

## Appendix G

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Example Waterfront Priority  
District Text



## **Example Zoning Language: Waterfront Priority District**

- A. Intent. The Waterfront Priority District is to encourage the development and maintenance of appropriate water-dependent and water-enhanced uses along the Niagara River. This district recognizes the significance of the River as an environmental, recreational, economic and scenic resource and intends to prevent the degradation of significant natural resources and water quality by controlling the location and intensity of uses and by providing development guidelines for these uses. Other specific purposes of the district include:
- a. Ensuring that development and land use activities along the shorelines of the Niagara River are consistent with the policies and objectives of the most current Local Waterfront Revitalization Program (LWRP).
  - b. To encourage and facilitate water-dependent recreational development along the River and to provide sufficient space in appropriate locations for recreational activities, certain commercial activities and other water-dependent and/or water-enhanced uses, to meet the needs and desires of the Town's present and future populations.
  - c. To recognize the Niagara River as a unique environmental and recreational resource and to protect this area from environmentally destructive uses and activities.
  - d. To provide for a desirable mix of water-oriented commercial uses and active and passive recreational opportunities that takes advantage of the unique location and characteristics of the Niagara River area.
  - e. To promote the maintenance and/or extension of public access to the waterfront, when practical and feasible, where such access relates to and is compatible with the primary purpose of the proposed development or activity.
- B. Permitted Uses. The following uses shall be permitted in the district with site plan approval set forth in Article XXIII.
- a. Public and private parklands, recreation areas and cultural/interpretive facilities
  - b. Boat launches
  - c. Marinas and yacht clubs
  - d. Boatyard and boat storage facilities
  - e. Commercial excursion and charter boat enterprises
  - f. Boat and marine repair facilities
  - g. Restaurants
  - h. Mixed use structures with non-residential use on first floor and office or residential on upper floors

- i. Mixed use with ground floor parking, side or rear access
    - i. Bar/tavern/pub, including microbreweries
  - C. Specially Permitted Uses. The following uses shall be permitted with a special use permit in the district in accordance with Article IXF with site plan approval set forth in Article XXIII.
    - a. Retail
    - b. Hotel/motels
    - c. Multi-family or attached residential development, including townhomes
    - d. Outdoor storage and storage structures with screening from adjacent uses and the public right-of-way
    - e. Business and professional offices
  - D. Dimensional Requirements.
    - a. Minimum lot size and frontage: Minimum required lot size and frontage shall be based on the amount of land necessary to adequately accommodate the proposed principal use, any accessory use(s), parking/loading space, vehicular access, open space, setbacks, and public waterfront access.
    - b. Minimum setbacks:
      - i. Rear: If property abuts the Niagara River, this shall be deemed “waterside” and be 75 feet from high water mark (no development or disturbance within first 25 feet of high water mark unless limited access required to the River, low impact development/limited clearing within remaining 50 feet). Otherwise 30 feet from property line.
      - ii. Front (Roadside): 50 feet from right-of-way line
      - iii. Side: 25 feet from property line
    - c. Maximum lot coverage: 65% (includes all impervious surfaces such as buildings, parking/paved surfaces, and compacted gravel). Remainder shall be open green space and/or landscaping.
    - d. Maximum height: 40 feet
  - E. Additional Regulations and Requirements.
    - a. The proposed design of the site and the arrangement of structures shall be done in such a manner to provide pedestrian access to the waterfront and public views of the River to the maximum extent possible. Buildings on the waterfront side of any roadway shall permit pedestrian access from both the waterfront side and the road side of the building.
    - b. The construction of water-dependent facilities shall be undertaken only if they do not impair water quality, cause harm to local habitats, destroy the natural beauty of the shoreline, reduce the stability of the shoreline, cause

erosion or sedimentation problems along the shoreline, or otherwise threaten the public health and safety.

- c. Upland design shall include as much porous land surface and vegetative cover as possible to prevent stormwater runoff and contaminated waters from reaching coastal waters or wetlands. Buffer zones of natural vegetation shall be established and maintained between property development and any waterways or wetlands.

