

## **§ 103-13.2. WD Waterfront District.**

### **A. Purpose and Intent.**

- (1) The purpose of the Waterfront District (WD) is to capitalize on the City of North Tonawanda's waterfront by encouraging a mix of residential, commercial, and public uses that promote access to the Niagara and Little Rivers.

### **B. Permitted Uses.**

- (1) Apartment Building
- (2) Apartment Complex
- (3) Bar
- (4) Bed-and-Breakfast
- (5) Brewery
- (6) Building, Mixed-Use
- (7) Club, Private
- (8) Cultural Use Facility/ Museum
- (9) Daycare Center/Daycare Facility
- (10) Distillery
- (11) Dry Storage, Boats
- (12) Dry-Cleaning Outlet (when a part of a Building, Mixed- Use property)
- (13) Dwelling, Multifamily
- (14) Dwelling, Townhouse
- (15) Farmers Market
- (16) Health Club (when a part of a Building, Mixed- Use property)
- (17) Hotel/Motel
- (18) Inn
- (19) Laundry, Self-Serve (when a part of a Building, Mixed- Use property)
- (20) Marina
- (21) Microbrewery
- (22) Nightclub
- (23) Office (when a part of a Building, Mixed- Use property)
- (24) Parking Facility (when part of a larger development program)
- (25) Parks
- (26) Performing Art Venue
- (27) Place of Worship
- (28) Private Boathouse
- (29) Public/Semipublic Use
- (30) Restaurant
- (31) Retail, Goods and Services
- (32) Studio, Art
- (33) Wine Tasting Shop
- (34) Winery
- (35) Yacht Club

C. Accessory Uses.

- (1) Boat Sales, Rentals, Service and Storage
- (2) Home Occupation
- (3) Swimming Pool, Private

D. Special Permitted Uses.

The following uses require a special use permit from the Planning Commission.

- (1) Conference/Convention Center
- (2) Equipment Sales, repair or rentals (only if water dependent)
- (3) Healthcare Facility, Outpatient
- (4) Recreation, Indoor Commercial
- (5) Restaurant, Fast Food
- (6) Retail, Convenience
- (7) Retail, Shopping Center

E. Prohibited Uses.

Uses that are not expressly permitted in this section are prohibited.

F. Incentive Zoning.

(1) Purpose:

- (a) It is the purpose of this law to empower the City of North Tonawanda to grant incentives or bonuses to advance the City's specific physical, cultural and social policies in accordance with the City of North Tonawanda Comprehensive Plan and in coordination with other community planning mechanisms and/or land use techniques.
- (b) Incentive zoning is restricted to added benefits. Incentives shall be granted only when the community benefit or amenities offered would not otherwise be required or likely to result from the applicable planning process before the Planning Commission. Such benefits shall be in addition to any items that are or would be required under other provisions of this Chapter or state law, including any mitigation measures required pursuant to the State Environmental Quality Review Act.

(2) Jurisdiction:

- (a) This law shall apply to the entire Waterfront District in the City of North Tonawanda. The City of North Tonawanda Common Council is empowered to provide for a system of zoning incentives, or bonuses, as the Common Council deems necessary, appropriate and consistent with the purposes and conditions set forth in this Chapter.

(3) Incentives Permitted:

- (a) The following incentives may be granted by the Common Council, with recommendations from the Planning Commission, on an application for incentive zoning for a specific site:

- [1] Increase in density
- [2] Increase in lot coverage
- [3] Increase in building height
- [4] Changes in setback requirements
- [5] Any other changes in the Zoning Ordinance of the City of North Tonawanda if approved by the Common Council

(4) Amenities for which incentives may be offered:

- (a) The following amenities may be offered on or off the site of the subject application:

- [1] Preservation and/or permanent protection of:
  - [a] Open Space
  - [b] Environmentally sensitive vegetation
  - [c] Critical wildlife habitat
  - [d] Scenic views/viewsheds
  - [e] Cultural or historic facilities
- [2] Waterfront easements for public access
- [3] Road and highway improvements in excess of those required to mitigate proposed impacts
- [4] Any combination of above listed amenities and/or cash in lieu of any amenity(s) for specific purposes identified
- [5] Provide for public trails, trail linkages or walkway networks
- [6] Other facilities or benefits to the residents of the community determined by the Planning Commission, and/or the Common Council

(5) Procedure for Approval and Application Requirements:

- (a) Please refer to Section 103-26 for application requirements and process.

(6) Incentive Zoning Requirements:

- (a) The following information shall be included in applications for incentives in exchange for amenities:

- [1] Written description of the proposed amenity
- [2] The cash or economic value of the proposed amenity
- [3] A narrative which:
  - [a] Describes the benefits to be provided to the community by the proposed amenity.

- [b] Gives preliminary indication or demonstration that there is adequate sewer, water, transportation, waste disposal and fire protection facilities in the zoning district in which the proposal is located to handle the additional demands the incentive and amenity, if it is an on –site amenity, may be place on these facilities beyond the demand that would be placed on them as if the district were developed to its fullest potential.
    - [c] Explains how the amenity helps implement the physical, social or cultural policies of the Comprehensive Plan and any other adopted studies or plans as supplemented by the local laws and ordinances adopted by the Common Council.
  - [4] Written description of the requested incentive and justification, and project viability.
  - [5] Sets of maps contacting both the requested incentive layout and a layout conforming to current requirements.
  - [6] Documentation in compliance with the State Environmental Quality Review Act (SEQRA).
  - [7] Completion of architectural review assessment to determine if proposed incentive and or amenities detailed in the application are in harmony with the City of North Tonawanda.
  - [8] Letter waiving any timeline requirements for decisions by the Planning Commission.
- (7) The Code Enforcement Officer shall meet with the applicant prior to their application submittal and review the submission for completeness. The Code Enforcement Officer shall write their comments and submit them along with the application to the Planning Commission as part of the Site Plan Review process (Refer to Section 103-26).
  - (8) The Planning Commission shall hold a scheduled work session or public meeting in conformance with its adopted meeting schedule and submissions deadlines and shall hear testimony on the proposed application. Following said meeting, the Planning Commission shall prepare comments pertaining to the submission application and forward them to the applicant and the Common Council.
  - (9) The Common Council shall determine, based upon input from the Code Enforcement Officer, Planning Commission and other information/input it deems necessary, if the application warrants further consideration under this Chapter. The determination shall be disclosed in a findings report or similar document, a copy of which shall be made available to the applicant and the Code Enforcement Officer. If further consideration is appropriate, the applicant shall be directed to continue with the pending Site Plan/Subdivision/Special Use Permit application per the requested incentive.
  - (10) Once the application has been determined to be complete, a public hearing will be scheduled before the Common Council. The City Clerk shall give

notice of the hearing in the official newspaper of the City at least ten (10) days prior to the date of the hearing.

- (11) The applications shall be referred to other agencies for input as appropriate, including but not limited to any applicable County, State or Federal agencies.
- (12) All applicable requirements of the State Environmental Quality Review Act (SEQRA) shall be complied with as part of the review and hearing process, in addition to other information that may be required as part of an environmental assessment of the proposal. The assessment shall include verification that the zoning district in which the proposal is to be located has adequate sewer, water, transportation, waste disposal and fire disposal and fire protection facilities to:
  - (a) First, serve the remaining vacant land in the district as though it were developed to its fullest potential under the districts regulation in effect at the time of the amenity/incentive proposal.
  - (b) Then to serve the on-site amenity and incentive, given the development scenario in Subsection §103-13.2.F.4 above.
- (13) In order to approve an amenity/incentive proposal, the Code Enforcement Officer shall determine that the requirements of SEQRA have been met and the proposed amenity provides sufficient public benefit to allow for the requested incentive. The Common Council is authorized to act on an application for approval, once approved; the Common Council will create a written order of actions to be completed by the applicant regarding additional construction documents, site plans, and the amenities to be provided to the community of the City of North Tonawanda.
- (14) Cash Payment in Lieu of Amenity:
  - (a) If the Common Council finds that the community benefit is not suitable on site or cannot be reasonably provided, the Common Council may consider a cash payment in lieu of the provision of the amenity. These funds shall be placed in a trust fund to be used by the Common Council exclusively for amenities specified in these provisions. For one-time payments, cash payments shall be made prior to the issuance of a building permit or prior to final signatures on approved plans, whichever comments first. The Common Council will set the requirements for any long-term or incremental payments.
- (15) Severability:
  - (a) The provisions of this Chapter are severable. If any section, subdivision or provision of this local law shall be adjudged invalid, such invalidity shall apply only to the section, subdivision or provision adjudged invalid, and the rest of this local law shall remain valid and effective.

G. Signs.

(1) 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.

H. Off-Street Parking Requirements.

- (1) See §103-14 of this chapter.

I. Supplementary Regulations.

Uses are subject to the requirements specified elsewhere in these regulations including, but not limited to, Supplemental Regulations in accordance with Section 103-15.

J. Bulk and Use Table.

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)					Max. Allowable Impervious Surface Coverage (%)	Max. Building Height Range (feet)
			Front Street	Front Waterfront	Side	Rear on Street or adjacent Property	Rear Waterfront		
Permitted Uses									
Apartment Building	8,000	50	15	30	10	20	30	80	45
Apartment Complex	20,000	75	15	30	10	20	30	80	45
Bar	6,000	50	15	25	10	20	25	80	35
Bed-and-Breakfast	8,000	50	15	25	10	20	25	80	35
Brewery	20,000	50	15	25	15	20	25	80	35
Building, Mixed-use	8,000	50	15	25	10	20	25	80	45
Club, Private	8,000	50	15	25	10	20	25	80	35
Cultural Use Facility/Museum	N/A	N/A	N/A	25	N/A	20	25	N/A	N/A
Daycare Center/Daycare Facility	6,000	60	15	25	15	20	25	80	35
Distillery	20,000	100	15	25	15	20	25	80	35
Dry Storage, Boats	10,000	100	20	25	15	20	25	80	35
Dry-cleaning Outlet	10,000	50	20	25	15	20	25	80	35
Dwelling, Multifamily	8,000	50	20	40	20	20	40	80	35
Dwelling, Townhouse	5,000	40	10	25	10	20	25	80	35
Farmers Market	5,000	50	15	30	15	20	30	80	20
Health Club	15,000	100	15	30	15	20	30	80	35
Hotel/Motel	30,000	150	20	35	20	20	35	80	55

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)					Max. Allowable Impervious Surface Coverage (%)	Max. Building Height Range (feet)
			Front Street	Front Waterfront	Side	Rear Street	Rear Waterfront		
Inn	10,000	50	15	25	15	20	40	80	45
Laundry, Self-serve	8,000	50	10	25	15	20	20	80	35
Marina	15,000	100	20	25	15	20	10	80	60
Microbrewery	20,000	50	10	25	15	20	35	80	35
Night Club	15,000	100	15	25	15	20	40	80	55
Office	8,000	50	10	25	15	20	10	80	35
Parking Facility	20,000	150	15	25	15	20	35	80	55
Private Boathouse	2,000	20	15	N/A	10	N/A	10	80	15
Parks	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Performing Arts Venue	20,000	150	15	25	20	20	20	80	35
Place of Worship	15,000	50	15	25	20	20	20	80	35
Public/Semipublic use	8,000	50	15	25	15	10	20	80	35
Restaurant	8,000	50	10	25	15	10	20	80	35
Retail, Goods and Services	8,000	50	10	25	15	5	10	80	35
Studio, Art	5,000	50	10	25	15	5	10	80	35
Wine Tasting Shop	5,000	50	10	25	15	10	20	80	35
Winery	40,000	50	10	25	15	20	10	80	45
Yacht Club	20,000	100	20	25	15	20	10	80	55
Accessory Uses									
Boat Sales, Rental, Service and Storage	N/A	N/A	20	25	20	5	5	80	35*/60**
Home Occupation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Swimming Pool, Private (must be in the rear of the building)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

\* for main building only.

\*\*for boat storage only.



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			Front Street	Front Waterfront	Side	Rear on Street or adjacent Property	Rear Waterfront		
Special Permitted Uses									
Conference/Convention Center	20,000	100	20	35	15	20	40	80	35
Equipment Sales, Repair or Rentals	40,000	100	20	40	25	20	20	80	25
Healthcare Facility, Outpatient	15,000	100	15	30	15	20	40	80	25-45
Recreation, Indoor Commercial	10,000	50	20	30	15	20	40	80	35
Restaurant, Fast Food	5,000	50	15	30	15	20	40	80	35
Retail, Convenience	5,000	50	15	30	15	20	40	80	35
Retail, Shopping Center	40,000	60	25	75	15	30	40	80	35