

5.3 C-W WATERFRONT



5.3.1 Purpose

The C-W zone addresses all land areas within the Local Waterfront Revitalization Area (LWRA), which is defined in the Local Waterfront Revitalization Plan (LWRP) and delineated on the Zoning Map.

5.3.2 General

The C-W zone is an overlay zone, so both the standards of the C-W zone and underlying zone apply. All development in the C-W zone must comply with the standards of this section, as well as any applicable standards in the underlying zone and other sections.

5.3.3 Specific Standards

A. Waterfront Yards. All development on waterfront lots within the C-W zone must provide a waterfront yard (either C-W-25 or C-W-100, depending upon the zone) along the shoreline of the property per Table 5A: Waterfront Yards. The standards for the C-W-25 and C-W-100 waterfront yard types are described below.

TABLE 5A: WATERFRONT YARDS

ZONE	WATERFRONT YARD TYPE
N-1D, N-1C, N-1S, N-2C, N-2E, N-2R, N-3C, N-3E, N-3R, N-4-30, N-4-50	C-W-25
D-R, D-M, D-E, D-S, D-C, D-IL, D-IH, D-OS, D-OG, D-ON, C-R	C-W-100

1. A required waterfront yard is the area of a waterfront lot measured from the mean high water line of the adjacent water body that must be maintained clear of all permanent structures and vehicular access and parking, except where necessary to facilitate water-dependent uses. The required waterfront yard substitutes for a required rear or interior side yard, wherever such yards coincide.
2. A water-dependent use is a use which can only be conducted in, on, over, or adjacent to a water body because such use requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water. Water-dependent uses include, but are not limited to, marinas and yacht clubs, boat launch and service facilities, waterborne passenger terminals, fishing facilities, tour boat and charter boat facilities, research and educational facilities requiring access to water bodies, structures needed for navigational purposes, erosion and flood control structures, and facilities for loading and unloading bulk cargo by water. A shore public walkway, plus related accessory structures, is considered a water-dependent use.
3. Where a water-dependent use is proposed to

be established or expanded within a required waterfront yard, the encroachment upon the required waterfront yard must, to the greatest extent practicable, avoid, minimize, and/or mitigate adverse impacts, including, but not limited to:

- a. Deterioration of water quality.
- b. Loss, fragmentation, and impairment of habitats and wetlands.
- c. Changes to the natural processes that would increase shoreline flooding and erosion.
- d. Impacts on physical and visual access to the water.
- e. Impacts upon historic, archaeological, cultural, or scenic resources.
- f. Interference with existing water-dependent uses.

4. **C-W-25 Standards.** The C-W-25 waterfront yard type is intended for intensely urbanized waterfronts, typically characterized by an existing bulkhead, breakwall, embankment, or wharf along the shore, enabling public engagement with the water's edge. The following standards apply to this type:

- a. A waterfront yard of a minimum depth of 25 feet is required along the shoreline.

5. **C-W-100 Standards.** The C-W-100 waterfront yard type is intended for less urbanized waterfronts, where a shoreline buffer of native vegetation protects and restores wildlife habitat and ecosystem services. The following standards apply to this type:

- a. A waterfront yard of a minimum depth of 100 feet is required along the shoreline. As part of major site plan review, per Section 11.3.7, the City Planning Board may adjust the depth of the required waterfront yard to include contiguous sensitive areas, such as steep slopes, erodible soils, wetlands, or floodplains,

where it finds that development in these areas will adversely affect the water quality of the water body.

- b.** A shoreline buffer, consisting of undisturbed native or naturalized vegetation, must be provided for a minimum depth of 50 feet from the mean high water line. Grading, filling, excavation, clear cutting, and removal of vegetative cover are prohibited within this shoreline buffer, except in the following instances:
- i.** To implement erosion and flood control measures.
 - ii.** To facilitate a water-dependent use.
 - iii.** To control noxious or invasive vegetation.
 - iv.** To implement green infrastructure best management practices (BMPs).
 - v.** To undertake activities related to environmental remediation.
 - vi.** To undertake activities related to the protection or restoration of shoreline buffers, wetlands, or sensitive habitats.

B. Shore Public Walkways

- 1.** The provision of a shore public walkway, which is a linear public access area running alongside the shore and accessible to the public, is encouraged wherever new development occurs.
- 2.** A shore public walkway should be designed as a multi-use path, connected to adjacent shore public walkways and public rights-of-way, where possible, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), plus New York State Supplement, and the AASHTO Guide for the Development of Bicycle Facilities.
- 3.** Public access easements may be dedicated to ensure public access to and along a shore public walkway.

C. Outer Harbor Review Area

- 1.** The Outer Harbor boundaries are defined, as follows:
 - a.** Beginning at the southern shoreline of the mouth of the Buffalo River where it meets Lake Erie and proceeding southerly along the City Ship Canal until reaching the southern extent of the City Ship Canal, then proceeding southerly to the southeastern corner of the former NFTA Terminal buildings property, then proceeding westerly until reaching the western extent of the former NFTA Terminal buildings property, then proceeding northerly along the Lake Erie shoreline until intersecting with the southern shoreline of mouth of the Buffalo River.
- 2.** Attached house and detached house building types are prohibited within the Outer Harbor.
- 3.** Except for Open Space, any proposed use (as permitted per Table 6A) within the Outer Harbor may be permitted only with a special use permit, subject to the following additional criteria:
 - a.** The proposed use will incorporate opportunities for visual and physical access to the waterfront for site users and the public.
 - b.** The proposed use will conserve environmentally sensitive and naturalized areas.
 - c.** The proposed use will not cause a decrease in vitality or an increase in vacancy in established employment centers within the City of Buffalo.
 - d.** The proposed use will provide for an efficient use of land that responds to the existing infrastructure, utilities, and service conditions in order to minimize, to the extent practicable, the demand for additional municipal services, utilities, and infrastructure.

D. Supplemental Form Standards. The following standards apply to waterside facades and building frontages along the waterfront yard, with the exception of single-unit or double-unit dwellings, which are exempt from these standards.

1. A waterside facade must comply with front facade transparency, pedestrian access, vertical and horizontal articulation, and materials requirements of the underlying zone, if any.
2. Where practicable, a waterside facade must be oriented to the shoreline and positioned parallel or radial to the mean high water line.

E. Supplemental Use Standards

1. The following uses are subject to additional standards if located within the C-W zone:
 - a. Car wash. Refer to Section 6.1.5.F.
 - b. Gas station. Refer to Section 6.1.5.M.
 - c. Off-premise signs. Refer to Section 9.3.1.B.
2. The following uses are prohibited within the C-W zone:
 - a. Adult establishment. Refer to Section 6.1.5.A.
 - b. Junk/salvage yard. Refer to Section 6.1.6.D.
 - c. Recycling facility. Refer to Section 6.1.6.F.
 - d. Waste transfer Station. Refer to Section 6.1.6.J.
 - e. Truck stop. Refer to Section 6.1.8.O.
 - f. Electronic Message Centers (9.1.5.B)

F. Encroachments. No structure may be erected, or any other encroachment established, within 40 feet of the mean high water line of any navigable waters of the City of Buffalo without written

permission from the Commissioner of Public Works, Parks, and Streets, in accordance with § 495-16 of the City Code.

G. Consistency Review. All development within the C-W zone must also comply with the standards and procedures of the Local Waterfront Consistency Review Ordinance.