

# Appendix C - Amendment to the City of Little Falls Zoning Law to Create the Waterfront District

Rec'd Coastal Resources

AUG 16 2010

## Resolution #40

### AMENDMENT TO THE CITY OF LITTLE FALLS LOCAL ZONING LAW TO CREATE THE WATERFRONT DISTRICT.

#### Alderman Lee

WHEREAS, the City of Little Falls initiated preparation of a Local Waterfront Revitalization Program in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

WHEREAS, a Draft Local Waterfront Revitalization Program was prepared and circulated by the Department of State to potentially affected State, Federal, and Local agencies in accordance with the requirements of Executive Law, Article 42; and

WHEREAS, the final Local Waterfront Revitalization Program was adopted by the City of Little Falls on 6<sup>th</sup> December 2005, authorizing the Mayor to submit the Local Waterfront Revitalization Program to the New York State Secretary of State for approval, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act;

WHEREAS, it is necessary that the City of Little Falls Local Waterfront Revitalization Program identifies local techniques needed for its implementation;

NOW, THEREFORE, BE IT RESOLVED, that the City of Little Falls Zoning Law is hereby amended to create the Waterfront District to implement the policies and purposes of the Local Waterfront Revitalization Program.

Resolution passed at a regular meeting of the Common Council on 3<sup>rd</sup> August, 2010.

#### Seconded by Alderman Kelley

Roll Call: Alderman Shaffer, Becker, Ruffing, Santry, Alderman Deming, Lee, Kelley.

Absent: Alderman Chrisman

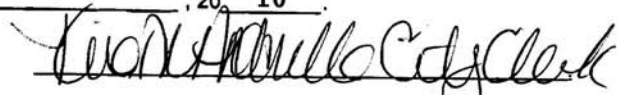
### CITY CLERK'S OFFICE

City of Little Falls, NY

I, Kira M. Andrilla, City Clerk of the City of Little Falls, do hereby certify that I have compared the annexed copy of Resolution #40 Amendment to local zoning law to create the water with the original thereof, duly entered in the records of said city, and that the same is a true copy thereof and of the whole of said original.

In Witness Whereof, I have hereunto set my hand and caused the seal of said city to be affixed this

3 day of August, 2010.

  
City Clerk

# **AMENDMENT TO THE CITY OF LITTLE FALLS LOCAL ZONING LAW TO CREATE THE WATERFRONT DISTRICT**

Be it En-acted by the Common Council as Follows:

## **SECTION 13A-WD WATERFRONT DISTRICT**

### **1. PURPOSE**

The Mohawk River and the Erie Canal have always played an important role in shaping the image of the City and its economic base. The Little Falls waterfront has a long history of industrial and canal-related development.

A Waterfront District (WD) is one that permits a variety of land uses along the waterfront within the City of Little Falls. This Waterfront District is designed to ensure that each development project is carefully analyzed, that the environmental quality of the area is preserved and enhanced, and that future development is consistent with the City's Local Waterfront Revitalization Program (LWRP). The overall purpose of this district is to promote the policies and purposes of the LWRP, including positive development and revitalization of the waterfront area, and to encourage a mix of uses consistent with the LWRP. The Waterfront District is also designed to eliminate deteriorated structures and incompatible, visibly unattractive, or otherwise deleterious land uses.

### **2. PERMITTED USES**

- Permitted uses for properties within the Waterfront District include the following:
- Marina, yacht club, and boat launch facilities.
- Park land, trail facilities, fishing docks, and piers.
- Boat yards, including boat sales, rentals and storage, marine supplies and equipment, boat manufacturing service and repair facilities.

- Commercial excursion and fishing charter facilities.
- Specialty boat uses/facilities, such as tour, cruise and dinner boats.
- Commercial uses, including:
  - Bank or other monetary institution;
  - Business and professional Office use;
  - Retail store;
  - Restaurant or other place serving food and beverage;
  - Service shops;
  - Motel or hotel;
  - Shopping center;
  - Bed and Breakfast operation.
- Residential uses, including:
  - One and/or two family dwelling;
  - Multiple family dwelling.
- Health care facility.
- Museum and/or Art Gallery.
- Community centers and/or public recreation facilities.
- Scientific, historic, artistic, and educational activities and uses which, by their nature, require or are enhanced by a waterfront location, including museums, construction of historic boat replicas, or other water-related educational facilities or activities.
- Support and accessory uses associated with a permitted use such as garage, parking space, dock, and/or storage facility.

### **3. DISTRICT BOUNDARIES**

The Waterfront District (WD) shall include the areas of the City south of the CSX train line as indicated on the “Waterfront District” drawing, and the street by street description attached as Attachment 3a.

### **4. SITE PLAN AND/OR BUILDING PLAN APPROVAL**

All development and improvement actions within the Waterfront District shall be subject to review and approval by the Little Falls Planning Board.

The City of Little Falls is looking to create an attractive waterfront environment that reflects the City's canal heritage and preserves its natural resources, cultural character, and historic resources.

A building may be erected, reconstructed, altered, arranged, designed or used, and a lot or premises may be used for only the permitted uses outlined in section 2. above and for no other purpose, subject to site plan and/or building plan review and approval by the City of Little Falls Planning Board.

The Planning Board's review shall include a review of the LWRP and any other plan as may be developed for the Waterfront District to insure the project is consistent with such plans.

## **SITE PLAN AND DESIGN REVIEW REQUIREMENTS FOR THE WATERFRONT**

### **1. LOCATION AND PURPOSE**

The Waterfront District includes the Canal Place area, the 50 foot buffer at Riverside Industrial Park, South Side, River Road area, and Loomis, Seeley, and Moss Islands.

The purpose of requiring Site Plan and Design Review in the Waterfront District is to protect the public health, safety, and general welfare, and to promote economic revitalization.

### **2. SITE PLAN AND DESIGN REVIEW PROCESS**

#### **A. Application**

An application for site plan approval shall be made in writing to the Chairman of the Planning Board and shall be accompanied by supporting documentation as appropriate.

For new construction and major improvement projects, the applicant shall provide the following information.

- Title of drawing and major improvement projects, the applicant and the person responsible for preparation of such drawings.
- North arrow, scale and date.

- Boundaries of the property plotted to scale.
- Existing watercourses.
- Grading and drainage plan, showing existing and proposed contours.
- Location, design, type of construction, proposed use and exterior dimensions of all buildings.
- Provision of pedestrian access.
- Location of outdoor storage, if any.
- Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences.
- Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
- Location, size and design and type of construction of all proposed signs.
- Location and proposed development of all buffer areas, including existing vegetative cover.
- Location and design of outdoor lighting facilities.
- Identification of the location and amount of building area proposed for retail sales or similar commercial activity.
- General landscaping plan and planting schedule.
- An estimated project construction schedule.
- Identification of any State or County permits required for the execution of the project.
- Record of application for and approval status of necessary permits from State and County agencies.
- Other elements integral to the proposed development as considered necessary by the Planning Board.

- A written statement which describes how the project is consistent with the city of Little Falls adopted LWRP.

**For building improvements requiring a building permit, the Planning Board shall have the discretion to reduce the amount of information required. For example, a storefront renovation project might only require a sketch of the improvements proposed, a list of the materials to be utilized, and a layout of any sign to be installed.**

#### **B. Review of the Site and/or Building Plan**

The Planning Board's review of the site and/or building plan shall include, but not necessarily be limited to, the following considerations as applicable:

- Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
- Adequacy and arrangement of vehicular traffic, access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- Location, arrangement, appearance and sufficiency of off street parking and loading.
- Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- Adequacy of stormwater and drainage facilities.
- Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the development parcel and adjoining lands, including the maximum retention of existing vegetation.
- Use of proper and adequate screening devices between parking and service areas.
- Consistency between the site plan and the City's adopted LWRP.
- How the project enhances or detracts from the historic and cultural resources in the Waterfront District.

For projects within the WD Zoning District, the Planning Board's review shall consider the following as applicable:

- The extent that proposed uses are water dependant or enhanced
- Attractiveness of the proposed use or structure(s) as viewed from Erie Canal and/or Mohawk River or other public locations.
- Adequacy of design and function of waterfront improvements such as bulkheads, docking facilities, launch ramps and sea walls.
- Ability of the use to provide public access to the water's edge.

**In their review, the Planning Board may seek assistance and input from the City's Codes Enforcement Officer, Urban Renewal Agency, and/or the Supervisor of the Board of Public Works, or others as may be possible.**

**C. Planning Board Action on Site Plan or Building Plan.**

Within forty-five (45) days of the receipt of a completed application for site plan approval, the Planning Board shall render a decision, file said decision with the City Clerk and mail such decision to the applicant with a copy to the Codes Enforcement Officer. The time within which a decision shall be rendered may be extended by mutual consent of the applicant and Planning Board.

- Upon approval of the site or building plan, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward a copy to the applicant.
- Upon disapproval of a site or building plan, the Planning Board shall so inform the Codes Enforcement and the Codes Enforcement shall deny a Building Permit to the applicant in writing of its decision and its reasons for disapproval. Such disapproval shall be filed with the City Clerk.

**D. Performance Guarantee**

No Certificate of Occupancy shall be issued until all improvements shown on the site plan and/or building plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed. The sufficiency of such performance guarantee shall be determined by the Common Council after consultation with the Planning Board, City Codes Enforcement Officer, City Attorney, and other appropriate parties.

**E. Inspection of Improvements**

The Codes Enforcement Officer shall be responsible for the overall inspection of site improvements including coordination with the Planning Board and other officials and agencies, as appropriate.

**3. APPLICABLE DESIGN STANDARDS**

All development and redevelopment in the Waterfront Revitalization Area Must meet the following standards:

**A. Overall Design**

While various land use elements (e.g. commercial, residential, recreational, water-dependant, industrial) will comprise the land area within the Waterfront Revitalization Area, uses must be complementary, create a distinct waterfront district, and, within the WD Zoning District, provide for visual and physical access to the Erie Canal and Mohawk River. Development must also encourage an economic stimulus and revitalization of the City. All new projects and redevelopment projects must be consistent with the City's Local Waterfront Revitalization Program.

**B. Relationship to Erie Canal and Mohawk River**

All elements of proposed projects within the WD Zoning District shall be Sensitive to the unique and important relationship to the Erie Canal and Mohawk River and all land should be developed in such a way as to maximize views to the Canal and River.

**C. Architectural Design Standards (Applies only to designated historic districts within the defined Waterfront District)**

The following standards are not intended to restrict imagination, innovation or variety, but rather focus on design principles that will result in creative solutions and quality designs that relate the project to its surroundings and foster economic revitalization. Within the WD Zoning District, the purpose is to afford a priority to waterfront compatible, well-designed uses, achieve public access to the waterfront and to create a distinct waterfront district in the spirit of the Erie Canal.

The following architectural design standards shall apply to the Waterfront:



- Appropriate architectural scale, form, and material shall be utilized to ensure that buildings and structures are compatible with and add interest to the landscape. More specifically, the design and improvement of all structures, if possible, is to be compatible with that of the surrounding structures and neighborhoods.  
Compatibility shall be determined by a review of proposed:  
(1) use of materials; (2) scale; (3) mass; (4) height; (5) color; (6) texture; and (7) location of the structures on the site, as applicable and appropriate.
- The various elements of the project shall be integrated by cohesive architectural treatment and compatible design. Buildings shall be designed and improved in consideration of appearance from all vantage points; both within and outside of the WD.
- Architectural elements shall be used to provide visual interest, reduce apparent scale of the development, and promote integration of the various design elements in the project.
- Groups of related buildings shall be designed to present a compatible appearance in terms of architectural style and building materials.
- Building lines shall be varied to the extent practical in order to provide an interesting interplay of buildings and open spaces.
- Appurtenances on buildings and auxiliary structures, such as mechanical equipment, garages, or storage buildings, shall receive architectural treatment consistent with that of principal buildings.
- When replacing windows on a façade, a window of the same trim size and character as the original shall be used.
- In renovations, natural, unpainted brick should be retained. Already painted brick, if weathered and losing its paint finish, can be stripped using chemical solutions. If necessary to protect older, softer brick, painted brick should remain painted.
- Facade renovations should not destroy or cover original details on a building.
- Colors shall be harmonious and only compatible accents shall be used.

- Brick and stone facades should not be covered with artificial siding or panels.
- Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures shall be taken for protection against weather, neglect, damage and abuse.

**D. Landscaping, Screening and Buffering (Applies only to vacant lots and commercial lots located within the defined Waterfront District)**

- All sidewalks, open spaces, parking areas, and other similar service areas shall be landscaped and/or paved in a manner which will harmonize with proposed buildings. Materials for paving, walls, fences, curbs, benches, etc., will be attractive, durable easily maintained and compatible with the exterior of adjacent buildings.
- The Planning Board may require buffer landscaping, fencing or screening, to separate different types of land uses and to screen utility buildings, refuse collection areas, cooling systems, and other similar installation and features.
- All plants, trees, and shrubs shall be installed in accordance with a planting schedule provided by the applicant and approved by the Planning Board. Landscape materials selected shall be appropriate to the growing conditions of the environment of the WD, this climatic zone, and native species.

**E. Lighting**

Drives, walkways, and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use. All exterior lighting for the project shall be directed downward or otherwise appropriately shielded and designed to minimize excessive light. It shall have an attractive appearance, compatible with the overall project design and waterfront character. Lighting type, number, and locations shall be subject to Planning Board review and approval as part of the site plan review.

**F. Signage**

All signs shall be subject to Planning Board review and approval as part of site plan/building plan review.

All signs shall be of a size and scale as determined appropriate by the Planning Board to accomplish their intended purpose. At a minimum,

proposed signage shall comply with the standards for different types of land uses identified Little Falls Zoning Regulations. Signs should complement the architectural style and scale of the building. Signs should be compatible with adjacent premises, and graphic elements shall be held to the minimum needed to convey the sign's major message.

#### **G. Vehicular Circulation System and Traffic Access**

In general, the rights-of-way and pavement widths for all internal streets, drives, walks and other access ways for vehicles and/or pedestrians shall be determined on the basis of sound current planning and engineering standards, shall be planned and built so as to promote safety and efficiency of movement, shall accommodate projected demand, and shall minimize impervious surfaces and paving materials to the maximum extent possible.

#### **H. Public Access to Waterfront**

While waterfront development will require certain private elements for the security and benefit of its residents and property owners, new development should be encouraged to provide pedestrian waterfront public access in a manner which:

- Enhances existing public access opportunities at the riverfront, in furtherance of the City's LWRP and the State's Inter-coastal Policies.
- Coordinates such public access with existing or anticipated opportunities for public access on adjacent public lands to facilitate future linkages in a continuous trailway system; and

**Access may be regulated by reasonable conditions in a management plan submitted by the applicant and approved by the Planning Board as part of the final site plan approval.**

#### **I. Off-Street Parking and Loading**

- Off-Street parking and loading areas shall be designed with careful regard to their relationship to the uses served and to the objectives for other open spaces. The areas shall be coordinated with the Public street system serving the project in order to avoid conflicts with through traffic or obstruction to pedestrian walks. In addition, all parking areas shall be designed to include provisions for handicapped parking.

- Parking and loading facilities not enclosed in structures shall be suitably landscaped and/or screened as determined appropriate by the Planning Board.
- The number of off-street parking spaces required shall be as set forth below and shall be applicable only to those uses in the Waterfront District.

| <b>Use</b>                                      | <b>Minimum Off-Street Parking Requirement</b>                                                          |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| One-family, two-family<br>Multi-family dwelling | One (1) space per unit plus one-half (1/2) space per bedroom.                                          |
| Marina                                          | One-half (1/2) space per slip or dry rack storage facility.                                            |
| Retail or service business                      | One (1) space for each 200 square feet of gross floor areas, excluding basement storage utility areas. |
| Office for business or professional use         | One (1) space for each 250 square feet of gross floor area.                                            |
| Auditorium, community building, club            | One (1) for each 200 square feet of area occupied by all principal uses or structures.                 |
| Hotel, motel, bed and breakfast facility        | One (1) for each guest room.                                                                           |

With respect to any building, structure, or use for which the required number of parking spaces is not specifically set forth in the above schedule, the Planning Board in the course of site plan review shall determine the number of off-street parking spaces required, which number shall bear a reasonable relation to the minimum off-street parking requirements for specified uses as set forth in the above schedule. In addition, all parking areas shall be designed to include provisions for handicapped parking.

- Up to thirty percent (30%) of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards by the Planning Board.

- New marina projects must incorporate best management practices in their design, including but not limited to the following:
  - Maximize pervious land surface and vegetative cover to minimize stormwater runoff and to prevent polluted waters from reaching adjacent waters and wetlands. Direct runoff away from adjacent waters and wetlands to the extent feasible by site grading or other methods.
  - Treat runoff from parking lots, maintenance, fueling, and wash down areas in a manner that prevents oils, grease, and detergents from reaching adjacent waters. Accepted treatment methods include oil and grease filtering catch basins, retention areas and ex-filtration systems.
  
- Alternative Methods of Meeting Off-Street Parking Requirements in the WD Zoning District.
  - The WD Zoning District encourages a mix of land uses, wherein the cumulative parking demand is less than the sum of the peak demand values for each individual use. This makes it possible to share parking without conflict and to avoid a large surplus of parking spaces in the waterfront area.

Also, because of the special nature and value of land along the waterfront, and because of the anticipated mix of land uses, alternative parking solutions, such as parking incorporated into buildings, valet parking, off-site parking, etc. may, in certain situations, also be appropriate.

- The Planning Board shall be authorized to find that any portion of the off-street parking requirements of a WD Zoning District development have been satisfied when the applicant establishes to the Board's satisfaction that alternative parking solutions are appropriate and will provide adequate parking for the project. If an applicant wishes to use alternative parking methods, the applicant must submit an analysis to the Planning Board for review. This analysis must include estimates of peak parking demands for different land uses for different hours of the day and days of the week. It shall also define strategies intended to incorporate alternative parking methods and the advantage of such strategies.

- Off-street loading shall be provided as the Planning Board may find appropriate and necessary.

**J. On-Site Utilities and Services**

- All development shall be served by public water supply and sewage systems.
- All on-site television, power and communication lines, as well as on-site water, sewer, and storm drainage lines, shall be installed underground in the manner prescribed by the regulations of the government agency or utility company having jurisdiction. Any utility equipment which will necessarily be located above ground shall be adequately screened from view in an attractive manner.

## **LITTLE FALLS WATERFRONT DISTRICT**

The Waterfront District (WD) shall include all of the areas within the boundaries of the City of Little Falls south of the existing CSX Railroad, with the exception of the following five areas:

**Area 1: Riverside Industrial Park**

In its entirety, with the exception of a 50-foot wide area the length of the Industrial Park following the north bank of the Mohawk River as its south boundary running west to east from Point “B” to Point “C”. The Riverside Industrial Park zoning classification remains unchanged as M-2 - Manufacturing

**Area 2: Mill Street Industrial Area**

From the intersection of South Second Street and the CSX Railroad (Point “D”) following the extended centerline of South Second Street to its intersection with the north bank of the Mohawk River (Point “E”), then following the north bank of the Mohawk River to its intersection with the CSX Railroad (Point “F”), and then returning to Point “D” following the CSX Railroad. The Mill Street Industrial Area zoning classification remains unchanged as M-2 – Manufacturing

**Area 3: Southern Avenue Manufacturing Area**

From the intersection of Southern Avenue’s centerline with the centerline of SR 167 (Point “I”) following the centerline of Southern Ave to its southern intersection with the south boundary of the City of Little Falls (Point “J”), then following the south boundary of the City of Little Falls to its intersection with the centerline of SR 167 (Point “K”), then returning to Point “I” following the centerline of SR 167. The Southern Avenue Area zoning classification remains unchanged as M-1 – Manufacturing.

#### **Area 4: Waterfront District Southern Boundary**

The southern boundary of the WD is established through the south side of the city from its west and east boundaries following the approximate foot of the existing stone cliff located on the south side of the city; directly south of Flint Avenue on the west city boundary, running in an easterly direction south of Danube Street, and then parallel to the established bike path to the easterly city boundary. The area located between the south boundary of the WD and the established southern boundary of the City of Little Falls zoning classification remains unchanged as R-1 – Residential.

#### **Area 5: Old Railroad Bed (Existing and Planned Bike Path)**

The area running from the west City boundary to the east City Boundary following the old West Shore Railroad bed, at a width of approximately 50 feet. This area is defined, from west to east, as the old RR bed centerline between Flint Avenue and SR 167 from the west City Boundary to its intersection with the centerline of Casler Street, then following Casler Street to its intersection with the centerline of Flint Avenue, then turning north following the centerline of Flint Avenue to its intersection with the Centerline of West Shore Street, then following West Shore Street's centerline to the centerline of the existing bike path and following the centerline of the existing bike path to the east City Boundary. This area is to be zoned "Green Belt".

Areas 1, 2, and 3 are exempt from the WD zoning classification based on the long term planning and economic development commitment of the City of Little Falls. This is to encourage and enhance the growth of our existing industrial and manufacturing partners while also attracting potential new development within the City's designated M-1 and M-2 zoned areas – both economic and employment benefits for all parties involved. The three manufacturing zoned areas encompass the majority of the designated New York State Empire Zone property located within the boundaries of the City of Little Falls, which is a key element in local economic development.

Area 4 remains R-1 to be available for future residential development.

Area 5 is designated a Green Belt area to protect the existing developed bike path and to address the development needs of the State of New York to complete the remaining undeveloped trail segments crossing the state, of which Little Falls is one of the few remaining undeveloped portions.