

**ATTACHMENT A**  
**ZONING ORDINANCE AMENDMENTS**

- A. Amend Article I, Section 1-11 of the Zoning law of the Village of Youngstown by deleting the Restricted Commercial District, and by adding the following new zoning districts:

W Waterfront District  
WC1 Waterfront Commercial District 1  
WC2 Waterfront Commercial District 2  
B Bluff Overlay District

All other references to the Restricted Commercial District within the Village Zoning Law is hereby deleted.

- B. Amend Article I, Section 1-12 of the Zoning Law of the Village of Youngstown by inclusion of a new zoning map incorporating the Waterfront District, Waterfront Commercial District; Waterfront and Commercial 2 and Bluff Overlay District by reference. A revised zoning map is attached to this local law.
- C. Amend Article II, Section 2-04 of the Zoning Law of the Village of Youngstown by adding a new line as follows:
- P."Restaurant: Fast Food, but not on a lot where a side lot abuts a lot in a R District.
- D. Amend Article II, Section 2-20 of the Zoning Law of the Village of Youngstown by adding the following sentence. Said sentence shall be added to the last paragraph within the Section.  
"Regulations pertinent to the W, WC1, WC2 and B Districts are contained in Sections 2-60, 2-70, and 2-80 of this Article.
- E. Amend Article II, Section 2-40 of the Village of Youngstown Zoning Law by adding the underlined phrase Section 2-40.

2-40 Height Modifications

For all districts with the exception of the Waterfront District and Waterfront Commercial District and Waterfront Commercial 2 District the height limitations of this ordinance shall not apply to:

- a. Chimneys, flues, spires or belfries.
  - b. Elevator or stair bulkheads, roof water tanks or cooling towers (including enclosures); provided that such structures, in the aggregate, do not occupy more than 10 percent of the roof area.
  - c. Flag poles, radio or television antennae, masts or aerials, located on a building and extending not more than 20 feet above the roof of such building.
- F. Amend Article II of the Zoning Law of the Village of Youngstown by adding a new section 2-60, 2-70, and 2-80. The new section shall be read as follows:

2-60 WATERFRONT DISTRICT

2-61 Purpose

The Niagara River shoreline has always played an important role in shaping the image of the Village and its economic as well as recreational base. This is especially true in the Water Street area where boating activities and water based recreation uses are concentrated.

Due to the limited land area available for uses which are dependent on a waterfront location it is important to designate the Waterfront District for such uses.

In addition, site plan review procedures have been designed to ensure that the specific details of waterfront development are thoroughly considered; that the environmental quality of the area is preserved; and that development is consistent with the Village's Local Waterfront Revitalization Program (LWRP).

2-62 Permitted Uses in the WD District

- A. Boat launches, lifts, bulkheads
- B. Flood and erosion protection structures
- C. Public recreation,
- D. Fishing docks
- E. Marine Service, repair, and rental facilities
- F. Private boat house
- G. Yacht clubs
- H. Marinas
- I. Boat storage buildings
- J. Accessory facilities to permitted uses including but not limited to restaurants, parking area for five or less cars, outdoor restroom, pool, snack bars and wall signs.

2-63 An approved site plan as described in Section 5-10 of this ordinance shall be required for any new use, addition or exterior alterations to those uses listed in Section 2-042C which meet or exceeds one or more of the following thresholds.

1. The activity requires at least five (5) parking spaces or loading docks, or any combination thereof which totals five (5) spaces or docks.
2. The activity increases the gross floor area, developed land areas, or any combination thereof by 25% or more.
3. The activity has a monetary value that is 10% more of the full value assessment of the property being improved.

2-64 Uses Existing Withing The Waterfront District On the Date of The Local Law Establishing Said District.

- A. Uses which fall within the use categories listed in Sections 2-62, and which existed on the date of the local law establishing the Waterfront District do not require an approved site plan to continue.
- B. Uses existing on the date of the local law establishing the Waterfront District which do not fall within the use categories listed in Sections 2-62 shall be non-conforming and subject to provisions of Article IV of the Zoning Ordinance.

2-65 Design Standards For Waterfront District

- A. The height of buildings shall not exceed three stories.
- B. Off street parking shall be provided as required in Article III of the Zoning Ordinance and as regulated in Sections 2-62, Article II of this ordinance.
- C. Billboards, ground signs, roof signs, and projecting signs are prohibited.
- D. All signs shall be integrated with the structure, its style, design, and architectural elements.
- E. Neon signs and any other signs displaying flashing or visible moving elements are prohibited.
- F. One wall sign shall be permitted on each wall for each non-residential use in a structure.
- G. Wall signs shall not project more than twelve inches from the wall to which they are affixed.
- H. Wall signs shall not extend above or beyond the wall in any direction and shall not extend above the bottom of the sill of second story windows or 15 feet above grade level.
- I. Allowable total square footage of all sign areas shall not exceed 50% of the street frontage of the particular use said sign is affixed to.
- J. While recognizing the small nature of the lots in the Waterfront District, new development, additions, or exterior alterations to existing development shall make efforts to incorporate landscaping into any improvements. This shall include buffering, parking areas, outdoor storage sites, and loading/unloading areas from public view.
- K. New development shall be consistent with the maritime theme of the area, recognize the vehicle/parking limitations of the district by not overburdening Water street with new traffic and/or creating excessive parking areas, and respect the scenic nature of the district by not blocking views seen from the Constitution Park bluff and Waterfront Park or introducing distractive building elements such as garish

signs, or use of color schemes that are clearly out of character with the area.

- L. Lighting shall be restrained in design and excessive brightness avoided.
- M. Newly installed utility services, and service revisions necessitated by exterior alterations or additions, shall be underground.
- N. Construction of erosion protection structures shall incorporate the following standards:
  - (1) All erosion protection structures shall be designed and constructed according to generally accepted engineering principles, which have demonstrated success or a likelihood of success in controlling long-term erosion. The protective measure must have a reasonable probability of controlling erosion on the immediate site for at least 30 years. Non Structural methods of erosion control shall however be given primary consideration.
  - (2) All material used in such structures shall be durable and capable of withstanding inundation, wave impacts, weathering, and other effects of storm conditions.
  - (3) The construction, modification or restoration of erosion protection structures shall not be likely to cause any measurable increase in erosion at the development site or other locations and prevent adverse effects to natural protective features, and existing erosion protection structures,
- O. All other design requirements shall be determined during the site plan review process.

## 2-70 WATERFRONT COMMERCIAL 1 DISTRICT

### 2-71 Purpose

The existence of a significant natural feature such as the bluff along the Niagara River provides tremendous opportunities for public enjoyment of the harbor vista. The economic well being of the commercial corridor along Main Street is also linked to the protection of the vistas and bluff area. Those commercial uses which can maximize their location on the bluff by creating scenic vistas as part of the site design will increase retail activity along Main Street. This will have a spill over economic impact onto the establishments on the east side of the street as well.

Due to the proximity of the Main Street corridor to the boating activity at the River and adjacent State Parks it is a natural draw for tourists, boaters, fishermen, and other recreational enthusiasts. It is important that good site planning occur on Main Street to create an attractive shopping environment. This is given further importance due to the many older structures present along Main Street which lend a historic flavor to the area. Main Street also serves as a gateway to Fort Niagara State Park and therefore requires

sensitive treatment to insure that a welcome environment is conveyed to park visitors wishing to stop in the Village to eat or shop.

It is also important to give priority to commercial uses which can utilize a bluff location to increase sales and pedestrian traffic along Main Street.

2-72 Permitted Uses In the WC1 District

- A. Restaurants
- B. Ships Supply
- C. Boutiques
- D. Craft Studios
- E. Professional Offices; except on the first floor of the building
- F. Residential Use; except on the first floor of building
- G. Village Inn
- H. Parking as may be required under this ordinance or any other Village Ordinance or Local Law
- I. Parkland
- J. Antique Shops
- K. Accessory Uses which are incidental to the above uses.

2-73 Site Plan Review

An approved site plan as described in Section 5-10 of this local law shall be required for any new development, additions, or exterior alterations to those uses listed in Section 2-72 which exceeds one or more of the thresholds listed in Section 2-63.

2-74 Uses Existing Within the Waterfront Commercial 1 Districts On the Date of the Local Law Establishing Said District

- A. Uses which fall within the use categories listed in Sections 2-72 do not require an approved site plan to continue.
- B. Uses existing on the date of the local law establishing the Waterfront Commercial 1 District which do not fall within the use categories listed in Sections 2-72 or shall be non-conforming and subject to provisions of Article IV of the Zoning Ordinance.

2-75 Design Standards for Waterfront Commercial 1 District

- A. See design guidelines for Waterfront District - Section 2-65.
- B. Facade improvements shall be consistent with the generally brick, wood frame, stonework, and clapboard siding features characteristic of the area.
- C. The gross floor area for restaurants, boutiques, antique shops and professional and craft studios shall not exceed 4,000 square feet.
- D. The massing and bulk of any new construction should be in harmony with adjacent buildings. The relationship of width to height of new structures shall be consistent with the ratio of the adjacent structures.

- E. Color choice of new construction should be influenced by the surrounding development. The color of the new structure should not make it stand out.
- F. Where building sites limit planting, the placement of trees in parking lots or other paved areas is encouraged.

2-76 Harborfront Vista Incentives

- A. The Waterfront Commercial 1 District is on the west side of Main Street and the Board of Trustees may permit an additional story to the building height, or the maximum gross floor area for commercial uses may be increased up to a maximum of 5,000 square feet if the site plan or existing use currently includes one or more of the following:
  - 1. Construction of an outdoor eating area overlooking the harbor which is open to the general public and provides a minimum eating capacity for fifteen (15) individuals.
  - 2. Interior floor plan for commercial uses or restaurants is designed in a manner which maximizes the harbor vista through large, picture windows that cover a minimum of 60% of the building wall facing the harbor.
  - 3. Construction of an outdoor retail area overlooking the harbor.
  - 4. Construction of a small public viewing area on the lot which provides good vistas of the harbor and which is open to the general public. Such area must be a minimum of 200 feet.

**WATERFRONT COMMERCIAL 2 DISTRICT**

Purpose

The economic well being of the commercial corridor along Main Street is linked to the protection of the vistas and bluff area along the Niagara River. Those commercial uses which can maximize their location on the bluff by creating scenic vistas as part of the site design will increase retail activity along Main Street. This will have a spill over economic impact onto the establishments on the east side of the street as well where the Waterfront Commercial 2 District is located.

Due to the proximity of the Main Street Corridor to the boating activity at the River and adjacent State Parks it is a natural draw for tourists, boaters, fishermen, and other recreational enthusiasts. It is important that good site planning occur on Main Street to create an attractive shopping environment. This is given further importance due to the many older structures present along Main Street which lend a historic flavor to the area. Main Street also serves as a gateway to Port Niagara State Park and therefore requires sensitive treatment to insure that a welcome environment is conveyed to Park visitors wishing to stop in the Village to eat or shop.

Permitted Uses in the WC2 District

- A. Drug Stores
- B. Convenient Food Stores
- C. All uses listed in the Waterfront Commercial 1 District
- D. Accessory uses to drug stores and convenient food stores
- E. Bait/Tackle Shops

Site Plan Review

An approved site plan as described in Section 5-10 of this local law shall be required for any new development, additions, or exterior alterations to those uses listed in Section 2-\_\_\_ and 2-72 which exceeds one or more of the thresholds listed in Section 2-63.

Uses Existing Within the Waterfront Commercial 2 District On the Date of the Local Law Establishing Said District

- A. Uses which fall within the use categories listed in Sections 2-72 and do not require an approved site plan to continue.
- B. Uses existing on the date of the local law establishing the Waterfront Commercial 2 District which do not fall within the use categories listed in Sections 2-72 or shall be non-conforming and subject to provisions of Article IV of the Zoning Ordinance.

Design Standards for Waterfront Commercial 2 District

- A. See design guidelines for Waterfront District - Section 2-65.
- B. Facade improvements shall be consistent with the generally brick, wood frame, stonework, and clapboard siding features characteristic of the area.
- C. The gross floor area for restaurants, boutiques, antique shops and professional and craft studios shall not exceed 4,000 square feet.
- D. The massing and bulk of any new construction should be in harmony with adjacent buildings. The relationship of width to height of new structures shall be consistent with the ratio of the adjacent structures.
- E. Color choice of new construction should be influenced by the surrounding development. The color of the new structure should not make it stand out.
- F. Where building sites limit planting, the placement of trees in parking lots or other paved areas is encouraged.



## 2-80 WATERFRONT BLUFF OVERLAY DISTRICT

### 2-81 Purpose

The most prominent natural feature within the Village is the steep bluff along the Niagara River shoreline. It provides numerous scenic vistas overlooking the harbor as well as Ontario, Canada and thus has significant value to Village residents residing, doing business, or recreating along the bluff area. The steep slope also provides erosion protection for property located atop the bluff. Such areas are prone to erosion which can be caused by the action of currents running along the shore, waves, and wind driven water and ice, as well as runoff of rain water, groundwater seepage and construction activities. The bluff protects shoreland and waterfront development by absorbing the often destructive energy of open water.

Preservation of the bluff is also important to protect the public safety and property interests along the west side of Main Street and Water Street. Construction on the bluff can cause soil slippage thereby endangering existing structures and the health and welfare of pedestrians along the bluff's base.

### 2-82 Map

The location and boundaries of the Waterfront Bluff Overlay District shall be delineated on an official Zoning Map on file in the Village Clerk's Office.

The bluff extends west of Main Street beginning at the south corporate limit with the Town of Porter and extends north to the north boundary of the R-15 zoning district west of Main Street. This is just south of the Villa Apartments. The waterward limit of a bluff is its intersection with a land area having a slope of 6% or less. Where no such land area exists the waterward limit is mean high water. The landward limit of the bluff is 10 feet east of the bluffs receding edge with the exception of the portion of the bluff between the north and south intersection of Water Street and Main Street. In said district the landward limit shall be the bluffs receding edge.

Where the Waterfront Bluff Overlay District overlays any primary zoning district delineated on the Official Zoning Map of the Village of Youngstown, the requirements of the overlay district shall be met in addition to any requirements specified for development in the respective primary zoning district.

### 2-83 Allowed Activities

Activities allowed in the Waterfront Bluff Overlay District are those listed within the primary zoning district which the B District overlays.

2-84 Design Standards For Activities within the Waterfront Bluff  
Overlay District

- a. Activities shall retain natural vegetation and trees to the maximum extent practicable in order to create the least erosion potential and handle adequately the volume and rate of velocity of surface runoff, and to screen the bluff face and provide a natural appearance to the Village's shorefront.
  - b. Disturbed soils shall be stabilized and revegetated or seeded as soon as practicable following construction.
  - c. In no case shall stormwater be diverted to another property either during site preparation or after development.
  - d. Trails and walking paths shall be sited and constructed so they are not a source of sediment.
  - e. Erosion protection structures shall be constructed to minimize downstream impacts and shall not increase offsite flooding or erosion.
  - f. Activities shall be sited in such a manner so as not to block existing views off Main Street and where possible increase viewing opportunities for pedestrians on nearby public spaces.
  - g. Activities shall be designed and sited in a manner which promotes attractive views of the natural and built environment as seen from the slope base and Niagara River.
  - h. Activities shall be sited in an unobtrusive manner in terms of scale, height, colors, and location so as to blend in with the natural landscape and maintain the existing views of the bluff as seen from the Niagara River.
  - i. Erosion control structure design standards are defined in Section 2-65, paragraph N .
  - j. Construction shall only occur on soils which contain adequate load bearing capacities as determined by the Village Engineer, and generally accepted engineering standards.
  - k. With the exception of stairways, erosion protection structures, and minor structures, construction shall not be permitted on land having an average slope of 40% or greater. The average shall be determined by using slope calculations taken at 10 foot intervals within the proposed land area.
- G. Amend Article III, Section 3-00 of the Zoning Law of the Village of Youngstown by adding the following underlined words to paragraph (c) of sub-section 3-01 Dwellings "(C) Tourist home, hotel, motel, rooming or lodging house, Village Inn".

- H. Amend Article III of the Zoning Law of the Village of Youngstown by adding the following underlined items.

3-312 Group Facilities

In any C, W or WC1 or WC2 District, required off-street parking spaces may be provided in group parking facilities designed to serve two or more buildings or uses on different lots, provided that:

- (a) The total parking spaces in such group facility shall not be less than the sum of the requirements for the various uses computed separately, and
- (b) All required parking spaces shall be not more than 600 feet from the boundary of the lot on which such buildings or uses are located.

- I. Amend Article VIII of the Zoning Law of the Village of Youngstown by adding the following definitions.

39. Story - That portion of a building between the surface of any finished floor and the surface of the finished floor next above it, or if there is no floor above it, then the space between any floor and the ceiling next above it. The following shall not be deemed a story:

- a) A basement or cellar if the finished floor level directly above is not more than six feet above the average adjoining elevation of finished grade.
- b) Any attic or similar space under a gable or roof in which the exterior roof line is not more than four feet above the floor of such space.

53. Local Waterfront Revitalization Program (LWRP) - The local program to implement the New York Coastal Management Program within the Village as approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act of 1981.

54. Bluff - See Article II, Section 2-62 of this ordinance.

55. Village Inn - A building in which at least three but not more than twelve rooms are offered for rent to tourists or overnight guests. Other rooms typically found in residential homes such as living room and kitchens are often included within the Inn for shared use by Inn guests. Restaurants facilities may or not be incorporated into the building.

56. Restaurant: Fast Food - An establishment where food and/or beverages are sold in a form ready for consumption and where, by design or packaging techniques, all or a significant portion of the consumption can or does take place outside the confined of the building, often in a motor vehicle on the site.

57. Restaurant - An establishment where food and beverages are prepared, served and intended to be consumed within the principal

building or outside patio and where such food and beverages are not primarily packaged for removal by the customer.

58. Ships Supply - A small retail store specializing in accessory items for use on recreational watercraft. Such items might include life preservers, compasses, maps, and similar materials. Replacement equipment for engine parts and the body of the watercraft are not sold in these establishments.
59. Boutiques - A small retail establishment specializing in fashionable clothing and accessories, or gifts.
60. Convenient Food Stores - A small retail establishment which sells a limited supply of food and drink items, contains a maximum of two (2) checkout areas, and does not provide grocery carts for customer use.
61. Developed Land Area - Land which is occupied by either structures, parking lots, outdoor storage areas, landscaped improvements, recreation areas, or any combination thereof.
62. Minor Structure - Small structures, usually accessory to a principal use, which either have no foundations or are supported by posts. Said posts shall not exceed a 14" circumference and the distance between the lowest ground elevation and supporting structure shall not exceed 3 feet. Examples of minor structures include decks, cabanas, and patios.
63. Signs
  - (a) Ground Sign - Those signs which are affixed to the ground and not attached to a building.
  - (b) Roof Sign - a sign which is erected, constructed, or maintained on, partly above or as part of the roof of any building.
  - (c) Projecting Sign - Sign which is affixed to an exterior wall of the structure extending in a perpendicular direction.
  - (d) Wall Sign - A sign which is affixed to an exterior wall of a structure.
64. Boathouse - A structure built partly over water for the housing or storing of a maximum of two recreational boats, with accommodations for gear or general storage.

- I. Amend Article V of the Zoning Law of the Village of Youngstown by adding a new section 5-10 as follows:

5-10 SITE PLAN REVIEW

5-11 Site Plan Submittal

A site plan must be submitted for all:

- A. Residential Developments which contain (3) or more dwelling units. However, any residential development which requires the subdivision of land or which is proposed for construction within a previously approved subdivision pursuant to the Village of Youngstown subdivision regulations does not require a site plan.
- B. New business or commercial development or exterior alteration to existing business, commercial or industrial establishments which meet or exceeds one or more of the following thresholds.
  - (1) The gross floor area, developed land area, or any combination thereof increases by 25% or more.
  - (2) Five or more parking spaces or loading docks or any combination thereof which totals five (5) spaces or docks.
  - (3) The value of the land and building improvements meets or exceeds \$10,000.
- C. New development, additions to any existing use, or exterior alterations in the Waterfront Commercial 1 District or Waterfront Commercial 2 District, or Waterfront District which exceeds one or more of the thresholds listed in section 5-11(B).
- D. New development, or additions to any existing use within the Bluff Overlay District except for minor structures, walkways, stairways, and small sheds to store boating supplies not to exceed 75 square feet in gross floor area.

5-12 Site Plan - Required Information

The content of the site plan shall be approved by the building Inspector prior to filing. The approved submission shall be filed with the Village Clerk who, upon payment of the required fees, shall transmit it to the Building Inspector for distribution to officials and agencies as he may deem appropriate for their review, report and recommendation. Unless otherwise noted, the site plan shall include the following information prepared by a licensed Engineer, Architect, Landscape Architect, Surveyor or Attorney as appropriate. The number of copies shall be determined by the Building Inspector.

- A. Title of drawing, including name of development, name and address of applicant and person who prepared the drawing.
- B. North point, scale and date.
- C. A survey plotted to scale of the proposed development including its acreage and a legal description thereof.

- D. The location and names of existing and proposed streets and sidewalks immediately adjoining and within the proposed site.
- E. Layout, number and dimension of lots.
- F. Location, proposed use, height and floor plan of all non-residential and all residential structures containing three (3) or more dwelling units, location of all parking, loading and stacking areas with access drives.
- G. Location and proposed development of all open spaces including parks, playgrounds, and open reservations.
- H. Existing and proposed water courses and direction of flow.
- I. Topographic map and drainage plan showing existing and finished grades, engineering calculations and the impact on the surrounding area. Slope calculations at 10 foot intervals, for existing grades, shall be provided for proposed development within the Bluff Overlay District.
- J. Water supply plan including location of fire hydrants.
- K. Paving, including typical cross sections and profiles of proposed streets, pedestrian walkways, bikeways and parking lots.
- L. Sewerage disposal plans.
- M. A landscape plan indicating location, type and size of existing trees, and vegetation, identifying those to be preserved; and location, type and size of trees, vegetation and other amenities to be provided.
- N. Location and design of lighting facilities, fences, walls and signs.
- O. Location, and dimension of all signs.
- P. Proposed easements, restrictions, covenants and provisions for homeowners association and common ownership, if required.
- Q. Land and building improvement cost.
- R. Upon the request of the Board of Trustees the applicant shall prepare and submit, to the satisfaction of the Board, a market feasibility study for the proposed use. Said study shall be prepared by a professional market consultant with experience in development economics.
- S. Upon the request of the Board of Trustees, the applicant shall prepare and submit, to the satisfaction of the Board, soil boring information especially for those activities proposed within the Bluff Overlay District.

5-13 Site Plan Review and Fees Required

- A. The Building Inspector shall review the site plan to insure it is in conformance with this ordinance, and all other applicable laws. Thereafter he shall forward the plan to the Board of Trustees for referral within fifteen (15) days to the Planning Board, Village Engineer, and other agencies for review as appropriate.
- B. Upon acceptance of the site plan as completed by the Building Inspector, the applicant shall submit a fee within two days to the Village Clerk equal to .25% of the total building and land improvement cost up to a maximum of \$2,000.00.
- C. Within thirty (30) days of its receipt of the application for site plan approval from the Board of Trustees, the agencies shall review it and notify the Board of Trustees in writing of its comments or recommendations.
- D. Within sixty (60) days of its receipt of the application for site plan approval, the Board of Trustees shall act on it and notify the Planning Board, Building Inspector, Village Clerk and applicant of its action. This time period may be extended by the Board of Trustees or by written request of the applicant. In determining its action the Board of Trustees may conduct a public hearing if deemed appropriate. The Board of Trustees action shall be in the form of a written report of approval or disapproval of the site plan. In approving the site plan, the Board of Trustees may impose conditions limiting the use and the occupancy of the land or proposed buildings consistent with the intent and purposes of the Zoning Ordinance. If the Board of Trustees disapprove, it shall state its reasons.
- E. Except for subdivisions that have been duly filed in the Office of the County Clerk, if construction of the approved development has not commenced within two (2) years from the time of site plan approval, that approval shall be deemed revoked. Extensions of this period may be granted by the Board of Trustees.
- F. The Board of Trustees review of the site plan shall include, but not be limited to, the following general considerations:
  - (1) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
  - (2) Adequacy and arrangement of vehicular traffic, access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
  - (3) Location, arrangement, appearance and sufficiency of off-street parking and loading.
  - (4) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
  - (5) Adequacy of stormwater and drainage facilities.

- (6) Adequacy of water supply and sewage disposal facilities.
- (7) 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.
- (8) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- (9) Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- (10) Use of proper and adequate screening devices between parking and service areas viewed from public roads or public parklands.
- (11) Consistency between the site plan and the Village's adopted LWRP.
- (12) Quality and adequacy of views from those scenic vistas described in Policy 25A of the Village's adopted LWRP.
- (13) Attractiveness of the proposed use or structure(s) as viewed from the Niagara River.
- (14) Adequacy of design and function of waterfront improvements such as bulkheads, docking facilities, launch ramps and sea walls.
- (15) For development within the Waterfront or Waterfront Commercial Zoning District compliance with the design standards listed in sections 2-65 and 2-76 respectively of this ordinance.
- (16) For development within the Waterfront Bluff Overlay District compliance with the provisions of Section 2-041F of this ordinance.

K. Severability

If any clause, sentence, paragraph, or part of this local law or application thereof to any person or circumstances shall be adjudged by any court to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof or the application thereof to other persons and circumstances but shall be confined in its operation to the clause, sentence, paragraph, or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

L. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.