

ARTICLE II
Establishment of Districts; Zoning Map

§ 215-5. Districts established; map.

A. The Town of Tonawanda is hereby divided into districts hereinafter referred to as:

A	First Residential District
B	Second Residential District
M-F	Multifamily Dwelling District
C-1	Restricted Business District
C	General Business District
P-S	Performance Standards Use District
G-I	General Industrial District
W-MU	Waterfront Mixed Use District
O-RD	Office/ Research and Development Use District
RHC	Retail- Highway Commercial Use District
WID	Waterfront Industrial District
RO	River Road Overlay District

B. These districts are shown in the Zoning Map hereinafter described and are indicated by the letters A, B, M-F, C-1, C, P-S, G-I, W-MU, O-RD, RHC, WID and RO as shown in the legend.

C. The Zoning Map, which shall be a part hereof, shall be duly certified in the manner prescribed by the State of New York relating to town zoning.

D. This Zoning Map, when duly certified, shall be filed in the office of the Town Clerk, with the Supervising Building Inspector, with the Planning Board and with the Zoning Board of Appeals.

E. All amendments hereto, which shall be made at any time, shall be filed with the above-mentioned Town Clerk, with the Supervising Building Inspector, with the Planning Board and with the Zoning Board of Appeals.

ARTICLE IXA
W-MU Waterfront Mixed Use District

§ 215-70. Purpose and Intent.

The purpose and intent of the W-MU Waterfront Mixed Use District shall be as follows:

- A. To promote and accommodate the development of a mix of uses which are designed to recognize the unique and irreplaceable character of the Niagara River shoreline. The uses should be designed to promote public access and use of the river shoreline while protecting and utilizing the unique features and vistas throughout the district.
- B. To provide for appropriate development in this area, which is to the west of River Road and includes many properties already being used for or designated for use as parkland or public space. Permitted development should be sensitive to the size of the properties and to any environmental conditions that may limit the amount of development the site can accommodate.
- C. To allow and encourage small commercial uses that complement the area's recreational, tourism, and parkland facilities, while being sensitive to the physical and environmental limitations, such as limited space, floodplains and wetlands, characterizing much of the land within this district.

- D. To encourage flexibility in design and use of sites within the shoreline area while preserving the unique environmental features and maintaining or reviving the aesthetic qualities of the waterfront area. The flexibility of design will be accomplished by establishing minimal dimensional requirements for principal uses combined with site plan review and design standards which will ensure development which is compatible with the goals of the Local Waterfront Revitalization Program and any other relevant planning documents.

§ 215-70.1. Permitted uses.

Only the following uses shall be permitted with site plan approval as set forth in Article XXIII:

- A. Public and private parklands, trails, docks, fishing facilities, boat launching facilities and picnic areas.
- B. Marinas and yacht clubs.
- C. Boatyard and boat storage facilities.
- D. Commercial excursion and charter fishing boat facilities.
- E. Visitor center, exhibit and interpretive facilities.
- F. A motel, hotel or hotel complex.
- G. Retail stores, restaurants and other water-enhanced uses, at a scale to be determined by the Town Planning Board, which are appropriate for the location of the site and surrounding land uses.
 - (1) Individual uses shall not exceed 5,000 square feet in total retail sales area.
 - (2) For stores and shops proposed to be connected in a plaza, the total structure or plaza shall not have a combined size in excess of 15,000 square feet.

§ 215-70.2. Specially permitted uses.

Only the following uses shall be permitted with a special use permit as indicated in Article IXF and with site plan approval as set forth in Article XXIII:

- A. Combinations of permitted uses, based upon the determination of the Town Building Department, in consultation with the Town Planning Board, that such combinations are appropriate for the waterfront area.
- B. Development of water-dependent facilities, such as docks or pipelines for the transfer of materials between land and river, as an accessory to industrial development elsewhere.
- C. Other uses not specifically listed above but which, based on a determination by the Town Board, in consultation with the Town Planning Board, are deemed appropriate for the waterfront area, are similar in nature to the other permitted uses or are compatible with the purpose and intent of this district.

§ 215-70.3. Accessory uses.

Customary accessory structures incidental to primary permitted or specially permitted uses are allowed, subject to site plan approval by the Town Building Department, with comments from the Town Planning Board.

§ 215-70.4. Dimensional requirements.

- A. Minimum lot size. The required lot size for permitted uses shall be established by the Town Building Department in consultation with the Town Planning Board during the site plan review and approval process. The required minimum lot size shall be based on the amount of land necessary to adequately accommodate the proposed principal use as well as all parking, loading, landscaping, open space, setbacks, public access and traffic access. The required minimum lot size shall also be based on the relative intensity of the proposed use, the need to protect or buffer the proposed use and the need to protect or buffer the use from scenic views or vistas.
- B. Setback requirements. Setbacks from buildings or structures from all other buildings and structures on the lot and from property lines for all principal structures and accessory uses shall be determined by the Town Building Department in consultation with the Town Planning Board during site plan review and approval and shall be based on the following guidelines:
 - (1) Principal buildings, parking areas and accessory structures, excluding such facilities as docks, piers, wharves, boat ramps and other water-dependent related structures, shall be set back a minimum of 50 feet from the adjacent high-water mark of the Niagara River.
 - (2) Principal buildings, parking areas and accessory structures shall be set back a minimum of 35 feet from any property line, public pathway (closest edge) or road right-of-way, except for River Road where a fifty-foot setback must be maintained.
 - (3) Setbacks shall be established with due consideration of provisions of fire protection services and adequate access for emergency equipment within and around the site and abutting sites.
 - (4) Setbacks shall be established with due consideration of the protection and preservation of the unique nature and character of the shoreline area, scenic views and vistas and the specific goals of this district.
- C. Maximum building and other structure heights.
 - (1) Maximum building heights for all permitted principal uses shall not exceed 35 feet. The Town Building Department shall also have the power to establish maximum principal structure heights of less than 35 feet in such cases where a visual analysis of the site prepared and submitted by the applicant and reviewed by the Town Building Department demonstrates that such height limitation is required to protect the scenic view or vistas or to maintain the overall aesthetic quality of the waterfront area.
 - (2) Accessory structures shall not exceed a maximum height of 20 feet unless otherwise specified or regulated in this chapter. These structures may be limited in their height dependent on a visual analysis as discussed above.
- D. Maximum lot coverage. The total overall ground coverage of all principal and accessory buildings and structures, parking areas and other impervious surfaces on any lot shall not exceed 65% of the total lot area. The remainder shall be open green space and/or landscaped areas.

§ 215-70.5. Additional design standards and requirements.

The following additional design standards and requirements shall apply throughout the district. In addition, all development shall also conform to the requirements of the River Road Overlay (Section 215-70.26). Where a conflict may exist between these requirements and the Overlay requirements, the Overlay requirements shall be used.

- A. Landscaping, screening and buffering.

- (1) Landscaping shall be provided and maintained to enhance the general appearance of the development, supply a visual break of the built environment and give relief to otherwise developed interior portions of the site to harmonize with the proposed buildings and the surrounding areas. Appropriate shrubs, trees and plant materials shall be arranged in beds, rows, islands, berms and clusters as foundation and area plantings, and shall give definition to street edges and provide screening. It shall not, however, impede public views of the river.
 - (2) Significant existing vegetation shall be preserved, where practical, in any required waterfront or public access setback or buffer area. The applicant shall incorporate existing trees and other significant vegetation into the overall site plan to the extent feasible.
 - (3) The applicant shall submit a landscape plan with the site plan. The landscape plan shall be prepared by a landscape architect or arborist and describe the plant species, their locations and size at planting and maturity. Landscape materials selected shall be appropriate to the growing conditions of this climactic zone.
 - (4) The landscape plan shall provide adequate landscaping or screening for all utility buildings, loading docks, refuse collection areas, cooling systems, storage areas and all other similar structures, installations and features.
- B. Fencing. The use of fencing is discouraged within this district. Where used, the fencing shall be limited to four feet in height and shall be designed to not visually screen views of the river. For purposes of outside storage of materials directly associated with the commercial enterprise on said lot, fencing of a limited area is permitted.
- C. Viewshed protection.
- (1) The site shall be developed in such a way as to maximize view opportunities at the river's edge and view corridors throughout the development. Site layout and design shall consider view corridors from the Riverwalk and any adjacent public open space. Important views should be protected and enhanced to the maximum extent practicable. To ensure visual access to the water, at least 25% of the shoreline shall be contained within view corridors. The total width of the view corridor shall be measured by dividing the total width of the view corridors by the total shoreline in a single development parcel.
 - (2) The Town Building Department, at its discretion or at the suggestion of the Town Planning Board, may require the applicant to provide information which will allow an adequate review of the potential impact of the development on the scenic resources of the area. Information that may be requested may include:
 - (a) Photographs of all existing scenic vistas at the site.
 - (b) Schematic plans and sections showing clearly the impact that development will have on the scenic vistas.
 - (c) Elevations or perspective sketches showing the proposed development and its impact on views to the river from surrounding public open space and/or public rights-of-way.
 - (d) Based on the findings of the visual assessment, the Town Building Department may limit the height or length of any proposed structure and may recommend changes in the arrangements of buildings if in its determination the proposed limitations or changes will protect or enhance the visual character.
- D. Parking.

- (1) All permitted uses shall comply with the regulations outlined in Article XIII of this chapter and in the River Road Overlay for the standards for design of parking areas. Where these requirements differ, the provisions of the Overlay shall supercede provisions of Article XIII.
 - (2) To encourage pedestrian activity and accessibility, the Town Building Department may reduce minimum off-street parking requirements, taking into account the proposed use, pedestrian accessibility and other reasonable indications that the amount of parking is adequate to meet estimated parking needs.
 - (3) Employee parking facilities shall not be located within any setback areas. Parking areas for visitors, customers or clients may be located within a setback area, provided that at least 50% of the area is landscaped. A landscaped buffer of at least 5 feet shall be provided between any parking area within the setback area and the property boundary.
 - (4) All parking areas shall be paved with concrete or blacktop paving, paving brick or other comparable hard surface approved by the Town Building Department, and shall be properly drained.
 - (5) Parking areas shall not exceed 10,000 square feet of uninterrupted paving. Landscaped islands or medians or divider strips shall be placed within rows of parking spaces so that no row of parking exceeds 15 spaces without being interrupted by landscaping.
- E. Utilities and communication facilities. It is the strong intent that all utility and communication facilities shall be installed underground where feasible, unless extenuating circumstances are found. Installation shall be in the manner prescribed by the regulations of the government agency or utility company having jurisdiction. Where facilities are provided, they shall be planned to anticipate future utility needs and shall be sited to reduce future capital costs.
- F. Signage. All signage proposed for permitted uses within this district shall comply with the signage regulations of Article XXII of this chapter and the following conditions:
- (1) All graphics and signs shall be designed as an integral part of the whole for the entire development proposed for a given property within the district.
 - (2) Billboards, freestanding pole signs, portable ground signs and roof signs are not permitted.
 - (3) A single ground identification sign or directory sign may be constructed a minimum of 10 feet from the front lot line, which shall not exceed eight feet in height, and have up to two faces with a maximum area of each face of 60 square feet. The combined total face area for ground and wall mounted signs shall not exceed 300 square feet on a single property.
 - (4) All signs visible from River Road shall be compatible with any public signage established by the Town for the waterfront region.
 - (5) Signs shall have the minimum of information necessary in order to avoid clutter and confusion. Whenever feasible, signs should be combined into a single sign in order to minimize clutter.
- G. Docking facility and marina design standards shall be governed by all applicable federal and state standards and regulations.
- H. Storage of materials.
- (1) Required service areas, required loading areas and outdoor storage areas shall be located so as to not be visible from public streets, public pedestrian ways or public open space. Service, loading and storage facilities should be architecturally incorporated into the building or

architecturally treated with walks, fencing and landscaping. Where these facilities are visible from public or private pedestrian areas or public open space, they shall be completely screened with opaque materials.

- (2) Outside storage that is located within 150 feet of the district boundary shall not exceed eight feet in height. Elsewhere in the district, outside storage shall be limited to 12 feet in height. These height limits shall not apply to external boat storage, as allowed under section (3), below.
- (3) External boat storage of a single boat on a cradle shall be allowed at the discretion of the Building Department.

I. Lighting.

- (1) All lighting shall be located and designed as an integral part of the entire project of which it is a part and shall consider the architectural and landscape context of the site.
- (2) Lighting shall be provided for visibility, security and as an accent to architectural and/or landscape features.
- (3) Pedestrian scale lighting shall be provided along major pedestrian paths and along the Niagara River edge.
- (4) Lighting fixtures shall be used that appear and function as a compatible whole, including the designs of building-mounted lighting.
- (5) Lighting shall be located and designed to minimize glare and reflection on adjacent properties and shall not interfere with the use of neighboring premises.
- (6) Lighting fixtures shall be used that direct light downwards in order to minimize interference with roadways and public use.
- (7) All wiring for lighting shall be installed underground.

J. Circulation. On-site circulation shall be designed to minimize conflicts between vehicles and pedestrians.

- (1) Common driveways and interconnection of parking areas should be provided where practical in order to efficiently serve adjacent related or complementary uses, to minimize the number of
- (2) road cuts and to concentrate and control turning movements onto River Road and internal feeder roads and trail crossings.
- (3) All bike and walking paths shall be clearly identified with striping and/or signage as necessary within parking areas, driveway crossings and public roadway crossings.
- (4) Sidewalks or paths shall be placed parallel to all major roadways or driveways or shall form an interconnected network within a property or group of properties. Whenever practicable, pathways shall be connected to the existing local or regional pathway system.

ARTICLE IXB
O-RD Office / Research and Development Use District

§ 215-70.6. Purpose and Intent.

The purpose and intent of the O-RD - Office/Research and Development Use District shall be as follows:

- A. In accordance with the Town of Tonawanda Waterfront Land Use Plan and the Local Waterfront Revitalization Program, to provide for a planned district that will promote and accommodate the development of "high end" business uses which are designed to recognize the unique and irreplaceable character of the Niagara shoreline region. The uses will take advantage of views of the area, and provide a buffer between the waterfront public uses, the City of Tonawanda and the light industrial areas of the Town.
- B. To encourage flexibility in design and use of sites within the shoreline area while preserving the unique environmental features and maintaining or reviving the aesthetic qualities of the waterfront area. The flexibility of design will be accomplished by establishing minimal dimensional requirements for principal uses combined with site plan review and design standards which will ensure development which is compatible with the goals of the Town of Tonawanda.
- C. To promote the most desirable use of land and direction of building development in accordance with the Town's vision and LWRP which protects the character of the waterfront region and the established patterns in adjacent development, thereby maintaining land values and protecting and improving the Town's tax revenue.

§ 215-70.7. Permitted uses.

Only the following uses shall be permitted with site plan approval as set forth in Article XXIII:

- A. Public and private parklands, trails and recreation areas.
- B. Business and professional offices.
- C. General laboratories for testing and research.
- D. Research and development.

§ 215-70.8. Specially permitted uses.

Only the following uses shall be permitted with a special use permit as indicated in Article IXF and with site plan approval as set forth in Article XXIII:

- A. Retail, restaurant and lodging.
- B. In-service training schools for employees, provided that such use is incidental to one of the principal uses.
- C. Nursery schools or day care centers to primarily serve employees in the district.
- D. Warehousing and distribution facilities representing less than 25% of the square footage of the total leasable area of the facility. Such specially permitted use must be accessory to the primary allowable use.
- E. Any other commercial use which is determined by the Town Board, in consultation with the Town Planning Board, to be similar to other permitted or specially permitted uses, and which is compatible with the purpose and intent of this district.

§ 215-70.9. Accessory uses.

Customary accessory structures incidental to primary permitted or specially permitted uses are allowed, subject to site plan approval by the Town Building Department, with comments from the Town Planning Board

§ 215-70.10. Dimensional requirements.

The dimensional requirements in the O-RD district shall be as follows:

- A. Minimum lot size and frontage. The required minimum lot size and frontage shall be based on the amount of land necessary to adequately accommodate the proposed principal use as well as all parking, loading, landscaping, open space, setbacks, public access and traffic access.
- B. Front yard setback: minimum of 50 feet, measured from the nearest street right-of-way.
- C. Side yard setback: minimum of 25 feet.
- D. Maximum lot coverage: The total overall coverage of all principal and accessory buildings and structures, parking areas and other impervious surfaces on any lot shall not exceed 65% of the total lot area. The remainder shall be open green space and/or landscaped areas.
- E. Height restriction: The maximum building height shall not exceed 50 feet.

§ 215-70.11. Additional design standards and requirements.

The following additional design standards and requirements shall apply throughout the district. In addition, all development within 500 feet of River Road shall conform to the requirements of the River Road Overlay.

- A. Two Mile Creek and Rattlesnake Creek Buffers. A minimum of 50 feet on either side of Rattlesnake Creek, Two Mile Creek or its tributaries shall be maintained in its natural state or as landscaped open space. The setback distance shall be measured from the average adjacent high water line of the water body. The applicant is encouraged to protect the natural drainage elements within the project area and to provide a means of public access along any drainage element or within the 50 foot buffer area where it is appropriate or desired to integrate the preservation of the drainage features into the open space element of the project design.
- B. Landscaping, screening and buffering.
 - (1) Landscaping shall be provided and maintained to enhance the general appearance of the development, supply a visual break of the built environment and give relief to otherwise developed interior portions of the site to harmonize with the proposed buildings and the surrounding areas. Appropriate shrubs, trees and plant materials shall be arranged in beds, rows, islands, berms and clusters as foundation and area plantings, and shall give definition to street edges and provide screening. It shall not, however, impede public views of the river.
 - (2) Significant existing vegetation shall be preserved, where practical, in any required waterfront or public access setback or buffer area. The applicant shall be encouraged to incorporate existing trees and other significant vegetation into the overall site plan to the extent feasible.
 - (3) The applicant shall submit a landscape plan with the site plan. The landscape plan shall be prepared by a landscape architect or arborist and describe the plant species, their locations and

size at planting and maturity. All plants, trees and shrubs shall be planted and maintained in accordance with a planting schedule provided by the applicant and approved by the town. Landscape materials selected shall be appropriate to the growing conditions of this climactic zone.

- (4) The landscape plan shall provide adequate landscaping or screening for all utility buildings, loading docks, refuse collection areas, cooling systems, storage areas and all other similar structures, installations and features.
- (5) Tree planting spacing patterns of one tree for no less than every 30 linear feet of distance in a regular pattern along site edges adjoining principal business streets shall be required. Landscaping patterns along street right-of-way lines shall be consistent with the unobstructed view corridor standards established by § 215-8, entitled "Sight obstructions," which requires that shrubs and similar materials generally not be higher than three feet above adjacent street grade and that street trees have branches generally no lower than 12 feet above adjacent street grade in order that views not be obstructed for approaching or departing vehicles.
- (6) All trees shall be plant species having a minimum caliper of two and one-half inches measured two feet above ground level at the time of planting, an average crown spread of greater than 15 feet at maturity and trunks which can be maintained in a clean condition, free of branches from grade to generally 12 feet above grade along principal street edges and 10 feet above grade elsewhere. Trees having an average mature spread of less than 15 feet may be substituted by grouping the same so as to create the equivalent of a 15-foot crown. Shrubs shall be a minimum of two feet in height when measured immediately after planting. Hedges, when measured, shall be planted and maintained so as to form a continuous visual screen within two years after time of planting.

C. Parking.

- (1) Parking shall comply with Article XIII of this chapter for the number of parking spaces required and the standards for the design of parking areas. If the site is within the River Road Overlay district, the provisions of the Overlay shall supercede other parking requirements.
- (2) Employee parking facilities developed as structures or surface lots shall not be located within any setback areas or in the front of any building.
- (3) Employee parking areas shall be paved with a concrete or blacktop paving, paving brick or comparable hard surface approved by the Town Building Department, shall have curbing or bumper guards where needed and, except for driveways and other entrances, shall be properly drained and screened from view from the street.
- (4) Parking areas for visitors, customers or clients may be located within a setback area (required front or side yards); provided that at least 50% of the area is landscaped. Such parking areas must be paved with concrete or blacktop paving, paving brick or other comparable hard surface approved by the Town Building Department, and shall be properly drained. A landscaped buffer of at least 5 feet shall be provided between any parking area within the setback area and the property boundary.
- (5) Parking areas shall not exceed 10,000 square feet in area unless interrupted by a minimum fifteen-foot-wide landscaped strip. Median requirements may be relaxed if the parking lot configuration is irregularly shaped.
- (6) No loading docks shall be permitted on any portion of a building which faces a street; provided, however, that if two or more building walls face a street or a public right-of-way, then loading docks may be permitted if adequate landscaped screening is provided.

D. Signage. Signage shall comply with Article XXII of this chapter.

E. Fencing.

- (1) The use of fencing is discouraged within this district, except as needed for the purposes of screening features such as storage areas, utility buildings and similar types of structures or installations.
- (2) No fence shall be erected within any setback area. Fences shall be limited to six feet in height.

F. Storage of materials.

- (1) Required service areas, required loading areas and outdoor storage areas shall be located so as to not be visible from public streets, public pedestrianways or public open space. To the extent possible, service, loading and storage facilities should be architecturally incorporated into the building or architecturally treated with walks, fencing and landscaping. Where these facilities are visible from public or private pedestrian areas, public streets or public open space, they shall be completely screened with opaque materials.
- (2) Outside storage that is located within 150 feet of the district boundary shall not exceed 12 feet in height. Elsewhere in the district outside storage shall be limited to 20 feet in height.

G. Utilities and communication facilities. No utilities or communication facilities shall be installed aboveground in front or side yards. Where feasible, all utility and communication facilities shall be

installed underground, in a manner prescribed by the regulations of the government agency or utility company having jurisdiction. All facilities shall be planned so as to anticipate future needs and shall be sited and sized to reduce future capital costs.

215-70.11A. Performance standards.

Uses in this district shall be no more intrusive in impacts than is typical for standard office uses.

ARTICLE IXC
RHC - Retail - Highway Commercial Use District

§ 215-70.12. Purpose and Intent.

The purpose and intent of the RHC Retail-Highway Commercial Use District shall be as follows:

- A. To allow and encourage the development of a highway service and retail shopping area near the Grand Island Bridge that accommodates the needs and services of the traveling public.
- B. To provide for highway-related uses in a manner that remains consistent with the Town's goals for the waterfront area, including the maintenance of significant viewsheds, the encouragement of increased public access, and the promotion of higher design standards and aesthetics in this area of the Town.
- C. To encourage the development of uses that are compatible with adjoining uses, including the waterfront area across River Road, and that promote accessibility for pedestrian and bicyclist travelers as well as vehicular traffic.

§ 215-70.13. Permitted uses.

Only the following uses shall be permitted with site plan approval as set forth in Article XXIII:

- A. Restaurants.
- B. Gasoline stations.
- C. Retail stores.
- D. Motels and hotels.

§ 215-70.14. Specially permitted uses.

Only the following uses shall be permitted with issuance of a special use permit as indicated in Article IXF and with site plan approval as set forth in Article XXIII:

- A. Truck stops and travel plazas.
- B. Any other commercial or retail use which is determined by the Town Board, in consultation with the Town Planning Board, to be similar to other permitted or specially permitted uses, and which is compatible with the purpose and intent of this district.

§ 215-70.15. Accessory uses.

Customary accessory structures incidental to primary permitted or specially permitted uses are allowed, subject to site plan approval by the Town Building Department, with comments from the Town Planning Board

§ 215-70.16. Dimensional requirements.

The dimensional requirements in the RHC district shall be as follows:

- A. Minimum lot size: None
- B. Minimum Lot frontage: 50 feet
- C. Front yard setback: minimum of 50 feet, measured from the nearest street right-of-way.
- D. Side yard setback: minimum of 25 feet.
- E. Maximum lot coverage: 75%.
- F. Height restriction: the maximum building height shall not exceed 75 feet.

§215-70.17. Additional design standards and requirements.

The following additional design standards and requirements shall apply throughout the district. In addition, all development within 500 feet of River Road shall conform to the requirements of the River Road Overlay.

A. Landscaping

Due to the visibility of this district and the nature of the types of uses allowed, landscaping is an important component of design to screen, buffer and improve the aesthetics of development, which is likely to be dominated by large amounts of paving. The following landscaping standards shall apply:

H. Landscaping, screening and buffering.

- 1. Landscaping shall be provided and maintained to enhance the general appearance of the development, supply a visual break of the built environment and give relief to otherwise developed interior portions of the site to harmonize with the proposed buildings and the surrounding areas. Appropriate shrubs, trees and plant materials shall be arranged in beds, rows, islands, berms and clusters as foundation and area plantings, and shall give definition to street edges and provide screening. It shall not, however, impede public views of the river.
- 2. The applicant shall submit a landscape plan with the site plan. The landscape plan shall be prepared by a landscape architect or arborist and describe the plant species, their locations and size at planting and maturity. All plants, trees and shrubs shall be planted and maintained in accordance with a planting schedule provided by the applicant and approved by the town. Landscape materials selected shall be appropriate to the growing conditions of this climactic zone.
- 3. The landscape plan shall provide adequate landscaping or screening for all utility buildings, loading docks, refuse collection areas, cooling systems, storage areas and all other similar structures, installations and features.

4. Tree planting spacing patterns of one tree for no less than every 30 linear feet of distance in a regular pattern along site edges adjoining principal business streets shall be required. Landscaping patterns along street right-of-way lines shall be consistent with the unobstructed view corridor standards established by § 215-8, entitled "Sight obstructions," which requires that shrubs and similar materials generally not be higher than three feet above adjacent street grade and that street trees have branches generally no lower than 12 feet above adjacent street grade in order that views not be obstructed for approaching or departing vehicles.
 5. All trees shall be plant species having a minimum caliper of two and one-half inches measured two feet above ground level at the time of planting, an average crown spread of greater than 15 feet at maturity and trunks which can be maintained in a clean condition, free of branches from grade to generally 12 feet above grade along principal street edges and 10 feet above grade elsewhere. Trees having an average mature spread of less than 15 feet may be substituted by grouping the same so as to create the equivalent of a 15-foot crown. Shrubs shall be a minimum of two feet in height when measured immediately after planting. Hedges, when measured, shall be planted and maintained so as to form a continuous visual screen within two years after time of planting.
- B. Parking.
- (1) Parking shall comply with Article XIII of this chapter for the number of parking spaces required and the standards for the design of parking areas. If located within the boundaries of the River Road Overlay, the provisions of the Overlay shall supercede other parking requirements.
 - (2) Employee parking shall not be located within any setback areas or in the front of any building.
 - (3) Parking areas for visitors, customers or clients may be located within a setback area, provided that at least 50% of the area is landscaped. A landscaped buffer of at least 5 feet shall be provided between any parking area within the setback area and the property boundary.
 - (4) Parking areas shall not exceed 10,000 square feet of uninterrupted paving. Landscaped islands or medians or divider strips shall be placed within rows of parking spaces so that no row of parking exceeds 15 spaces without being interrupted by landscaping.
- C. Signage. Signage shall comply with Article XXII of this chapter.
- D. Fencing. No fences shall be permitted in the setback area. Fences shall be limited to six feet in height.
- E. Storage of materials.
- (1) Required service areas, loading areas and outdoor storage areas shall be located so as to not be visible from public streets, public pedestrianways or public open space, if feasible. To the extent possible, service, loading and storage facilities should be architecturally incorporated into the building or architecturally treated with walks, fencing and landscaping. Where these facilities are visible from public pedestrian areas, public streets or public open space, they shall be completely screened with opaque materials.
 - (2) Outside storage shall not exceed 12 feet in height.
- F. Utilities and communication facilities. No utilities or communication facilities shall be installed above ground in front or side yards. Where feasible, all utility and communication facilities shall be installed underground, in a manner prescribed by the regulations of the government agency or utility company having jurisdiction. All facilities shall be planned so as to anticipate future needs and shall be sited and sized to reduce future capital costs.

- G. Circulation. On-site circulation shall be designed to minimize conflicts between vehicles and pedestrians.
- (1) Common driveways and interconnection of parking areas shall be provided where practical in order to efficiently serve adjacent related or complementary uses, to minimize the number of road cuts and to concentrate and control turning movements onto to River Road.
 - (2) All bike and walking paths shall be clearly identified with striping and/or signage as necessary within parking areas, driveway crossings and public roadway crossings.
 - (3) Pedestrian and bike paths shall be provided to facilitate pedestrian access to developments. Wherever practicable, on-site pathways shall be connected to the existing local and regional pathway system.

ARTICLE IXD
W-ID Waterfront Industrial District

§ 215-70.18. Purpose and intent.

The purpose and intent of the W-ID Waterfront Industrial District shall be as follows:

- A. In accordance with the Town of Tonawanda Waterfront Land Use Plan, to provide for a planned district for industrial development of a manufacturing, processing and/or assembly nature, as well as wholesale and warehousing activities.
- B. To accommodate these types of uses while maintaining the character and integrity of the surrounding land uses and the waterfront region in general, and protecting them from unreasonable adverse impacts.
- C. To encourage water-dependent or water-enhanced industrial or commercial uses on lands that are located along the Niagara River.
- D. To promote uses that will provide job opportunities and strengthen the town's tax base.
- E. To maintain appropriate design standards within the Tonawanda waterfront region.

§ 215-70.19. Permitted uses.

Only the following uses shall be permitted with site plan approval as set forth in Article XXIII Only the following uses shall be permitted with site plan approval by the Town Building Department and after having received comments from the Town Planning Board according to the process set for in the site plan regulations:

- A. Public and private parklands and trails.
- B. Boat storage facility.
- C. Light industry.
- D. Assembly of component parts.
- E. Wholesale business and storage.
- F. Warehousing and storage of goods for distribution.

- G. Public utilities.
- H. Research facilities, including laboratories and testing facilities.
- I. Business offices or medical professional buildings.

§ 215-70.20. Specially permitted uses.

Only the following uses shall be permitted with a special use permit as indicated in Article IXF and with site plan approval as set forth in Article XXIII:

- A. Service or repair of an industrial nature.
- B. Retail sales of merchandise and/or services.
- C. Nursery schools and day care centers to primarily serve employees in the district.
- D. Commercial laundry plants; bottling plants.
- E. Any other commercial, industrial or warehousing use which is determined by the Town Board, in consultation with the Town Planning Board, to be similar to permitted or specially permitted uses, and which is compatible with the purpose and intent of this district.

§ 215-70.21. Use restrictions.

- A. Residential dwelling units shall not be permitted, except for temporary quarters, such as for a plant watchman or caretaker, that do not constitute a primary residence.
- B. Junk yards, waste transfer or disposal, land mining and stockyards shall not be permitted.

§215-70.22. Accessory uses.

The following uses are permitted as an accessory use to a permitted or specially permitted use, subject to site plan approval as set forth in Article XXIII.

- A. Storage structures subject to height screening conditions.
- B. Clinics, cafeterias and recreational facilities for the exclusive use of employees of the principal use.
- C. Garages, pump houses, water towers and storage tanks.
- D. Other customary accessory structures incidental to primary permitted or specially permitted uses.

§ 215-70.23. Dimensional requirements.

The dimensional requirements in the W-ID Waterfront Industrial District shall be as follows:

- A. Minimum lot size: 2 acres.
- B. Minimum lot width at the front (frontage): 100 feet.

- C. Front yard setback: minimum of 50 feet, measured from the nearest street right-of-way line.
- D. Side yard setback: minimum of 25 feet.
- E. Lot coverage. Building coverage shall be limited to 40% of the lot area. Total coverage of the lot with impervious or paved surfaces shall be limited to 75%.
- F. Height restriction: The maximum building height shall not exceed 50 feet. The Town Building Department shall have the power to establish maximum heights of less than 50 feet for properties within the coastal zone boundary where such height limitation is required to preserve important views or maintain the overall aesthetic quality of the waterfront area.

§ 215-70.24. Additional design requirements and standards.

The following additional design standards and requirements shall apply throughout the district. In addition, all development within the coastal zone (from the Niagara River to 500 feet inland of River Road) shall conform to the requirements of the River Road Overlay.

- A. Two Mile Creek and Rattlesnake Creek Buffers. A minimum of 50 feet on either side of Rattlesnake Creek, Two Mile Creek or its tributaries shall be maintained in its natural state or as landscaped open space. The setback distance shall be measured from the average high water line of the water body. The applicant is encouraged to protect the natural drainage elements within the project area and to provide a means of public access along any drainage element or within the 50 foot buffer area where it is appropriate or desired to integrate the preservation of the drainage features into the open space element of the project design.
- B. Landscaping, screening and buffering.
 - (1) Landscaping shall be provided and maintained to enhance the general appearance of the development, supply a visual break of the built environment and give relief to otherwise developed interior portions of the site to harmonize with the proposed buildings and the surrounding areas. Appropriate shrubs, trees and plant materials shall be arranged in beds, rows, islands, berms and clusters as foundation and area plantings, and shall give definition to street edges and provide screening. It shall not, however, impede public views of the river.
 - (2) Significant existing vegetation shall be preserved, where practical, in any required waterfront or public access setback or buffer area. The applicant shall be encouraged to incorporate existing trees and other significant vegetation into the overall site plan to the extent feasible.
 - (3) The applicant shall submit a landscape plan with the site plan. The landscape plan shall be prepared by a landscape architect or arborist and describe the plant species, their locations and size at planting and maturity. All plants, trees and shrubs shall be planted and maintained in accordance with a planting schedule provided by the applicant and approved by the town. Landscape materials selected shall be appropriate to the growing conditions of this climactic zone.
 - (4) The landscape plan shall provide adequate landscaping or screening for all utility buildings, loading docks, refuse collection areas, cooling systems, storage areas and all other similar structures, installations and features.
 - (5) Tree planting spacing patterns of one tree for no less than every 30 linear feet of distance in a regular pattern along site edges adjoining principal business streets shall be required. Landscaping patterns along street right-of-way lines shall be consistent with the unobstructed view corridor standards established by § 215-8, entitled "Sight obstructions," which requires that shrubs and similar materials generally not be higher than three feet above adjacent street grade

and that street trees have branches generally no lower than 12 feet above adjacent street grade in order that views not be obstructed for approaching or departing vehicles.

- (6) All trees shall be plant species having a minimum caliper of two and one-half inches measured two feet above ground level at the time of planting, an average crown spread of greater than 15 feet at maturity and trunks which can be maintained in a clean condition, free of branches from grade to generally 12 feet above grade along principal street edges and 10 feet above grade elsewhere. Trees having an average mature spread of less than 15 feet may be substituted by grouping the same so as to create the equivalent of a 15-foot crown. Shrubs shall be a minimum of two feet in height when measured immediately after planting. Hedges, when measured, shall be planted and maintained so as to form a continuous visual screen within two years after time of planting.

C. Parking. Parking shall comply with Article XIII of this chapter and meet the following additional standards:

- (1) All parking areas shall be paved with concrete or blacktop paving, paving brick or other comparable hard surface approved by the Town Building Department, and shall be properly drained.
- (2) Employee parking facilities developed as structures or surface lots shall not be located within any setback areas. Employee parking areas shall have bumper guards where needed and, except for driveways and other entrances, shall be properly screened from view from the street.
- (3) Parking areas for visitors, customers or clients may be located within a setback area (required front or side yards); provided that at least 50% of the area is landscaped. A landscaped buffer of at least 5 feet shall be provided between any parking area within the setback area and the property boundary.
- (4) Parking areas shall not exceed 10,000 square feet in area unless interrupted by a minimum fifteen-foot-wide landscaped strip. Median requirements may be relaxed if the parking lot configuration is irregularly shaped.
- (5) No loading docks shall be permitted on any portion of a building which faces a street; provided, however, that if two or more building walls face a street or a public right-of-way, then loading docks may be permitted if adequate landscaped screening is provided.

D. Signage. Signage shall comply with Article XXII of this chapter.

E. Fencing. No fence shall be erected within any setback area. Fences shall be limited to six feet in height.

F. Storage of materials.

- (1) Required service areas, required loading areas and outdoor storage areas shall be located so as to not be visible from public streets, public pedestrianways or public open space. To the extent possible, service, loading and storage facilities should be architecturally incorporated into the building or architecturally treated with walks, fencing and landscaping. Where these facilities are visible from public or private pedestrian areas, public streets or public open space, they shall be completely screened with opaque materials.
- (2) Outside storage that is located within 150 feet of the district boundary shall not exceed 12 feet in height. Elsewhere in the district outside storage shall be limited to 20 feet in height. These height limits shall not apply to external boat storage, as allowed under section (3), below.
- (3) External boat storage of a single boat on a cradle shall be allowed at the discretion of the Building Department.

- G. Utilities and communication facilities. No utilities or communication facilities shall be installed aboveground in front or side yards. All utility and communication facilities shall be installed so as to anticipate future needs and shall be sited and sized to reduce future capital costs.

215-70.25. Performance standards.

A. General requirements.

- (1) All uses subject to the requirements of this section may be established and maintained if their operations are approved by the Town Building Department as being in conformance with the standards and regulations limiting dangerous and objectionable elements, such as dust, smoke, odor, fumes, noise, or vibration. In approving the site plan, the Town Building Department shall decide whether the proposed use will conform to these applicable performance standards or to any additional performance standards required by state or federal laws or which are generally recognized performance standards for a given industry.
- (2) Uses subject to the performance standards procedure. Only manufacturing and research, experimental and testing laboratory uses and uses accessory thereto shall be subject to the performance standards procedure in obtaining a building permit. However, if the Building Inspector has reasonable grounds to believe that any other proposed use violates any of the performance standards, then the applicant shall comply with the performance standards procedure.
- (3) Enforcement provisions applicable to other uses. Initial and continued compliance with the performance standards is required of every use. Provisions for enforcement of continued compliance with performance standards shall be invoked by the Building Inspector against any uses if there is reasonable grounds to believe that the performance standards are being violated by such use.

B. Performance standards procedure.

- (1) An application for a building permit or certificate of occupancy for a use subject to the performance standards procedure shall include a plan of the proposed construction and a description of the proposed machinery, operations and products and emission of any dangerous and objectionable elements. The applicant shall also file with any such plans and specifications an affidavit acknowledging his understanding of the applicable performance standards and stating his agreement to conform to the same at all times. During the course of site plan review, the Town Building Department will determine if the applicant's proposal falls within the performance standards.
- (2) Expert consultants.
 - (a) The town may require a report by one or more expert consultants retained by the town, or retained by the applicant and approved by the town, to advise as to whether the proposed use will conform to the applicable performance standards. The consultant shall report within 20 days, and a copy of his report shall be promptly furnished to the applicant. The cost of any such special reports by expert consultants shall be paid by the applicant. The applicant shall submit a written report showing the manner in which the proposed use will comply with the performance standards. Any building permit or certificate of occupancy shall be conditioned on, among other things, the applicant's paying the fee for services of such expert consultants as the town may call upon for advice as to whether or not the applicant's completed buildings and installations will conform in operation to the applicable performance standards.
 - (b) When the use of such consultant is required by the town, the applicant shall deposit a fixed amount, as determined by the Town Building Department, to be applied to the fee for such consultant. Any proceeds of such deposit not used for said consultant shall be returned to the applicant, and any deficiency shall be made up by the applicant within 15 days following a

request therefor, and in any event prior to the issuance of a building permit or certificate of occupancy.

- (c) The continued effectiveness of the certificate of occupancy shall be conditioned on the continuous conformance of the applicant's completed buildings, installations and uses with the applicable performance standards.

C. Performance standards.

- (1) Fire and explosive hazards. All activities involving, and all storage of, flammable and explosive materials shall be protected at all times with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices standard in industry. Burning of waste materials in open fires is prohibited at any time. The relevant provisions of state and local laws and regulations shall also apply.
- (2) Vibration.
 - (a) No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond the lot lines, nor shall any vibrations produced exceed 0.002g peak at up to a frequency of 50 cycles per second, measured at or beyond the lot lines using either seismic or electronic vibration-measuring equipment.
 - (b) Vibrations occurring at higher than a frequency of 50 cycles per second or a periodic vibration shall not induce accelerations exceeding 0.001g. Single-impulse periodic vibrations occurring at an average interval greater than five minutes shall no induce accelerations exceeding 0.01g measured at the lot line.
- (3) Noise. Noise levels at the proposed facility must be controlled to prevent sound levels beyond the property line exceeding the ambient sound levels as shown in Table I. If background sound levels, excluding any contributions from the proposed new facility, exceed the limits in Table I, then the operations at the proposed facility must not cause a sound level exceeding the background.

Table I
Noise Level Limits*

Time Period	Receiving Land Use (decibels A)		
	Residential	Commercial	Industrial
7:00 a.m. to 11:00 p.m.	65	65	75
11:00 p.m. to 7:00 a.m.	50	65	75

* NOTE: Sound levels will be measured as Leq energy equivalent. The "Leq" is defined as the equivalent steady state sound level that contains the same acoustic energy as the time-varying sound level during a one-hour period exceeded no more than 10% of the time. The noise levels must comply with measurements taken using a Type I general purpose sound level meter, Type 2 or corresponding special sound meters Type S1A or S2A. All sound-monitoring equipment shall comply with the latest version of the ANSI standards.

- (4) Smoke. The density emission of smoke or any other discharge into the atmosphere during normal operations shall not exceed visible gray smoke of a shade equal to or darker than No. 2 on the standard Ringelmann Smoke Chart. (A Ringelmann Smoke Chart is a chart published by the United States Bureau of Mines, which shows graduated shades of gray for use in estimating the light-obscuring capacity of smoke.) These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color but with an apparent equivalent capacity.
- (5) Odor. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of

any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.

- (6) Fly ash, dust, fumes, vapors, gases and other forms of air pollution. No emissions shall be permitted which can cause any damage to health, animals, vegetation or other forms of property or which can cause any excessive soiling at any point beyond the boundaries of the lot. The concentration of such emission on or beyond any lot line shall not exceed 0.1 of the maximum allowable concentration (Threshold Limit Values) set forth in the Industrial Code Rule No. 12, relating to the control of air contaminants, as regulated by the New York State Department of Labor, or any subsequent standards.
- (7) Electromagnetic interference.
 - (a) No use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety, and welfare, including but not limited to interference with normal radio, telephone or television reception from off the premises where the activity is conducted.
 - (b) It shall be unlawful to operate or cause to be operated any planned or intentional source of electromagnetic radiation that does not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. It shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design. The determination of abnormal degradation in performance and of quality and proper design shall be made in accordance with good engineering practices, as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in interpretation of the standards and principles shall apply: American Institute of Electrical Engineers, the Institute of Radio Engineers and the Electronic Industries Association.
- (8) Radioactive materials. The handling of radioactive materials, the discharge of such materials into the air and water and the disposal of radioactive wastes shall be in conformance with all applicable federal and state regulations.
- (9) Heat. Heat emitted to any or all points shall not at any time cause a temperature increase on any adjacent property in excess of 5 degrees Fahrenheit, whether such change is in the air, on the ground, in a natural stream or lake or in any structure on such adjacent property.
- (10) Glare.
 - (a) Direct glare. No such direct glare shall be permitted, with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be 60 degrees drawn perpendicular to the ground. Such angle may be increased to 90 degrees if the luminary is less than three feet above ground. The cone of illumination shall not extend beyond the property lines.
 - (b) Indirect glare. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface, not to exceed 0.3 foot-candle (maximum) and 0.1 foot-candle (average). Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.
- (11) Liquid, solid, gaseous or hazardous waste. No discharge shall be permitted at any point into a public sewer or stream or into the ground, except in accord with standards approved by the State and County Departments of Health, New York State Department of Environmental Conservation and local ordinances, of any materials of such nature or temperature as can contaminate any

water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

ARTICLE IXE
River Road Overlay District

§ 215-70.26. Purpose and Intent.

- A. In accordance with the Goals and Objectives of the Town of Tonawanda, the 2002 Waterfront Land Use Study and the Town's Local Waterfront Revitalization Program, this overlay district is designed to better manage and accommodate business growth along the River Road corridor through the implementation of guidelines to regulate development and redevelopment. This overlay is also intended to encourage the development and redevelopment of uses that are in harmony with the surrounding area, improve the visual character of the area, protect adjoining environmental
- B. resources and enhance the character of the area as an important gateway to the Town of Tonawanda and its waterfront.
- C. This overlay will act to regulate the River Road corridor as a growing business district, with three distinct areas that possess unique characteristics, as follows:
 - (1) The area situated generally between City of Tonawanda and the northern property line of the Seaway landfill, herein referred to as the "Business Transitional Area", should support uses that provide high quality commercial development. Development in this area should support the establishment of a gateway entrance from the City of Tonawanda and complement views of the Niagara River.
 - (2) The area situated generally between the northern boundary of the Seaway Landfill and the northern boundary of the parcel known as Niagara River World, herein referred to as the "Thruway Impact Area", is a mixed-use area comprised of commercial and industrial development and proposed park lands that is influenced by entrances and exits associated with the NYS Thruway system. These exits also serve as an important gateway to the Town's waterfront. While more intense uses are allowed in portions of this area, development should not degrade adjoining uses, particularly in areas characterized by parklands or important views.
 - (3) The area from the northern boundary of Niagara River World to the northern boundary of the Huntley Power Station property, herein referred to as the "Light Industrial Corridor Area," is characterized by a mix of heavy and light industrial uses, and serves as a transition area to the heavily industrial area to the south.
- D. The River Road Overlay District regulations will supplement the underlying zoning requirements and provide for safe and orderly development within all three portions of the defined section of River Road. These overlay requirements are to be used in conjunction with the zoning regulations and other performance regulations in the code. Where conflicting requirements are encountered, the overlay requirements shall supercede any other regulations.

§ 215-70.27. Boundary description.

This overlay district shall encompass the corridor of River Road, including the three areas outlined above, extending from the border between the Town and the City of Tonawanda to the northern boundary of the Huntley Power Station. The overlay district shall extend into all properties on the waterfront side of River Road to a depth of 500 feet from the western right-of-way of River Road or to the Niagara River, whichever is less. It shall also extend into all parcels on the inland side of River Road to a depth of 500 feet from the eastern right-of-way of River Road.

§ 215-70.28. General Objectives

The special regulations contained herein, which govern all proposed development and redevelopment within the boundaries of the River Road Overlay District, shall be founded upon the following objectives.

A. Business Transitional Area.

- (1) Being a transitional area between the Town and the City of Tonawanda, care shall be taken to minimize impacts to the City's resources.
- (2) The intent of this area of the overlay is to provide for a higher quality of development, focusing on a Class A office image and public parkland. All buildings that are visible from River Road should present a high quality image. Architectural designs should complement land uses in the area, particularly Isle View Park, and provide for a positive image in the area. Appropriate façade designs and building materials that complement and improve the character of the area shall be required.
- (3) To promote more efficient traffic flow and traffic safety, every effort shall be made to provide shared means of ingress and egress to developed and developing properties. Where applicable, reference should be made to the New York State Department of Transportation Access Management Guidelines and regulations.
- (4) Landscaping, setback, signage and lighting standards shall be implemented to improve the visual quality of the area and buffer development and redevelopment from adjoining sensitive land uses. Emphasis should be placed on preserving existing vegetation and important natural resources to the extent feasible in site design. Designs shall take into consideration the views of the river, as well as the views from River Road.
- (5) The Town shall encourage and assist with economic development efforts, including promotion and marketing, in this area.

B. Thruway Impact Area.

- (1) This is an area of mixed-use developments, and attention should be given to the compatibility of proposed projects with adjoining uses when reviewing project proposals. While more intensive uses are allowed in this area, development should provide for a positive image.
- (2) This area services the travelling public. Access to the Thruway and the management of traffic on River Road are a primary concern. At the same time, provisions for pedestrian and bicyclist access should be accommodated in site design.
- (3) Architectural designs should complement surrounding land uses and provide for an improved and positive image of the area. Appropriate façade designs that complement and improve the character of the area shall be required. Views from River Road shall be of primary concern.
- (4) Landscaping and setback standards should be utilized to improve visual characteristics and buffer development and redevelopment from adjoining sensitive land uses.

C. Light Industrial Corridor Area.

- (1) This is an area of mixed commercial, light industrial and heavier industrial uses, and redeveloping parcels. While heavier industrial uses may be allowed, it is important to minimize the visual impacts, particularly from River Road and from the Niagara River.

- (2) Water-dependent or water-enhanced uses are the preferred uses for property along the Niagara River.
- (3) Landscaping, building and setback standards should improve the visual quality of the area and buffer heavier industrial uses from River Road and from the Niagara River.
- (4) Emphasis shall be placed upon redevelopment of existing properties and the infill development of available vacant parcels.
- (5) As redevelopment takes place, emphasis should be placed on improving the aesthetics of the region, especially as it relates to the views from River Road and the Niagara River.

§ 215-70.29. Permitted uses.

The uses permitted in the River Road Overlay District shall be as prescribed in the underlying zoning. This overlay does not restrict or prohibit any use that is allowable in the applicable underlying zoning.

§ 215-70.30. Accessory uses.

The accessory uses permitted in the River Road Overlay District shall be the same as the accessory uses permitted in the underlying zoning districts, although there may be modified bulk requirements or additional performance standards for these accessory uses.

§ 215-70.31 Site design standards and requirements.

A. General (applies to all three areas).

- (1) Proposed elevations, preliminary floor plans and perspective drawings shall be submitted, at the time of site plan application. In addition, information shall be provided on proposed façade treatments and building materials.
- (2) All existing trees larger than six inches in diameter as measured three feet above grade, groups of trees and other natural vegetation shall be incorporated into the landscape plan to provide natural buffering from adjacent properties. These features shall be preserved to the greatest extent feasible, especially along lot lines.
- (3) For all areas, deciduous trees that are planted shall have a minimum caliper of 3 inches, measured two feet above grade. All planted coniferous trees shall have a minimum height of six feet above finished grade. Trees shall be planted along property frontage with a minimum of one deciduous tree for each (30) feet of frontage on River Road.
- (4) All required vegetative plantings shall be maintained in a healthy and productive condition and shall be routinely examined. Plant materials shall be replaced, as necessary or as directed by the Town. The Town Building Department shall enforce the upkeep of landscaped areas through periodic inspections in response to complaints.
- (5) Refuse storage (dumpster) locations shall be depicted on the plans and shall not be located near or adjacent to River Road, and shall not be visible from the road. Where this is not feasible, such facilities shall be completely screened by opaque wooden, brick or masonry fences.
- (6) No outdoor speakers or other noise-producing devices shall be permitted.

- (7) If required, plans must include underground stormwater storage, or if it is to be located above ground it must be located in the rear of the lot if feasible. Above ground stormwater storage (retention ponds) shall be screened with landscaping or other appropriate buffer.
- (8) Plans must indicate all access points to River Road. Consideration shall be given to the consolidation of access and removal of unnecessary roadway connections to River Road wherever feasible. All plans shall include provisions for pedestrians, and bicyclists, rollerbladers, and other non-vehicular traffic.
- (9) Plans shall show the location of the Riverwalk, other existing trails and parks in relation to proposed development. Connections to the Riverwalk and other trails and parks in the area are encouraged. Where appropriate, site plans may be sent to Erie County for review to ensure no negative impacts to the Riverwalk.

B. Business Transitional Area.

- (1) Parking area lighting fixtures shall be reduced in intensity after 11:00 p.m. and shall be designed to illuminate the parking area only. Lighting plans shall be submitted and must include illumination footprints for review by the Town. Security lighting and other building lighting will be allowed to operate in accordance with Town requirements.
- (2) A landscaped area not less than five feet in width shall separate parking areas located on different parcels. Any amount over this will be credited to the parking interior landscaping requirement.
- (3) Each interior landscape island, median or divider area in parking lots shall be not less than 100 square feet in area and shall have an approved tree planted at the minimum ratio of one tree per 100 square feet of interior landscape island.
- (4) Spacing of curb cuts along River Road shall meet the requirements of the NYSDOT Access Management guidelines. Site plan design must make every effort to provide for shared access or cross-easement agreements to adjacent properties to minimize curb cuts and to control turning movements on to River Road and other collector streets.
- (5) On-site circulation shall take into consideration pedestrian and bicyclist traffic. Conflicts between vehicular and non-vehicular traffic shall be minimized through separated circulation paths where practicable. Clear identification of biking and walking paths through striping and/or signage shall be provided within parking areas and at driveways and road crossings.
- (6) All signage and lighting fixtures shall be of an appropriate size and scale, and aesthetically designed, so as to improve the overall quality of the area. No signage shall be permitted on any lot unless it is either attached to a building or placed in a location which has been approved through the site plan process. Signs attached to the sides of buildings may not project more than five feet above the roof. No roof signs, billboards or portable signs shall be allowed in the Overlay district.
- (7) Signage shall not include pylon signs or any form of flashing lights or animation. Signage shall be designed at ground level, typically not exceeding 12 feet in height, and should contain components such as brick.
- (8) Redevelopment of existing properties in this area must meet the standards of this district.
- (9) A concept sketch shall be presented to the Planning Board for their review, with a rendering of how the building will appear from River Road. Architectural guidelines are as follows:

- (a) Diversity of architectural design, variation in building footprint, façade textures and treatments shall be encouraged to create a visually interesting design, but multiple buildings on the same site shall be designed to create a cohesive visual relationship between buildings.
- (b) Buildings that are stylized in an attempt to use the building itself as advertising shall be discouraged, particularly where the proposed architecture is the prototypical corporate or franchise design style.
- (c) The visibility of rooftop equipment should be minimized by grouping this equipment away from the public from River Road.
- (d) The sides of all buildings shall have an equivalent level of quality of materials, detailing and window placement. Abrupt ending of architectural details shall be avoided with no radical changes in details, features or materials.
- (e) Buildings with long, uninterrupted blank walls shall be avoided, and shall not be permitted on facades that are visible from River Road.
- (f) Modulation (defined as a measured setback or offset in a building face) shall be incorporated to reduce overall bulk and mass of buildings.
- (g) Building designs shall incorporate traditional building materials such as masonry, stone, brick, finish grade wood (such as clapboard or shingle) and other natural-appearing materials. All buildings shall have durable exterior finish materials that cover all exterior walls. The most stringent design standards shall apply to buildings in locations most visible from public spaces.
- (h) Buildings colors should accent, blend with or complement the surrounding environment. Bright or brilliant colors should be reserved for trim and accents.
- (i) Facades of buildings facing public open space or pedestrian/bicycle pathways shall include design features such as building entries, windows, arcades, overhangs, canopies and related elements that create visual interest.

C. Thruway Impact Area.

- (1) Although the focus of this area is on the travelling public, the site elements relating to this transportation emphasis should be modulated to minimize negative impacts. For example, parking areas shall be landscaped. Warehousing/truck loading areas and similar types of support areas shall be located towards the rear of the properties and shall not be visible from River Road if feasible. If the area is visible from River Road, it shall be completely screened by opaque materials.
- (2) In areas where the underlying zoning district is G-I, the town shall require a landscaping plan, prepared by a licensed landscape architect or arborist. The landscaping shall be in the form of appropriate shrub and tree plant materials arranged in rows or clusters, and designed as buffers, screens or hedges which give attractive definition to the street edges or other areas of the lot. All plants, trees and shrubs shall be planted in accordance with a planting schedule provided by the applicant and approved by the town. Landscape materials selected shall be appropriate to the growing conditions of this climatic zone. In areas where the underlying district is not G-I, the landscaping standards of the underlying district shall apply.
- (3) Consideration should be given to the design, placement and height of lighting fixtures and signage. Such appurtenances shall be of an appropriate size and scale so as to reduce adverse effects and improve the character of the area.

- (4) Signage, although important in this area, will not be in competition to see whose sign can be best seen from the highway. Pole mounted signs over 15 feet in height shall be discouraged and flashing lights will not be allowed.
- (5) A concept sketch shall be presented to the Planning Board for its review, with a rendering of how the building will appear from River Road. Architectural guidelines are as follows:
 - (a) Diversity of architectural design shall be encouraged, but multiple buildings on the same site shall be designed to create a cohesive visual relationship between buildings.
 - (b) Buildings that are stylized in an attempt to use the building itself as advertising shall be discouraged, particularly where the proposed architecture is the prototypical corporate or franchise design style.
 - (c) Large buildings should have height variations to give the appearance of distinct elements.
 - (d) Building designs shall incorporate traditional building materials such as masonry, stone, brick and other natural-appearing materials.
 - (e) Building colors should accent, blend with or complement the surrounding environment. Bright or brilliant colors should be reserved for trim and accents.
 - (f) For all office and light industrial buildings, the outside face of walls exposed to the street shall be finished with face brick, its equivalent or better. The outside faces of walls abutting such walls exposed to the public street shall be finished in the same material to a minimum depth of 15 feet.
- (6) Each application shall include a traffic control plan, access management components, and a review of the guidelines as they relate to entrance roads, curb cuts and access management.
- (7) Redevelopment projects, requiring site plan approval, shall include plans for renovating the façade and the sides of the building and to meet other architectural requirements of this section [see subsection C(5)].
- (8) Structures to be located on the river side of River Road shall be placed to minimize loss of views to the river.

D. Light Industrial Corridor Area.

- (1) In areas where the underlying zoning district is G-I, the town shall require a landscape plan, prepared by a licensed landscape architect or arborist. The landscaping shall be in the form of appropriate shrub and tree plant materials arranged in rows or clusters, and designed as buffers, screens or hedges which give attractive definition to the street edges or other areas of the lot. All plants, trees and shrubs shall be planted in accordance with a planting schedule provided by the applicant and approved by the town. Landscape materials selected shall be appropriate to the growing conditions of this climatic zone. In areas where the underlying district is not G-I, the landscaping standards of the underlying district shall apply.
- (2) Consideration shall be given to the location, design and placement of all signage and lighting fixtures. Signage shall conform to the regulations set forth in Article XXII (Sign ordinance) of this chapter.

- (3) Signage shall be unobtrusive and be compatible with Town standards. Freestanding signs shall not be installed on pylons or greater than eight feet in height. Signs attached on the building shall meet all Town standards.
- (4) Architectural standards:
- (a) Diversity of architectural design shall be encouraged, but multiple buildings on the same site shall be designed to create a cohesive visual relationship between buildings.
 - (b) Buildings that are stylized in an attempt to use the building itself as advertising shall be discouraged, particularly where the proposed architecture is the prototypical corporate or franchise design style.
 - (c) Large buildings should have height variations to give the appearance of distinct elements.
 - (d) Building designs shall incorporate traditional building materials such as masonry, stone, brick and other natural-appearing materials.
 - (e) Building colors should accent, blend with or complement the surrounding environment. Bright or brilliant colors should be reserved for trim and accents.
 - (f) For all office and light industrial buildings, the outside face of walls exposed to the street shall be finished with face brick, its equivalent or better. The outside faces of walls abutting such walls exposed to the public street shall be finished in the same material to a minimum depth of 15 feet.