

CHAPTER 1324
SITE PLAN AND REVIEW REQUIREMENTS

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1324.01 SUBMISSION REQUIREMENTS FOR APPROVAL

In all Multi-Family Districts, Commercial Districts, Industrial Districts, Waterfront Districts, and any area designated by the City Council as a Special Design Improvement District, or any project requiring a zoning district amendment, a site plan approval by the Planning Board shall be required for:

- For all new construction of structures other than one and two-family units.
- The erection or enlargement (over 20 percent of total floor space) of all buildings, except one and two-family structures.
- Any change in use or intensity of use which will affect the characteristics of the site in terms of parking, loading, access, drainage, utilities, traffic, or other environmental impact for any commercial, industrial, or multi-family use.
- Any use or structure in a flood hazard area.
- All special permit applications.

Site plan review shall be required in the Waterfront Overlay District for any proposed improvements which would affect existing sight lines to the river or shoreline usage. The definition of improvements would include, but not be limited to, parking spaces and structures, tennis courts, boat docks and storage structures, fencing, the planting of four or more trees or large shrubs, gazebos, pools, decks, signs, and other ancillary structures. Any amendment of a previously approved plan shall also require approval of the amendment by the Planning Board. No building permit may be issued for any building within the purview of this section until the original and amended site plan is approved by the Planning Board. No Certificate-of-Occupancy may be issued for any building or use of land within the purview of this section unless the Planning Board or its designee certifies that all applicable conditions of the approved original or amended site plan have been complied with.

1324.02 OBJECTIVES

In reviewing site plans, consideration shall be given to the public health, safety, and welfare; the comfort and convenience of the general public, the residents or users of the proposed development, and of the immediate neighborhood. Appropriate

conditions and safeguards may be required to insure the intent of this Zoning Ordinance. The following objectives must also be addressed for each site plan:

- The site plan shall be in conformance with the City's adopted Comprehensive Plan.
- The design of all structures shall be compatible with surrounding structures. Compatibility shall be determined by a review of proposed use of materials, scale, mass, height, wind and sun factors, color, texture, and location of the structure or structures on the site.
- The proposed traffic ways shall be adequate in width, grade, alignment, and visibility. The proposed traffic ways shall adhere to all City traffic and safety considerations.
- Adequate off-street parking and loading spaces shall be provided to prevent excessive parking on public streets. Further, the circulation system shall provide safe accessibility to all required off-street parking lots, loading bays, and building services.
- All parking and service areas shall be reasonably screened from the view of adjacent residential lots and streets, and the general landscaping of the site shall enhance the character of the City and the neighborhood.
- All signage shall conform to the Niagara Falls Sign Ordinance.
- All plazas and other paved areas intended for use by pedestrians shall be appropriately landscaped.
- All outdoor lighting shall not create glare that will adversely affect adjoining properties and streets.
- The drainage system including water and sewer systems shall be adequate, and all connections to City systems shall be in accordance with City standards.
- The site plan and building design shall accommodate the needs of the handicapped and shall be in conformance with the State standards for construction concerning the handicapped.
- The site plan and building design shall maximize the conservation of energy.
- The site and/or the development shall not create adverse environmental conditions.
- Site plan review for a project located in the Waterfront Overlay District shall include a review to insure consistency with all relevant New York State Coastal Management Program policies as defined in Appendix B of this Zoning Ordinance. Site plan review for a project in the Waterfront Overlay District shall include the preservation of existing sight lines to the river and provide the harmonious and orderly location of primary uses, parking, special uses and accessory uses, in relation to the shoreline, where relevant. Site plan review shall also include a review of the proposed project for consistency with the stated purpose for each waterfront zone.
- A time line shall be submitted with the site plan which shall include anticipated construction start and completion dates. The Planning Board may require a re-

submission of the site plan if there is significant deviation from this time line as determined by the Planning Board.

1324.03 PROCEDURES AND CRITERIA FOR APPROVAL

- A. Prior to the submission of a formal site plan, a pre-submission conference shall be held wherein the applicant shall meet in person with the Director of Planning and Economic Development or a designee to discuss the proposed site plan so appropriate steps may be taken to insure consistency with the City's requirements regarding development of the site. Procedures under the Environmental Quality Review Chapter 1333 of this Zoning Ordinance may be initiated at this time.
- B. Within six months following the pre-submission conference, the site plan and any related information shall be submitted to the Department of Planning and Economic Development in as many copies as the Director may specify during the pre-submission conference. The site plan shall be accompanied by a fee in accordance with the schedule of fees of the City of Niagara Falls. If not submitted within this six month period, another pre-submission conference may be required.
- C. The Director of Planning and Economic Development shall certify on each original and amended plan, whether or not the application is in complete accordance with this chapter, and whether or not the plan meets the requirements of all of the provisions in this Zoning Ordinance other than those in this chapter regarding site plan review. The Director of Planning and Economic Development shall act to certify the application as being in compliance with all City requirements other than the Planning Board review.
- D. Following certification by the Director of Planning and Economic Development, the application shall be forwarded to the Planning Board for approval.
- E. The Planning Board may hold a public hearing on the site plan if it determines that the matter is of public interest. If such a hearing is held, it shall be held within forty-five days of the official submission date of the application, and notice shall be given within at least ten days prior to the date of such hearing by publication in the official City newspaper.
- F. The Planning Board shall act to approve or disapprove with conditions any such site plan within forty-five days of the official submission date. Failure to act within forty-five days shall be deemed to be an approval. Conditional approval by the Planning Board shall include written findings indicating site plan elements found contrary to the provision or intent of this Zoning Ordinance. In reviewing the application, the Planning Board shall consider the recommendation of the Department of Planning and Economic Development as to whether the proposed site plan will conform to the intent and requirements of this Zoning Ordinance.