to the waterfront.
6. Coverage and building height requirements may be modified in specific instances so long as the overall development is consistent with goals and other design standards.
7. Development of new buildings should preserve the character of existing streets and buildings.
8. Architecture and design of buildings, structures and spaces shall be in keeping with the height, scale, density and character of adjoining neighborhoods. Street networks shall be continuous, pedestrian friendly and facilitate public gathering spaces.
9. The overall façade shall have a simple and complementary pattern to neighboring or typical buildings and shall be kept consistent across the building front, but may show deviation at important points to highlight the center of the building or the entry way(s) to the building.
10. Facades shall be designed as to appear inviting from both the street side and the waterfront side of the building without creating a “back door” appearance to either side.

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Village of Waterford Waterfront Overlay (WO) District

A. Purpose and intent.

The Village intends to protect the scenic corridors along the Erie and Champlain Canal Systems and Hudson and Mohawk Rivers, in accordance with the Local Waterfront Revitalization Program (LWRP), the Town and Village of Waterford Comprehensive Plan as well as regional and State Canal and River plans and goals. The purpose of the district is to maintain the undeveloped areas of the waterfronts and to provide a consistent level of protection of the visual, environmental and historic resources within the LWRP boundaries.

The Waterfront Overlay (WO) District has been overlaid onto existing zoning districts. All provisions of the underlying districts remain in full force, except where provisions of the WO District differ. In such cases, the more restrictive regulations provision shall apply. The principal control mechanisms of the WO are construction setbacks from the waterline, restriction on the removal of natural vegetation within an established buffer zone adjacent to the waterline, restrictions on the removal of natural vegetation with an established buffer zone adjacent to the water, and performance standards governing land use activities within the District.

The specific purposes of this district include the following:

- (1) To preserve the existing community character and land use pattern;
- (2) To capitalize on opportunities to provide additional public access to the Hudson and Mohawk Rivers and Erie and Champlain Canal Systems;
- (3) To pursue funding sources for recreational improvements;
- (4) To maintain and improve the angling potential and water quality of the Hudson and Mohawk Rivers;
- (5) To minimize potentially adverse land uses, environmental and economic impacts that would result from proposed development; and,
- (6) To protect stable residential areas.

B. Boundary of the Overlay Zone

The Waterfront Overlay Zone shall be the boundaries of the Local Waterfront Revitalization Program. The Map entitled "[LWRP Boundary](#)" within the LWRP illustrates the boundary of the LWRP.

C. Permitted uses

The underlying zoning district determines the permitted uses, accessory uses and special permit uses within the Waterfront Overlay District. Underlying districts within the WO include Residence District, Residence S District, Residence M, Senior Citizen Housing, and Commercial District.

D. Development regulations.

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- (1) Setback requirements.
 - (a) The minimum setback from the Erie and Champlain Canal wall shall be twenty-five (25) feet or the average set back of adjacent waterfront principal and accessory buildings within one hundred and fifty (150) feet of proposed development, whichever is greater.
 - (b) The minimum setback from the high watermark of the Mohawk and Hudson Rivers shall be twenty-five (25) feet or the average set back of other waterfront principle and accessory buildings within one hundred and fifty (150) feet, whichever is greater.
 - (c) Water dependent or water enhanced uses demonstrated to be directly related to Canal and River business/use may be authorized within the required setback distance; in granting such authorizations, the Planning Board shall minimize any adverse impacts by imposing reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property.
- (2) Additional requirements and standards.
 - (a) Fences, parking and signs shall not detract form water views and are subject to regulations contained in sub-sections 205-25, 205-26, and 205-27, respectively.
 - (b) Development shall not interfere with or in any way prohibit, hinder or discourage the public use of trails along the Canals and Rivers. Opportunities for trail links between recreational trails and proposed pedestrian walkways in new developments shall be established to the maximum extent practicable.
- (3) Site Plan Review
 - (a) Any proposed principal building or any proposed or expanded paved area of greater than five thousand (5,000) square feet that would be partially or entirely located with the boundaries of the Waterfront Overlay shall be submitted for review by the Planning Board.
 - (b) The Planning Board shall review such use to determine compliance with municipal laws and to determine the compatibility with the Local Waterfront Revitalization Program and the Comprehensive Plan.
 - (c) The following development guidelines shall be considered for all proposed development within the Waterfront Overlay District requiring Planning Board review.
 1. All new development shall be integrated into the existing landscape so as to minimize its visual impact and maintain the natural beauty and environmentally sensitive shoreline areas through erosion control and the

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- use of vegetative and structural screening, landscaping and grading.
2. Ground floors of buildings for commercial use shall be encouraged for such active uses as restaurants, retail and indoor recreation, especially when adjacent to public spaces.
 3. Density pattern of new development shall complement current adjacent development and the unique historic environment.
 4. Length of proposed contiguous structures shall be planned so as to establish and protect view corridors to the waterfront.
 5. Coverage and building height requirements may be modified in specific instances so long as the overall development is consistent with goals and other design standards.
 6. Development of new buildings should preserve the character of existing streets and buildings.
 7. Architecture and design of buildings, structures and spaces shall be in keeping with the height, scale, density and character of adjoining neighborhoods. Street networks shall be continuous, pedestrian friendly and facilitate public gathering spaces.
 8. The overall façade shall have a simple and complementary pattern to neighboring or typical buildings and shall be kept consistent across the building front, but may show deviation at important points to highlight the center of the building or the entry way(s) to the building.
 9. Facades shall be designed as to appear inviting from both the street side and the waterfront side of the building without creating a “back door” appearance to either side.