

City Code of the City of North Tonawanda, New York.

**§ 103-13.2. WD Waterfront District. [Added 2-12-88]**

A. Purpose.

- (1) The Niagara River shoreline has always played an important role in shaping the image of the city and its economic base. This goes back to the late 19th century when lumber milling was a dominant activity along the waterfront, establishing the city as the lumber capital of the world at the turn of the century. More recently, recreational pursuits such as boating and fishing have become increasingly important elements in the city's initiatives to stimulate economic growth.
- (2) The combination of older and often underutilized industrial sites intermixed with newer uses catering largely to water-based recreation has created the need to guide future developments along the riverfront. In order to balance the demands placed on the waterfront by competing uses and to improve both the physical and visual environment along the Niagara River, a Waterfront District governed by special controls and development regulations has been established.
- (3) The Waterfront District permits a variety of uses which are either enhanced by or dependent upon a shoreline location. In addition, site plan review procedures have been designed to ensure that the specific details of waterfront development are thoroughly considered, that the environmental quality of the area is preserved and that development is consistent with the city's Local Waterfront Revitalization Program (LWRP).

- B. Permitted uses for properties that have frontage on a water body shall be as follows:
- (1) Marina, yacht club, boat launch and boat docking facilities.
  - (2) Parkland, trail facilities, fishing docks and piers.
  - (3) Boatyards, including boat sales, rentals and storage, marine supplies and equipment, boat service and repair facilities.
  - (4) Commercial excursion and fishing charter facilities.
  - (5) Commercial docks and pipelines for the transfer of goods from the Niagara River to land and/or from land to the Niagara River.
  - (6) Water-dependent industry.
- C. Permitted uses for properties that do not have frontage on a waterbody shall be as follows:
- (1) The uses listed in Subsection B.
  - (2) Restaurants.
  - (3) Business and professional offices.
  - (4) Hotels and motels, including conference and resort facilities.
  - (5) Light industry.
  - (6) Retail and personal service commercial uses as specified in § 103-10, C-1 Neighborhood Business District, Subsection A(2).
  - (7) Dwelling groups consisting of four or more dwellings on the same lot and having a minimum lot size per group of 1.5 acres.
  - (8) Townhouse developments.

- D. Special permitted uses for properties that have frontage on a waterbody shall be as follows:
- (1) Those uses listed in Subsection C, provided that the general criteria for a special use permit [§ 103-18B(3)] are met and, further, that compliance with the requirements specified below in either Subsection D(2) or (3) is provided.
  - (2) Uses listed in Subsection C shall be established in conjunction with one or more of the permitted uses listed in Subsection B. When the use listed in Subsection B does not occupy the entire shoreline, the site plan review and approval provisions set forth in Subsection H below shall be used to ensure that buildings and structures are placed on the site in a manner that would maximize the amount of open space along the shoreline.
  - (3) Uses listed in Subsection C shall include a public pedestrian walkway with public access along the entire frontage on the Niagara River. Plans for the walkway shall be approved by the Planning Commission as part of the site plan review and approval provisions (Subsection H below) and shall be available for public use under a mutually acceptable arrangement between the city and the property owner.
- E. Special permitted uses for properties that do not have frontage on a water body shall be as follows. The general criteria for special permits [§ 103-18B(3)] shall also be applicable.
- (1) Refreshment stands not included as an accessory use (refer to Subsection F).
  - (2) (Reserved)<sup>2</sup>

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2. Editor's Note: Former Subsection E(2), adult uses, was repealed 4-19-1988.

F. Accessory uses. Within the Waterfront District the following uses, buildings and structures shall be allowed as accessories to permitted uses when located on the same lot or land with such use:

- (1) Private garages or parking spaces.
- (2) Private boathouses, docks and related uses and structures.
- (3) Other support facilities necessary for the successful operation of permitted uses, including but not limited to storage facilities for equipment or supplies, bait and tackle shops and snack bars.
- (4) Exterior signs subject to the following standards:
  - (a) Sign information shall pertain only to the existing permitted use on the premises.
  - (b) One sign advertising the sale or rental of property not to exceed 24 square feet in face area. Said advertising sign shall be located on the property advertised for sale or rent and shall be removed within 10 days following the sale or occupancy of the rental property. The advertising sign may be affixed to a building or freestanding.
  - (c) No sign shall be equipped or displayed with any moving parts, nor shall any sign contain any moving, flashing or intermittent illumination.
  - (d) No sign shall project above the roofline.
  - (e) The total square footage of all signs on any premises shall not exceed 1.5 square feet per linear foot of building facade on the street which provides the principal access for the use.

- (f) All signs shall be legible and graphically simple. No more than three colors shall be used.

G. Area and bulk requirements shall be as follows:

- (1) Maximum height: 35 feet.
- (2) Minimum lot size; one acre for nonresidential uses and 1.5 acres for permitted residential dwelling groups and townhouse developments. Residential dwelling groups and townhouse developments shall contain not less than 3,000 square feet of lot area per dwelling unit.
- (3) Required yards: to be determined as part of site plan review.
- (4) Minimum area of dwellings: same as R-2.
- (5) Setbacks.
  - (a) Building line setback from the west right-of-way line of River Road shall not be less than 25 feet. The entire setback area shall be suitably landscaped.
  - (b) Building line setback from other public rights-of-way: to be determined as part of site plan review. All setback areas shall be suitably landscaped.
  - (c) Building line setback from the Niagara River and Little River shall not be less than 25 feet.
- (6) Maximum lot coverage by buildings and accessory uses: 40%.
- (7) Minimum landscaped area: 15% of total lot.

H. Site plan review and approval provisions.

- (1) Applicability.
  - (a) A site plan approved by the Planning Commission shall be required prior to the issuance of a building permit and/or certificate of zoning compliance for proposed actions which meet one or more of the thresholds defined in Subsection H(1)(b). The Building Inspector shall notify an applicant for a building permit or certificate of zoning compliance where site plan approval is required.
  - (b) The thresholds which determine the need for site plan approval are as follows:
    - [1] An addition to a legally existing use which requires 10 or more new parking spaces or loading docks or any combination thereof which totals 10 spaces or docks.
    - [2] Alterations or additions to a legally existing structure which would increase the gross floor area by 15% or more, and having a construction cost of more than \$5,000.
    - [3] An addition to legally existing land uses (i.e., nonstructural, such as parkland) which would increase the developed land area by 15% or more.
    - [4] Any new permitted or special permitted use.
- (2) Sketch plan. A sketch plan conference may be held between the Planning Commission and the applicant prior to the preparation and submission of a formal site plan. The objectives of such a conference are to enable the applicant to inform the Planning Commission of the proposal prior to the preparation of a detailed site plan, to enable for the Planning

Commission to review the basic site design concept and to advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. In order to accomplish these objectives, the applicant should provide the following:

- (a) A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation and other planned features, anticipated changes in the existing topography and natural features and, where applicable, measures and features to comply with flood hazard and flood insurance regulations.
  - (b) A sketch or map of the area which clearly shows the location of the site with respect to nearby street rights-of-way, properties, easements, the Niagara River and/or other watercourses and other pertinent features.
  - (c) A topographic or contour map of adequate scale and detail to show site topography.
- (3) Application for site plan approval. An application for site plan approval shall be made in writing to the Chairman of the Planning Commission and shall be accompanied by supporting information and documentation. If a sketch plan conference was held, the supporting information shall include the elements identified by the Planning Commission at said sketch plan conference. If a sketch plan conference was not held, the applicant shall submit the following information:
- (a) The title of the drawing, including the name and address of the applicant and the person responsible for preparation of such drawings.

- (b) The North arrow, scale and date.
- (c) The boundaries of the property plotted to scale.
- (d) The existing watercourses.
- (e) A grading and drainage plan, showing existing and proposed contours.
- (f) The location, design, type of construction, proposed use and exterior dimensions of all buildings.
- (g) The location, design and type of construction of all parking and truck-loading areas, showing ingress and egress.
- (h) A provision for pedestrian access.
- (i) The location of outdoor storage, if any.
- (j) The location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
- (k) A description of the method of public water supply and sewage disposal and the location, design and construction materials of such facilities.
- (l) The location of fire and other emergency zones, including the location of fire hydrants.
- (m) The location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
- (n) The location, size and design and type of construction of all proposed signs.

- (o) The location and proposed development of all buffer areas, including existing vegetative cover.
  - (p) The location and design of outdoor lighting facilities.
  - (q) Identification of the location and amount of building areas proposed for retail sales or similar commercial activity.
  - (r) A general landscaping plan and planting schedule.
  - (s) An estimated project construction schedule.
  - (t) Identification of any state or county permits required for the execution of the project.
  - (u) A record of application for and approval status of all necessary permits from state and county agencies.
  - (v) Other elements integral to the proposed development as considered necessary by the Planning Commission.
  - (w) A written statement which describes how the project is consistent with the City of North Tonawanda's adopted LWRP.
- (4) Review of site plan. The Planning Commission's review of the site plan shall include but not be limited to the following general considerations:
- (a) The location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
  - (b) The adequacy and arrangement of vehicular traffic, access and circulation, including

intersections, road widths, pavement surfaces, dividers and traffic controls.

- (c) The location, arrangement, appearance and sufficiency of off-street parking and loading.
- (d) The adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- (e) The adequacy of stormwater and drainage facilities.
- (f) The adequacy of water supply and sewage disposal facilities.
- (g) The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the development parcel and adjoining lands, including the maximum retention of existing vegetation.
- (h) The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- (i) Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- (j) The use of proper and adequate screening devices between parking and service areas as such are viewed from River Road.
- (k) Consistency between the site plan and the city's adopted LWRP.
- (l) The quality and adequacy of views from River Road through the development to the shoreline.

- (m) The extent that proposed uses are water-dependent or enhanced.
  - (n) The attractiveness of the proposed use or structure(s) as viewed from the Niagara River, Little River or Barge Canal.
  - (o) The adequacy of the design and function of water-front improvements such as bulkheads, docking facilities, launch ramps and seawalls.
  - (p) The ability of the use to provide public access to the water's edge.
- (5) Planning Commission action on site plan. Within 45 days of the receipt of a completed application for site plan approval, the Planning Commission shall render a decision, file said decision with the City Clerk and mail such decision to the applicant, with a copy to the Building Inspector. The time within which a decision shall be rendered may be extended by mutual consent of the applicant and Planning Commission.
- (a) Upon approval of the site plan, the Planning Commission shall endorse its approval on a copy of the final site plan and shall forward a copy to the applicant and Building Inspector and file the same with the City Clerk.
  - (b) Upon disapproval of a site plan, the Planning Commission shall so inform the Building Inspector. The Building Inspector shall deny a building permit or certificate of zoning compliance to the applicant. The Planning Commission shall also notify the applicant, in writing, of its decision and its reasons for disapproval. Such disapproval shall be filed with the City Clerk.

- (6) Performance guaranty. No certificate of zoning compliance shall be issued until all improvements shown on the site plan are installed or a sufficient performance guaranty has been posted for improvements not yet completed. The sufficiency of such performance guaranty shall be determined by the Common Council after consultation with the Planning Commission, Building Inspector, City Attorney and other appropriate parties.
  - (7) Inspection of improvements. The Building Inspector shall be responsible for the overall inspection of site improvements, including coordination with the Planning Commission and other officials and agencies, as appropriate.
  - (8) Integration of procedures. Whenever the particular circumstances of the proposed development require compliance with either the special permit procedure in this ordinance or other requirements of the city, the Planning Commission shall attempt to integrate, as appropriate, site plan review as required by this section with the procedural and submission requirements for such other compliance.
- I. Supplemental regulations and exceptions. See § 103-15.

**§ 103-13.3. WD-1 Waterfront District. [Added 4-19-88]**

- A. Permitted uses for properties that have frontage on a water body.
  - (1) Includes all uses, restrictions and regulations as set forth in the WD Waterfront District.
- B. Permitted uses for properties that do not have frontage on a water body.
  - (1) Includes all uses, restrictions and regulations as set forth in the WD Waterfront District.