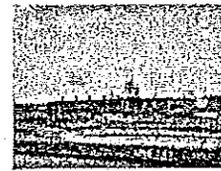
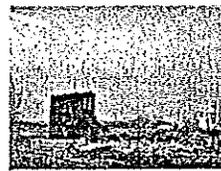
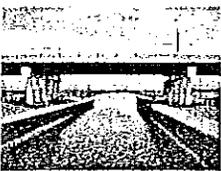


Union Ship Canal Redevelopment Area URBAN RENEWAL PLAN



CITY OF BUFFALO
URBAN RENEWAL AGENCY
ANTHONY M. MASIELLO, MAYOR



JUNE 2003

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SECTION I

1.1 INTRODUCTION

The Union Ship Canal Urban Renewal plan will serve as the legal and administrative vehicle for the implementation of the Union Ship Canal Master Plan, developed jointly by the Office of Strategic Planning, City of Buffalo, Development Downtown, Inc. (DDI), Buffalo Urban Renewal Agency and the Erie County Industrial Development Agency.

Authorization for the preparation of this Urban Renewal Plan was granted by the Common Council of the City of Buffalo on January 21, 2003.

Conditions exist within the Union Ship Canal area which tend to impair or arrest the sound growth and development of the City of Buffalo. The area is currently burdened with a concentration of conditions of slum and blight. The Union Ship Canal Urban Renewal Plan will establish a long term, comprehensive program for the redevelopment and revitalization of the project area, which contains approximately 275 acres of former heavy industrial and railroad lands that could be used for future small and large-scale commercial, manufacturing and light industrial development. The area provides a unique opportunity within the City to provide large, contiguous parcels for new private investment and job creating activities well serviced by local and regional transportation systems. To accomplish this, a coordinated, well-planned development program blending area environmental features and constraints and transportation linkages with modern industrial park amenities is necessary.

1.2 PROJECT DESCRIPTION

The overall purpose of the Union Ship Canal Renewal Plan is to provide areas for quality office, research, large-scale, clean industrial and light manufacturing uses; quality design standards protect the overall character for the area and protect the area in the future. Quality development standards for existing and proposed open spaces/recreation uses are also a key function of the regulations. The area is designed as a regional asset and encourages interaction among companies and development of non-noxious industry which provide employment and expand the local tax base.

The following summarizes the project characteristics:

LOCATION

The Union Ship Canal area, located in the southwest corner of Buffalo, is bounded by Tiff Street to the north, the Seneca Rail Yard to the east, the City of Buffalo south City line to the south and New York State Route 5 to the west. The area is characterized by good transportation linkages, an industrial past and direct access to the City's waterfront by

the Union Ship Canal. Major corridors linking the Union Ship Canal area to the rest of the City and region include NYS Route 5, a major north-south linkage and Tift Street. The Union Ship Canal area also has several rail corridors with excellent access to the project area; the Seneca rail corridor is one of the busiest rail corridors in the United States. Several former industrial sites will be reused as the Union Ship Canal area is redeveloped

Lands surrounding the Union Ship Canal are a mix of railroad, industrial and open space and recreational uses. The New Village and Steelawanna industrial parks are located just south of the area in Lackawanna. John Harrity Park and Tift Nature Preserve, north of the project, offer unique recreation experiences for people in the City as they utilize the playfields and hike trails through the wildlife habitat. And, the Seaway Trail, one of only 20 national scenic by-ways, traverses the Union Ship Canal area and follows NYS Route 5 and Fuhrman Boulevard.

SIZE

The Union Ship Canal Redevelopment Area comprises of approximately 275 acres, encompassing the former industrial complex of the Hanna Furnace Corporation and the Shenango Steel Inc. foundry as well as property currently owned by CSX and Herbert Darling. The City of Buffalo acquired the 114 acres of land (Hanna Furnace area) after the previous owners declared bankruptcy and abandoned the property.

CURRENT CONDITIONS

The Union Ship Canal Redevelopment Area is centered around the Union Ship Canal, which flows under Route 5 and Fuhrman Boulevard and connects to Lake Erie. A railroad line, owned by CSX Corporation, extends from the Seneca Rail Yard parallel and north of the Union Ship Canal. The City of Buffalo acquired 114 acres of land (Hanna Furnace area) south of the railroad. Previous owners had removed all operating equipment and rolling stock. Under a City-issued condemnation order, the remaining structures/foundations have been demolished. The City of Buffalo also recently completed an environmental remediation of the 114 acres and constructed 2,800 lf of roadway, including public infrastructure, landscaping, and site lighting, in the southeast corner of the redevelopment area.

PROPOSED LAYOUT

The Union Ship Canal Redevelopment Area will include a mix of public and private open space and recreation uses along the canal; high-quality office, light industrial, and manufacturing uses adjacent to the open space; and larger-scale, light industrial and distribution uses on larger parcels of land on the periphery (see Exhibit B). Within the

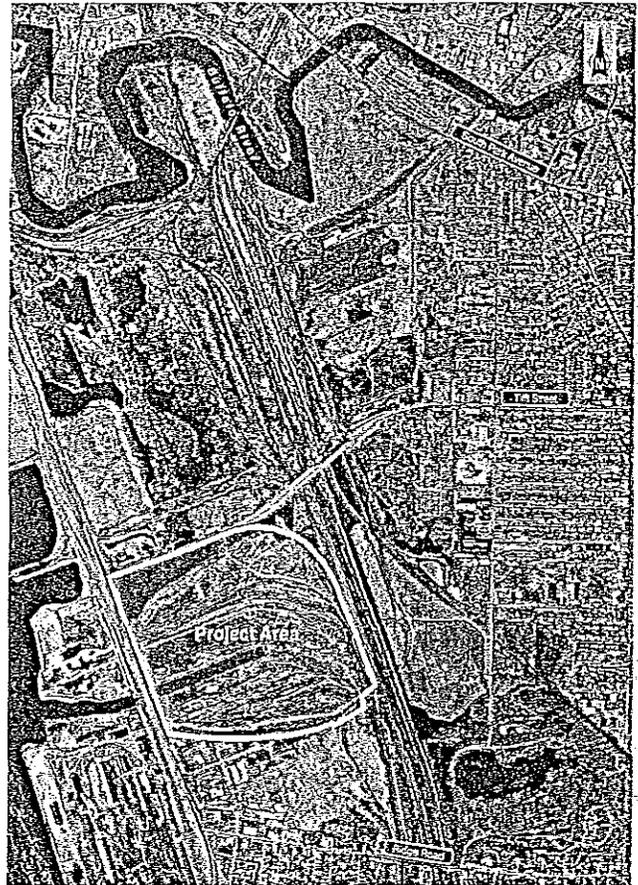


EXHIBIT A - LOCATION MAP

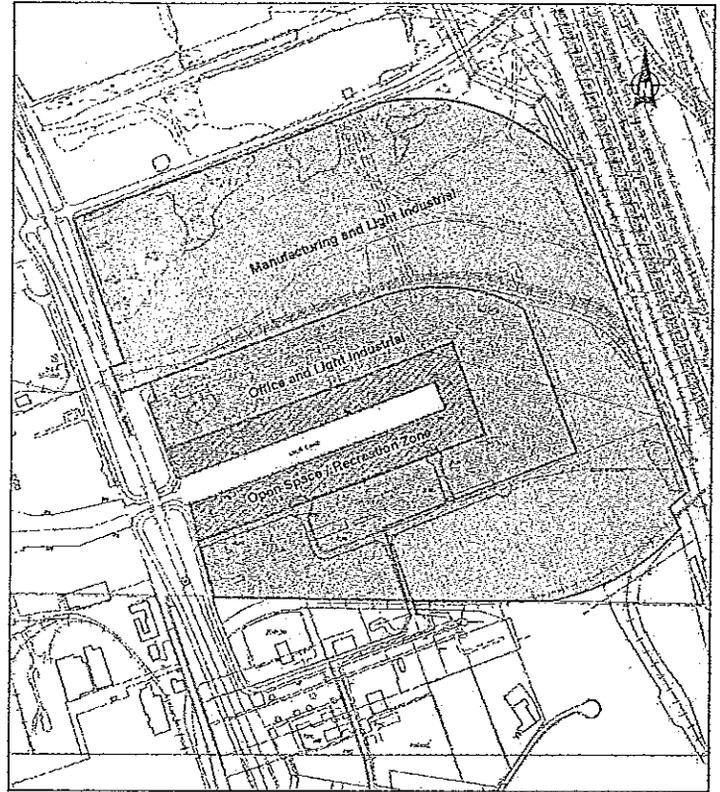
Union Ship Canal Redevelopment Area there will be the following land use classifications:

1. **Office and Light Industrial;**
2. **Manufacturing and Light Industrial; and**
3. **Open Space/Recreation.**

Specifically prohibited uses include residential, freight terminals, junkyards and recycling yards, heavy industry, or other uses that will interfere with the recreational uses and the light industrial park.

DESIGN QUALITY

This urban renewal plan is designed to promote the public health, safety and welfare of all residents in the City of Buffalo. The plan's regulations consider the City's Draft Comprehensive Plan and conforms to the recommendations and vision for the area. Specifically, the Union Ship Canal regulations are intended to:



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APPROXIMATE SCALE
0 500 1,000 Feet

EXHIBIT B - LAND USE MAP

1. **Provide areas for mixed-use development with an assurance of design quality, site amenities, open space and environmentally sensitive area protection;**

- *Create a unique sense of place that is attractive to private investors and public users.*
- *Maintain and enhance views of the site from major arterials.*
- *Maintain and enhance views from the waterfront to the site and from the site to the waterfront.*

2. **Encourage originality, flexibility and innovation in site planning and design, including architecture, landscaping and graphic design;**

- *Support job creation opportunities through land use regulations.*
- *Ensure land uses appropriate to the environmental characteristics of the site.*
- *Prescribe land uses maximizing the locational assets and access to the site.*
- *Protect investment through innovative land planning and urban design practices.*

- *Integrate the area into the context of the larger regional setting.*
3. **Ensure the compatible and complementary development of each portion of the Union Ship Canal Urban Renewal Plan as a unit;**
 4. **Promote the health, safety and general welfare of the public.**
 - *Secure safety from fire, flood and other dangers;*
 - *Provide adequate light, air and outdoor uses to include public, common and private open space areas;*
 5. **Facilitate the adequate provision of transportation, water, sewer, parks and other public services;**
 - *Balance development with the infrastructure capacities of the area.*
 - *Accommodate solar energy systems/equipment and access to necessary sunlight.*
 - *Provide for public access to the waterfront.*
 - *Link the area to surrounding neighborhoods through the use of trailways and greenways.*
 6. **Preserve and protect significant natural features;**
 - *Enhance the area's visual character by assuring improvements relate to their sites and to surrounding developments.*
 - *Creatively and sensitively blend natural and person-made environments.*
 - *Maintain and enhance the natural quality of the Union Ship Canal area and waterfront.*
 7. **Ensure the State's Coastal Zone Management goals and policies are considered as development occurs.**

PARK TENANTS

The Union Ship Canal Redevelopment Area has been designed to attract expanding local companies, suppliers to Buffalo based industries, Incubator industries, back-office operations, regional call centers and professional service companies. The area also targets Canadian companies seeking an in-City location which may alleviate the border congestion.

SECTION II - PROJECT AREA REPORT

2.1 PROJECT AREA DEFINITION

The Union Ship Canal Redevelopment Area is located along the Lake Erie waterfront in the south section of Buffalo; it is roughly bounded by Tift Street to the north, the Seneca Rail Yard to the east, the city line of Buffalo and Lackawanna to the south, and New York State (NYS) Route 5 to the west. The area is centered around the Union Ship Canal, which flows under NYS Route 5 and Fuhrman Boulevard and connects to Lake Erie.

Much of the land use surrounding the redevelopment area (within the City of Buffalo) is vacant and industrial. The railroad corridor and vacant industrial land extends east to Hopkins Street, which has a mix of primarily residential and commercial land uses. South of the redevelopment area in the City of Lackawanna are the New Village Industrial and Steelawanna Industrial Parks.

The purpose of the Union Ship Canal Redevelopment Area Urban Renewal Plan is to encourage economic development in the City of Buffalo through the use of former industrial lands, known as "brownfields." In a more regional perspective, development of the Union Ship Canal Redevelopment Area will counteract the growing trend of office and light industrial uses migrating to greenfield sites in the suburbs.

2.2 PROJECT BOUNDARY

GENERAL DESCRIPTION

The boundaries of the project urban renewal area are illustrated by the Project Boundary Map, Exhibit C, attached to and made a part of this plan, and are specifically defined in the Technical Boundary Description. The project area is located within an area generally bounded by Fuhmann Boulevard (Route 5) on the west, Tift Street on the north, CSX Transportation Right of Way on the east and the southerly boundary of the City of Buffalo on the south.

TECHNICAL BOUNDARY DESCRIPTION

The New Buffalo Union Ship Canal Urban Renewal Area includes all that piece or parcel of property, situate in Lot Nos. 17 & 18 in the Ogden Gore Tract, Township No. 10, Range No. 8, City of Buffalo, County of Erie, State of New York bounded and described as follows:

Beginning at a point on the easterly boundary of Commerce Street as delineated on Parcel No. 360 of Map No. 327 and acquired by The

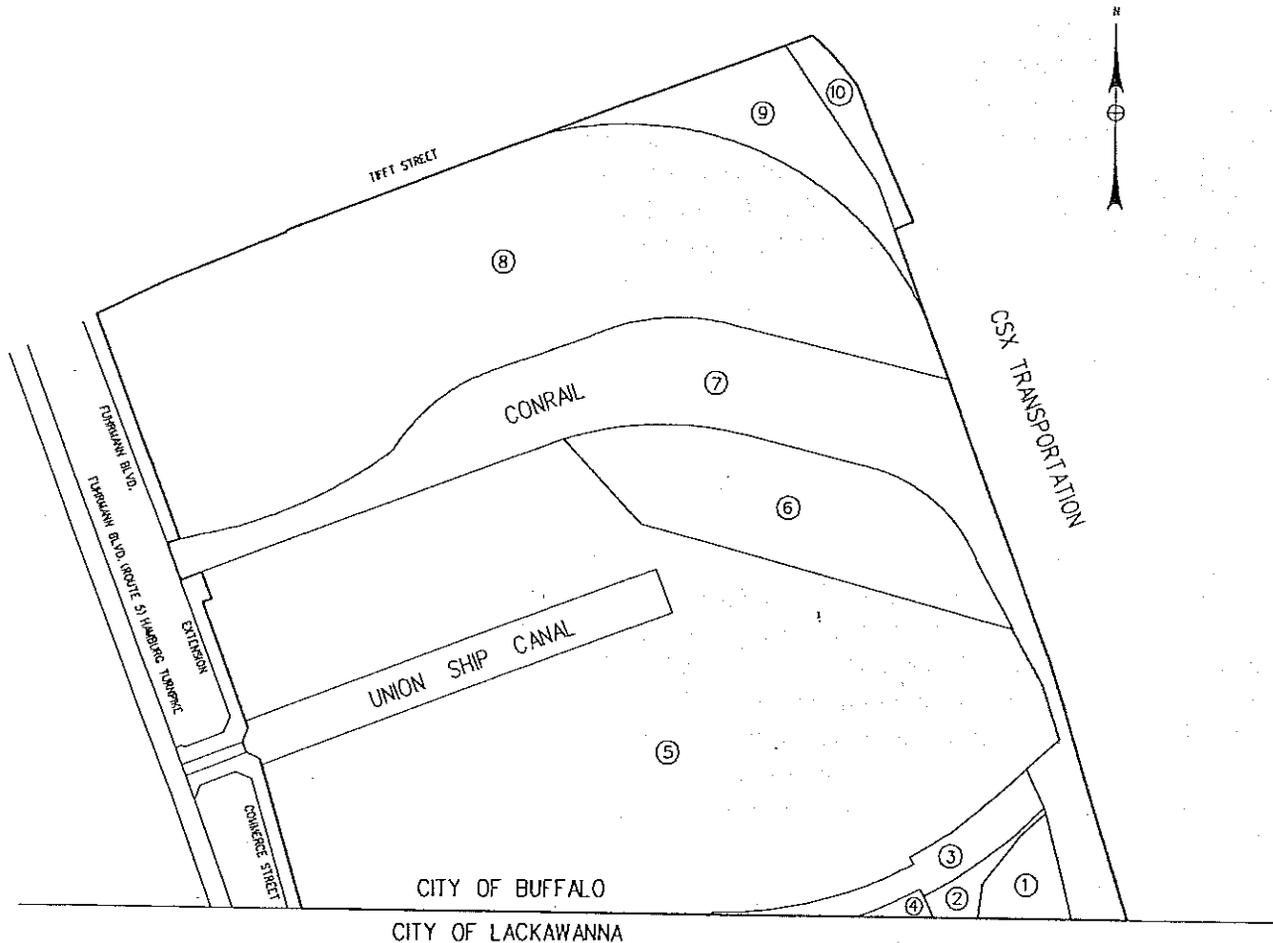


TABLE OF REPUTED OWNERS				
REF. NO.	REPUTED OWNER	REPUTED OWNERS ADDRESS	TAX REFERENCE NO. SBL	PARCEL AREA ACRES
1	TOMASELLO CONTRACTING CORP.	P.O. BOX 38 NORTH BOSTON, NY 14180	132.20-1-3.12	2.99
2	NEW YORK STATE DEPARTMENT OF TRANSPORTATION	ALBANY NY 14220-9999	132.20-1-3.2	1.35
3	SOUTH BUFFALO RAILROAD	P.O. BOX 336 WARREN, PENNSYLVANIA 16365	132.20-1-2	4.9
4	ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY	300 COMMERCE DRIVE LACKAWANNA, NY 14203	132.20-1-3.11	0.73
5	CITY OF BUFFALO PERFECTING TITLE IN REM 31	323 CITY HILL BUFFALO, NY 14202	132.19-1-4 (SERIAL #1522) 132.19-1-5 (SERIAL #1520) 132.20-1-6	30.8 85.8 1.5
6	SHERLAND INCORPORATED	27 FORESTVIEW DR. DEPEW, NY 14043-1713	132.20-1-1	18.5
7	CONRAIL	PROPERTY TAX DEPT. P.O. BOX 8499 PHILADELPHIA, PA 19103	132.19-1-3.2 132.15-1-2.2 132.16-1-4.2 132.20-1-4	6.2 6 6.6 7.9
8	HERBERT F. DARLING	131 CALIFORNIA DRIVE WILLIAMSVILLE, NY 14221-6654	132.15-1-2.111 FORMERLY 132.15-1-2.115 132.15-1-4.0	78.548
9	NAGARA NIAGARA POWER CORP.	REAL ESTATE TAX DEPT. 300 ERIE BLDG WEST-BLDG. SYRACUSE, NY 13202	132.15-1-3	8.1
10	NAGARA FRONTIER TRANSPORTATION AUTHORITY	181 ELLICOTT ST. BUFFALO, NY 14203	132.15-1-5.2	2.56

People of The State of New York for the former construction of Fuhrmann Boulevard – Hamburg Turnpike by Liber 10082 of Deeds at Page 121, at its intersection with the southerly boundary of the City Of Buffalo, also being the northerly boundary of the City of Lackawanna; thence northerly forming an interior angle of $107^{\circ} 10' 09''$ and along the along the easterly boundary of the said Parcel No. 360 of Map No. 327 being the easterly boundary of said existing Commerce Street a distance of $651\pm$ feet to a point on the southerly boundary of the Union Ship Canal, said point being at the southeasterly corner of Parcel No. 357 of said Map No. 327: thence continuing along the said easterly boundary of Commerce Street as delineated on Parcel No. 357 of said Map No. 327 and through the bed of the Union Ship Canal the following two (2) courses and distances: (1) northerly, a distance of $28\pm$ feet to an angle point; thence (2) northwesterly forming an interior angle of $229^{\circ} 33' 37''$, a distance of 67.30 feet to a point; thence northerly and continuing through the bed of the Union Ship Canal, a distance of $50\pm$ feet to a point at a southeasterly corner of Parcel No. 358 of said Map No. 327, said point being at the terminus of the easterly boundary of the extension of Fuhrmann Boulevard; thence along the easterly boundary of the extension of Fuhrmann Boulevard as delineated on Parcel No. 358 of said Map No. 327 and continuing through the bed of the Union Ship Canal the following two (2) courses and distances; (1) northeasterly, a distance of 60.81 feet to an angle point; thence (2) northerly forming an interior angle of $225^{\circ} 00' 00''$, a distance of $31\pm$ feet to a point on the northerly boundary of the Union Ship Canal, said point being at the southeasterly corner of Parcel No. 361 of said Map No. 327; thence continuing along the said easterly boundary of the extension of Fuhrmann Boulevard as delineated on Parcel No. 361 of said Map No. 327 the following three (3) courses and distances: (1) northerly, a distance $544\pm$ feet to an angle point; thence (2) easterly forming an interior angle of $90^{\circ} 00' 00''$, a distance of 40.00 feet to an angle point; thence (3) northerly forming an interior angle of $270^{\circ} 00' 00''$, a distance of $122\pm$ feet to a point on the southerly boundary of land conveyed to Consolidated Rail Corporation by Liber 8706 of deeds at page 397; thence westerly along the said southerly boundary of Consolidated Rail Corporation as conveyed by Liber 8706 of deeds at page 397, a distance of $277\pm$ feet to a point on the easterly boundary of the City of Buffalo Arterial Route, Fuhrmann Boulevard -- Hamburg Turnpike; thence northerly along the said easterly boundary of the City of Buffalo Arterial Route, Fuhrmann Boulevard – Hamburg Turnpike, a distance of $191\pm$ feet to a point on the northerly boundary of Consolidated Rail Corporation as conveyed by Liber 8706 of deeds at page 397; thence easterly along the said northerly boundary of Consolidated Rail Corporation as conveyed by Liber 8706 of deeds at page 397, a distance of $237\pm$ feet to a point on the easterly boundary of the extension of Fuhrmann Boulevard as delineated on Parcel No. 142 of Map No. 123 R-1 as acquired by The People of The State of New York for the former construction of Fuhrmann Boulevard – Hamburg Turnpike by Liber 6610 of deeds at page 397; thence northerly along the said easterly boundary of the extension of Fuhrmann Boulevard as delineated on Parcel No. 142 of said Map No. 123R-1, a distance of 1014.92

feet to a point on the southerly boundary of Tift Street as delineated on Parcel No. 126 of Map No. 124 as acquired by The People of The State of New York for the former construction of Fuhrmann Boulevard – Hamburg Turnpike by Liber 6235 of deeds at page 36; thence along the said southerly boundary of Tift as delineated on Parcel No. 126 of said Map No. 124 the following five (5) courses and distances: (1) easterly forming an interior angle of $86^{\circ} 31' 20''$, a distance of 261.10 feet to an angle point; thence (2) continuing easterly forming an interior angle of $176^{\circ} 58' 45''$, a distance of 89.85 feet; thence (3) continuing easterly forming an interior angle of $185^{\circ} 26' 55''$, a distance of 213.93 feet to an angle point; thence (4) continuing easterly forming an interior angle of $174^{\circ} 16' 53''$, a distance of 597.57 feet to a point at the southeasterly corner of Parcel No. 126 of said Map No. 124; thence (5) northerly forming an interior angle of $269^{\circ} 05' 22''$, a distance of 10.00 feet to a point on the southerly boundary of Tift Street as relocated in 1915 as acquired by the City of Buffalo by Liber 1360 of deeds at Page 136; thence easterly along the said southerly boundary of Tift Street as relocated in 1915 and conveyed by said Liber 1360 of deeds at page 136, a distance of 1,618± feet to a point on the southerly boundary of Tift Street, 66.00 feet wide, now closed; thence continuing easterly along the said southerly boundary of Tift Street, 66.00 wide, now closed, a distance of 623± feet to appoint on the westerly boundary of CSX Transportation; thence along the westerly boundary of the CSX Transportation following four (4) courses and distances: (1) southeasterly, a distance of 300± feet to an angle point; thence (2) southerly, a distance of 633± feet to an angle point; thence (3) westerly, a distance of 91± feet to an angle point; thence (4) southerly, a distance of 3,163± feet to a point on the said southerly boundary of the City of Buffalo and the said northerly boundary of the City of Lackawanna; thence westerly along the said southerly boundary of the City of Buffalo and the said northerly boundary of the City of Lackawanna, a distance of 3,645± feet to the point of beginning.

2.3 PROJECT ELIGIBILITY

The State General Municipal Law defines areas which are eligible for Urban Renewal to be residential, non-residential, commercial, industrial or vacant area "which are slum blighted, or which are becoming slum blighted, or blighted areas because of substandard, insanitary, deteriorated or deteriorating conditions, factors, and characteristics, with or without tangible physical blight. The existence of such areas constitutes a serious and growing menace, is injurious to the public safety, health, morals and welfare, contributes increasingly to the spread of crime, juvenile delinquency and disease, necessitates excessive and disproportionate expenditures of public funds for all forms of public service and constitutes a negative influence of adjacent properties impairing their economic soundness and stability, thereby threatening the source of public revenues".

This Urban Renewal Plan documents that conditions exist within the

Union Ship Canal Redevelopment Area which tend to impair or arrest the sound growth and development of the City of Buffalo. The area is burdened with a concentration of conditions of slum and blight, as defined in Subdivision 3 of Section 502 of Article 15 of the New York State General Municipal Law.

The Urban Renewal Plan will allow for the systematic, long-term, replanning, reinvestment and redevelopment of the area and will provide new economic development and job opportunities to the community at large. The Plan will also aid in the stabilization of local property tax rolls, and provide a framework for public and private reinvestment within the area.

2.3.1 PROJECT AREA ANALYSIS

The area proposed as the Union Ship Canal Redevelopment Area is located along the Lake Erie waterfront in the south section of Buffalo. It is roughly bounded by Tifft Street to the north, the Seneca Rail Yard to the east, the city line of Buffalo and Lackawanna to the south, and NYS Route 5 to the west.

The proposed Union Ship Canal Redevelopment Area has an area of approximately 275 acres, and consists of vacant industrial land, a rail corridor, the Union Ship Canal, and wetland areas. The Union Ship Canal area has a long and varied history of industrial use, especially within the boundaries of the former Shenango, Inc. mold plant and Hanna Furnace property. The site has been significantly disturbed by prior industrial activities as evidenced by the severe ground disturbance and debris piles.

Per the recommendation by the Office of Strategic Planning, at a session of the Common Council of the City of Buffalo, conducted on January 21, 2003, the redevelopment area was officially designated as an area being a substandard, insanitary area which tends to impair or arrest the sound growth and development of the municipality, as defined in Subdivision 3 of Section 502, Article 15 of the New York State General Municipal Law, and as being appropriate for urban renewal treatment.

**SECTION III - URBAN RENEWAL PLAN
PROVISIONS**

3.1 URBAN RENEWAL PLAN OBJECTIVES

3.1.1 AUTHORITY

Authority for this Urban Renewal Plan is provided by the New York State General Municipal Law. The State General Municipal Law states that the undertaking of Urban Renewal: "is necessary to correct such substandard, blighted, deteriorated conditions, factors and characteristics by the clearance, replanning, reconstruction, redevelopment, rehabilitation, restoration or conservation of such areas, the undertaking of public and private improvement programs related thereto and the encouragement of participation in these programs by private enterprise".

3.1.2 OBJECTIVES

The overall objective of the Union Ship Canal Urban Renewal Plan is to provide areas for quality office, research, large-scale, clean industrial and light manufacturing uses; quality design standards protect the overall character for the area and protect the area in the future. Quality development standards for existing and proposed open spaces/recreation uses are also a key function of the regulations. The Plan is designed as a regional asset and encourages interaction among companies and development of non-noxious industry which provide employment and expand the local tax base.

This Plan outlines project objectives, standards for development, procedures for acquisition and disposition, as well as preferred courses of action. The Union Ship Canal Redevelopment Area Urban Renewal Plan seeks to accomplish the general goals and objectives set forth in the State General Municipal Law and the overall Union Ship Canal Master Plan. The Plan also seeks to accomplish the following objectives to be achieved through public and private action as follows:

1. Provide areas for mixed-use development with an assurance of design quality, site amenities, open space and environmentally sensitive area protection.
2. Encourage originality, flexibility and innovation in site planning and design, including architecture, landscaping and graphic design.
3. Ensure the compatible and complementary development of each portion of the Union Ship Canal Urban Renewal Plan as a unit.
4. Promote the health, safety and general welfare of the

public.

5. Facilitate the adequate provision of transportation, water, sewer, parks and other public services.
6. Preserve and protect significant natural features.
7. Ensure the State's Coastal Zone Management goals and policies are considered as development occurs.

3.1.3 TYPES OF PROPOSED URBAN RENEWAL ACTIONS

The Development Downtown Inc., hereinafter referred to as "DDI", with the cooperation of the City of Buffalo, hereinafter referred to as the "City", with the authorization of the governing body thereof, proposes certain urban renewal action within the Union Ship Canal Redevelopment Area which include:

Clearance and Redevelopment

- *Conversion of land use from vacant, former heavy industrial to office, light industrial, and manufacturing and adopting Land Use Controls as outlined in the following sections, thus eliminating adverse impacts associated with currently permitted noxious uses.*
- *Achievement of the City goal of brownfield redevelopment and getting these sites back into productive office / light industrial uses.*
- *Provision of an opportunity for business investment and job retention / creation within the City.*
- *Sale, lease, or dedication of such parcels for public or private use and development in accordance with this Plan.*
- *Control sprawl by making use of urban sites that are serviced by infrastructure, accessible to transit-dependent populations and compatible with the surrounding land uses.*

Public Improvements and Facilities

- *Preservation of wetland and open space areas with enhancement of public access to Lake Erie.*
- *Infrastructure development, and construction by DDI or the City to adequately support and service proposed land uses and activities.*

3.2 LAND USE PLAN

The Union Ship Canal area will include a mix of public and private open space/recreation uses along the canal, high-quality office, light industrial and manufacturing uses adjacent to the open space and larger scale light industrial and distribution uses on larger parcels of land on the periphery of the area. The Urban Renewal Plan includes the following areas:

1. **Office and Light Industrial Land Use Area**
2. **Manufacturing and Light Industrial Park Land Use Area**
3. **Open Space/Recreation Land Use Area**

3.2.1 USES IN THE INDUSTRIAL LAND USE AREA

The purpose of this section is to outline the specific permitted uses, accessory uses, limited uses and prohibited uses that must be adhered to in all industrial land use areas in the Union Ship Canal Urban Renewal Plan.

Primary Uses and Structures

The following uses may be established in the Office and Light Industrial and Manufacturing and Light Industrial Land Use Areas of the Union Ship Canal Urban Renewal Plan when they satisfy the purpose and design and development standards set out in this Chapter.

1. **Research – Research offices and laboratories, including testing.**
2. **Offices – Corporate headquarters, regional headquarters and administrative offices. Local service offices such as real estate sales, insurance agencies, doctor's offices, or other offices typically found in commercial districts may only be included in a structure or integrated complex of at least 25,000 square feet of gross floor area.**
3. **Manufacturing Uses – Unless specifically listed as a prohibited or limited use in this Chapter, high-tech, light and general manufacturing.**
4. **Mixed Business Use – A complex of primary use facilities developed according to an approved site plan. In the Office and Light Industrial Land Use Area, warehousing and commercial uses are considered limited uses as outlined in this Chapter. Structures in the complex must have a gross square footage of at least 25,000 square feet at initial development.**

The following additional uses may be established in the Manufacturing and Light Industrial Land Use Area in the Union Ship Canal Urban Renewal Plan:

1. **Wholesale and distribution facilities.**

Accessory Uses

The following shall be allowed as accessory uses in the Union Ship Canal Urban Renewal Plan:

1. **Uses and structures customarily accessory and incidental to a primary use, except warehouses that may be allowed as a limited use.**
2. **Temporary buildings for uses incidental to construction work, which buildings shall be removed within fourteen (14) days upon completion or abandonment of the construction work.**
3. **Solar collection apparatus that meets all dimensional and development standards of this plan.**
4. **Indoor and outdoor recreational facilities such as exercise studios, community meeting rooms, bicycle and walking trails and pedestrian plazas and courts that are provided in association with a primary use within the same development.**
5. **Parking and loading structures and areas provided in conjunction with a primary use, subject to the provisions of this Chapter.**
6. **Communications towers/dishes required for business operation.**

Limited Uses

The following limited uses are allowed in the Office and Light Industrial Land Use Area of the Union Ship Canal District:

1. **Retail and services provided such limited use constitutes no more than ten (10) percent of the developed floor area of the project. Such limited uses shall be located, arranged and integrated within the development to serve primarily the shopping and service needs of employees and businesses in and near the Union Ship Canal Urban Renewal Plan. When developed in conjunction with**

approved industrial uses, the following limited uses are allowed:

- a. *Restaurants;*
 - b. *Convenience stores;*
 - c. *Retail banks, savings & loans and credit unions;*
2. **Warehouse and storage uses developed concurrently with or after a primary use provided the floor area of such use constitutes no more than thirty-five (35) percent of the gross floor area of the primary use.**

Prohibited Uses

Uses with physical and operational requirements not in compliance with the quality design and performance standards set out in this Chapter for the Union Ship Canal Urban Renewal Plan shall be prohibited. In addition the following uses shall be specifically prohibited:

1. **Residential Uses;**
2. **Adult Uses;**
3. **Motor freight terminal;**
4. **Junkyards, recycling yards, auto or truck storage or repair or dismantling;**
5. **Activities entailing movement of heavy equipment on/off site excluding construction;**
6. **Activities that produce electrical and/or electromagnetic disturbance affecting the operation of any equipment other than that of the creator of such disturbance;**
7. **Acetylene gas manufacturing;**
8. **Ammunition and explosive manufacturing and storage;**
9. **Arsenal;**
10. **Asphalt, hydrocarbon or petroleum products distillation or manufacturing;**
11. **Calcium carbide manufacturing;**
12. **Fertilizer manufacturing;**
13. **Fumigation manufacturing;**

14. Glue manufacturing;
15. Incineration on a commercial basis;
16. Soap, tallow, grease or lard manufacturing;
17. Tannery;
18. Veterinary clinics and kennel;
19. Off Site Signage and Billboards.

3.2.2 OFFICE AND LIGHT INDUSTRIAL LAND USE AREA

The Office and Light Industrial Land Use Area is developed at Union Ship Canal to complement the Open Space/Recreation Land Use Area along the canal. The Land Use Area allows higher-density development that resembles an industrial village with a mixture of light industrial, commercial and recreational uses. Buildings have a relationship to the street and canal through setbacks that allows for landscaping. The building design, relationship to the streetscape, circulation system and street will define the pedestrian experience. Parking, services and loading areas are located in alleys and between buildings to allow the streetscape to be developed as an attractive feature of the area while protecting the open space land use area of the Union Ship Canal Urban Renewal Plan.

Site Area Standards

Developments in the Office and Light Industrial Land Use Area shall require a minimum site area of two (2) acres. Planning Board approval of an overall development plan for the site consistent with the City's Design Review process, including circulation, parking, landscaping and proposed building elevations, shall be required prior to the approval of any partition or subdivision of a site area.

Setback Requirements

Setback requirements are established for new or modified facilities to ensure a coordinated streetscape image, to provide sufficient space between buildings to ensure adequate light and privacy and to provide sufficient space between roads, building and parking to ensure privacy and sound control for all building sites.

1. **Front Yard Setback – There is no minimum front yard setback in the Office and Light Industrial Land Use Area.**

2. **Side and Rear Yards** – No minimum side or rear yard is required in the Office and Light Industrial Land Use Area when abutting industrial and/or commercial land use area.
3. **Open Space Land Use Area Setback** – A fifteen (15) foot maximum setback shall be maintained between any building, parking or other site improvement that directly abuts the Open Space Land Use Area.

Minimum Street Frontage

A site shall have a minimum of two hundred and fifty (250) foot frontage along a public road.

Minimum Landscaping

Fifteen (15) percent of the total site area, including the front setback, shall be landscaped in accordance with an approved NYS DEC Voluntary Cleanup Agreement, where applicable.

Maximum Building Height

Building heights shall be a minimum of eighteen (18) feet and shall not exceed forty-five (45) feet.

Minimum Building Size

The minimum size for any new principal building shall be twenty five thousand (25,000) square feet.

Maximum Lot Coverage

Lot coverage shall not exceed eighty five (85) percent of the site area inclusive of all buildings, parking areas and other impervious surfaces.

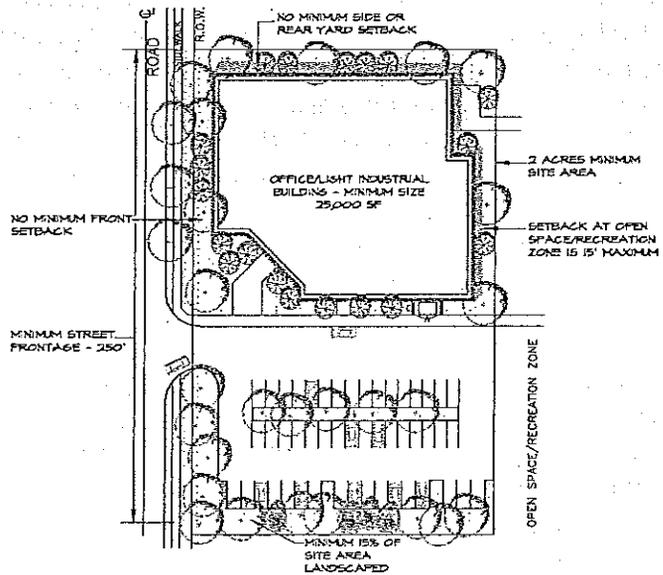


FIGURE 3-1 - TYPICAL SITE LAYOUT OFFICE / LIGHT INDUSTRIAL LAND USE AREA

3.2.3 MANUFACTURING AND LIGHT INDUSTRIAL PARK LAND USE AREA

Portions of the Union Ship Canal Urban Renewal Plan offer an opportunity for large-scale light industrial and warehouse development. To ensure these industries are an attractive feature of the area, a Manufacturing and Light Industrial Park Land Use Area is created. By including ample landscaping in the design, the Manufacturing and Light Industrial Park Land Use Area will complement the development surrounding the area. This land use area is characterized by large

setbacks and buffers to screen buildings from roads and create a parkway experience.

Site Area Standards

Developments in the Manufacturing and Light Industrial Park Land Use Area shall require a minimum site area of five (5) acres.

Planning Board approval of an overall development plan for the site consistent with the City's Design Review process, including circulation, parking, landscaping and proposed building elevations, shall be required prior to the approval of any partition or subdivision of a site area.

Setback Requirements

The setback requirements are established in the Manufacturing and Light Industrial Park Land Use Area for new or modified facilities to ensure a coordinated streetscape image, to provide sufficient space between buildings to ensure adequate light and privacy and to provide sufficient space between roads, building and parking to ensure privacy and sound control for all building sites.

1. **Front Yard Setbacks – A front yard setback of at least two times the primary building height shall be maintained between structures in a development and the street right of way; the setback shall in no case be more than sixty (60) feet. A structure on a corner lot shall observe the minimum street setback on both roads.**
2. **Side and Rear Yards – A minimum fifteen (15) foot yard shall be maintained**

Minimum Street Frontage

A site shall have a minimum of three hundred fifty (350) foot frontage along a public road.

Minimum Landscaping

Twenty-five (25) percent of the total site area shall be landscaped.

Maximum Building Height

Building heights shall not exceed forty (40) feet.

Minimum Building Size

The minimum size for any new principal building shall be twenty (20) percent of the overall acreage for the site.

Maximum Lot Coverage

Lot coverage shall not exceed seventy five (75) percent of the site area inclusive of all buildings, parking areas and other impervious surfaces.

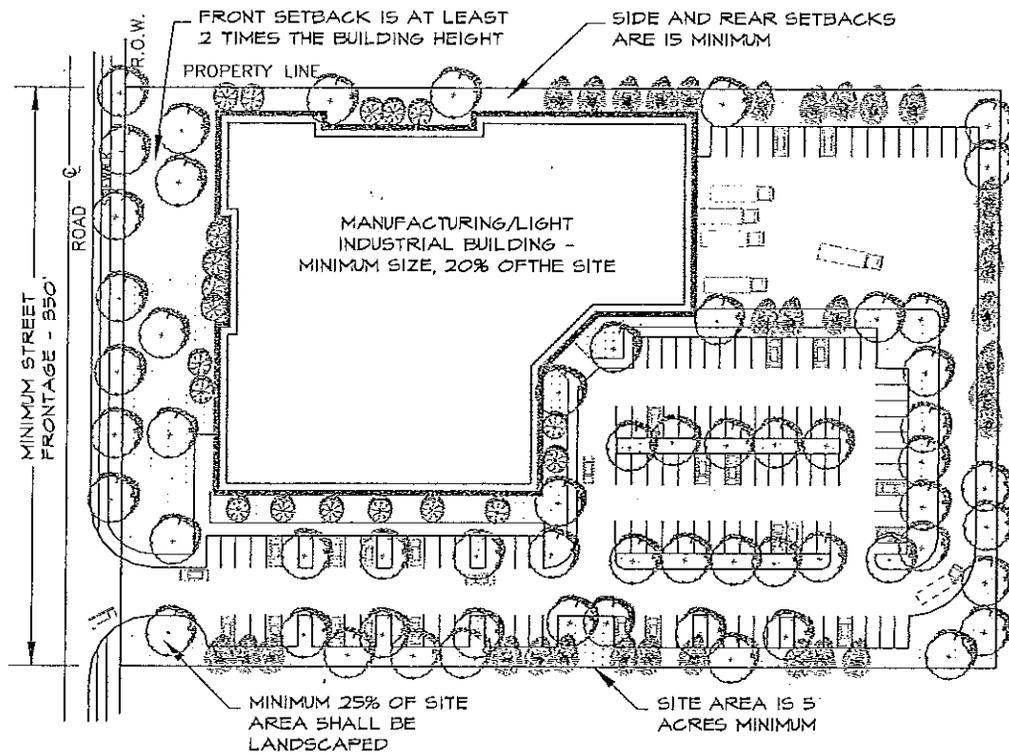


FIGURE 3-2 - TYPICAL SITE LAYOUT MANUFACTURING / LIGHT INDUSTRIAL LAND USE AREA

3.2.4 OPEN SPACE LAND USE AREA

Open space serves as an important organizing feature of the Union Ship Canal Urban Renewal Plan. These areas protect sensitive or fragile environments, preserve the capacity and water quality of the storm water drainage system, provide a contrast to the built environment provide opportunities for outdoor recreation and preserve the scenic qualities of the Buffalo waterfront.

Permitted Uses

The following uses are permitted within the Union Ship Canal Urban Renewal Plan:

1. Parks and playgrounds;

2. Concession areas;
3. Marina, boat rental and boat launch;
4. Outdoor recreation facilities supporting fishing, bird watching and hiking;
5. Indoor recreation facilities;
6. Conservation areas;
7. Education and scientific research uses;
8. Public parking areas.

Design Standards

1. Areas designated for open space purposes shall be of adequate size and configuration to accommodate the intended use. The National Recreation and Park Association Standards, standards established by a sports governing body, or standards obtained from another credible source shall be used to determine the exact spatial and dimensional requirements needed for a specific type of recreation area or facility.
2. All activities within the Open Space Land Use Area shall meet the appropriate Federal American with Disabilities Act requirements in terms of facilities, slopes, etc.
3. Open space shall not be traversed by utility easements unless said utilities are placed underground and no part of them or their supportive equipment protrudes above ground level.

3.3 DESIGN AND DEVELOPMENT STANDARDS

The following requirements shall apply to the use and development of land within the Union Ship Canal Urban Renewal Plan and together with the Land Use Map (see Exhibit B), shall constitute the provisions of this Urban Renewal Plan that govern such use and development.

These requirements are established as basic guides and standards for new construction reflecting the public renewal objectives and intent of the City of Buffalo, Development Downtown Inc., and Erie County Industrial Development Agency in undertaking the Union Ship Canal Urban Renewal Project. It is not intended, however, that such provisions unduly inhibit exploration of valid land uses, design concepts, economic concepts, or other development objectives which, while

varying from some aspect of these requirements, may nevertheless achieve the public objectives embodied herein.

All development within the Union Ship Canal Urban Renewal Plan is subject to the review procedures and application requirements within this Chapter. In addition, the following specific standards, requirements and objectives shall apply to all development in this Plan:

Accessory Buildings

Unless otherwise specified, all accessory buildings shall observe the same yard and setback requirements as principal buildings.

Air Quality

Development shall not emit any dust, fumes, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emissions in such quantities as to be readily detectable at any point beyond the lot line. There shall be no emission or transmission of heat or heated air from the industrial activity so as to be discernible at any lot line.

Building Siting and Design

In applying the provisions of this Chapter particular emphasis shall be given to the siting and design of those structures, or portions thereof, on the periphery of a site area which may be viewed from any public road or adjacent properties.

Building Siting

1. **Active building elevations shall face the public streets and open space land use area; no blank walls or loading areas are allowed to face public streets, Route 5, waterways or the open space land use area unless the requirement creates a hardship demonstrated by the applicant.**
2. **Building entrances shall be accented in the overall building design.**
3. **Large blank end walls must incorporate building components or design features in such a way as to break up large wall surfaces. Specifically, buildings shall include:**
 - a. *Architectural features and patterns that provide visual interest, at the scale of the pedestrian, reduce massive aesthetic effects and recognize local character. The architectural elements should be integral parts of the building fabric and not superficially applied trim or graphics,*

or paint.

- b. *Facades must include a repeating pattern that shall include no less than three of the following: color, texture or material module change. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.*

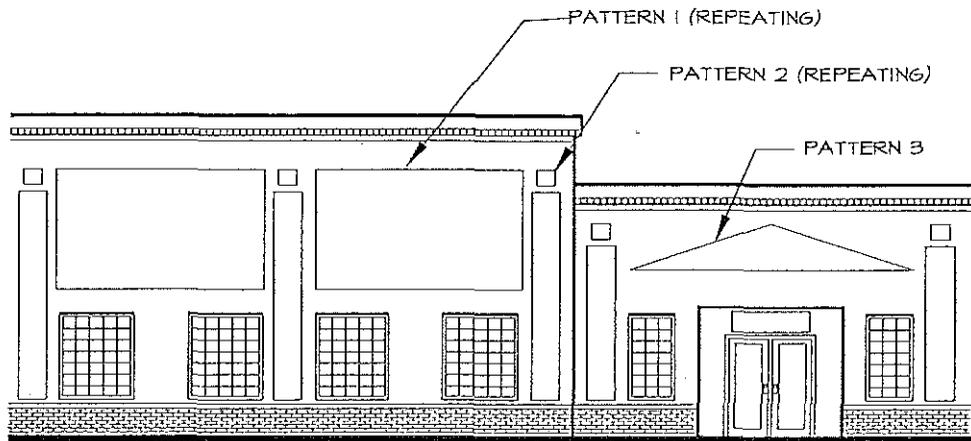


FIGURE 3-3 - TYPICAL BUILDING FACADE BREAKUP / REPEATING PATTERN

- c. *Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal or projecting rib.*
- d. *Blank end walls shall be landscaped.*

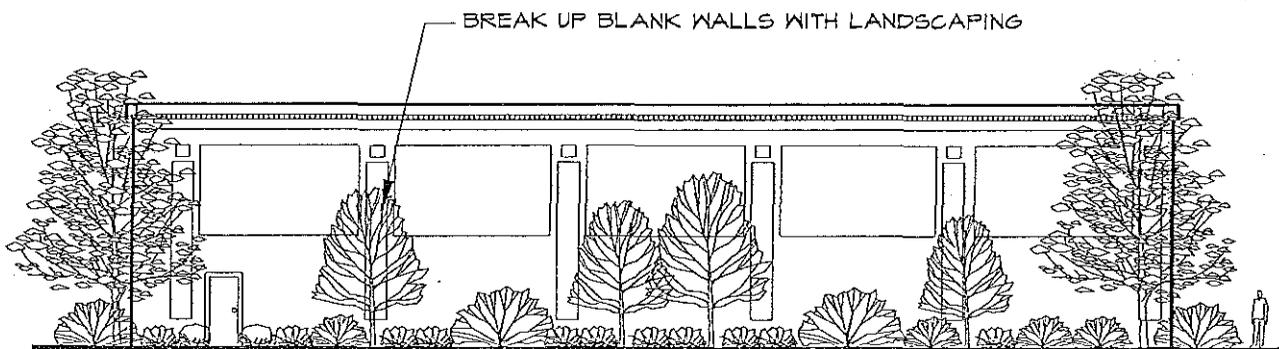


FIGURE 3-4 - TYPICAL BLANK END WALLS LANDSCAPED

- e. *Corner buildings shall have a strong tie with the setbacks on both streets. The primary mass of the building shall not be placed at an angle to the corner; this does not preclude angled or sculpted building corners or an open plaza on the corner.*
- f. *Buildings shall be placed parallel and/or perpendicular to each other and to the public street; exceptions could be considered where any deviation is a part of a carefully planned design to create a more functional or useful open space among buildings, open spaces and the street.*

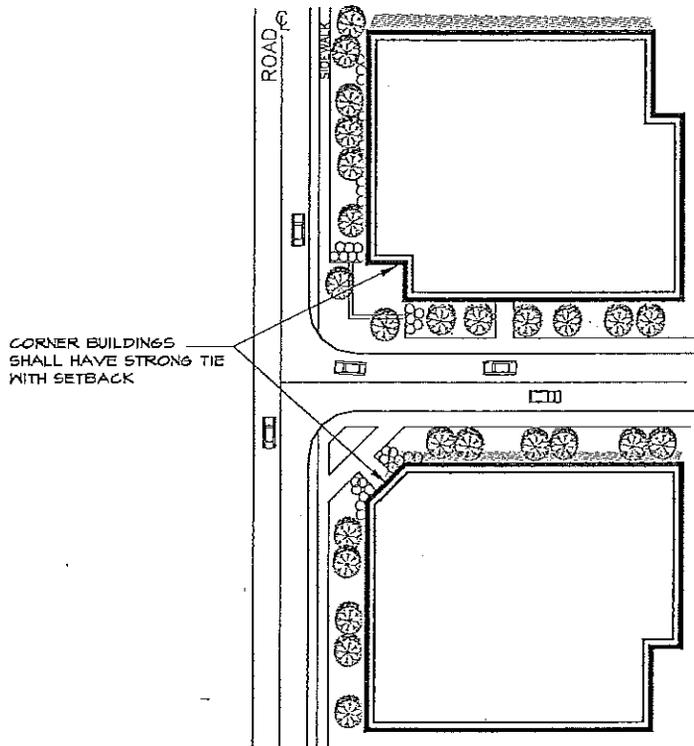


FIGURE 3-5 - TYPICAL CORNER LAYOUT

- g. *Building entrances shall be orientated toward the public streets and open spaces and linked with the parking areas and pedestrian circulation system surrounding the Union Ship Canal.*

Building, Massing and Form

1. Buildings shall contain the three (3) traditional parts of a building: a base, a mid-section and a top. On one-story buildings, the different parts shall be defined through detailing at the building base and eave/cornice line. On two or three story buildings, different treatment of the first, middle and top stories may be used to define the three parts.
2. The scale of the building shall be compatible with surrounding development within each land use area. Special consideration shall be given to achieve compatibility with surrounding buildings and pedestrian circulation systems.
3. "Franchise architecture" is strongly discouraged. Building elevations shall be designed to complement surrounding architecture.

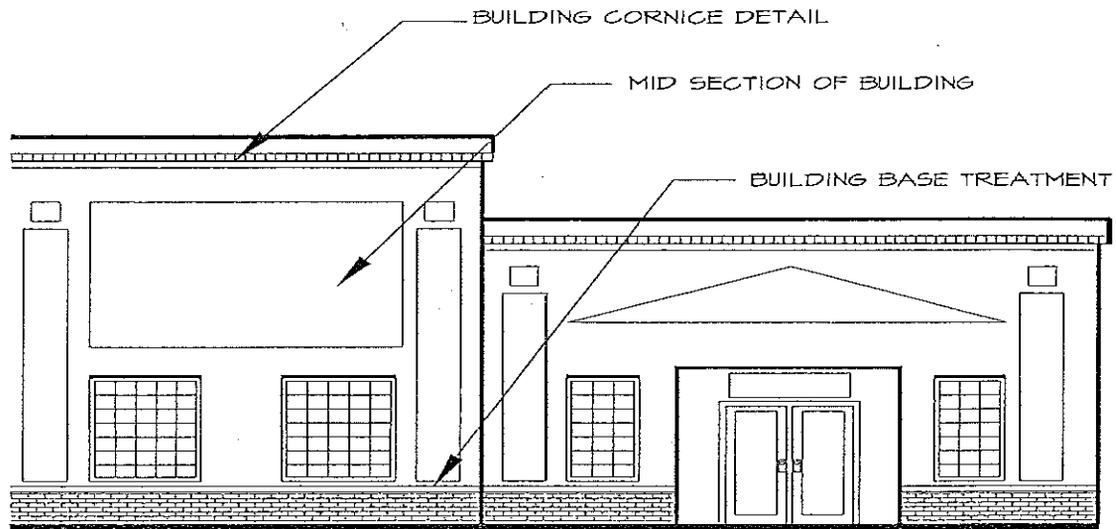


FIGURE 3-6 - TYPICAL BUILDING MASSING

Building Exterior Wall Materials

1. All exterior building walls and structures shall be constructed with attractive, durable materials including masonry, pre-cast concrete, stone, brick, finishing wood, Dryvit or glass unless other materials are approved during site plan review.
2. No more than three (3) exterior building materials shall be used on any one side of a building.
3. Building colors shall be harmonious and should include "earth tones". Color contrast is encouraged to express architectural detail. Fluorescent paints and garish colors shall be avoided.

Building Glazing

Building window coverage in the Office and Light Industrial Land Use Area shall include a minimum of 50% of all building elevations facing public streets, the Open Space Land Use Area, parking areas or pedestrian circulation systems. Building window coverage in the Manufacturing and Light Industrial Land Use Area shall include a minimum of 25% of all building sides facing public streets, parking areas or pedestrian circulation systems unless the applicant demonstrates that a hardship is created by this requirement.

1. Window coverage shall be translucent; reflective glazing materials shall be prohibited unless the applicant demonstrates a need for energy efficiency reasons.

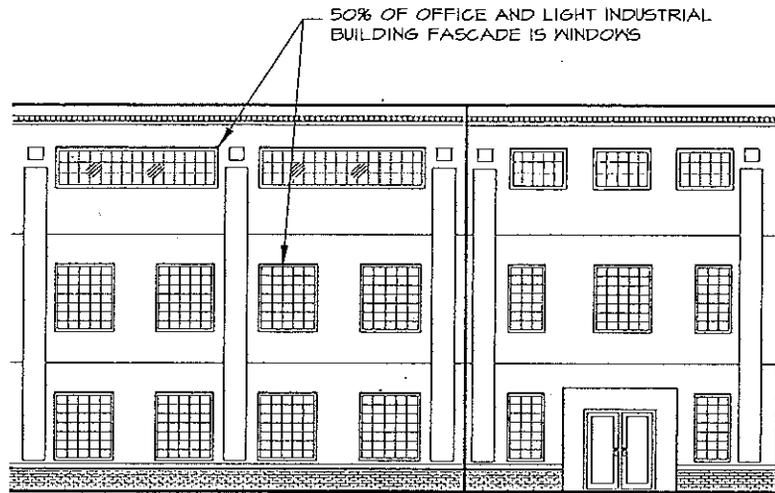


FIGURE 3-7 - TYPICAL WINDOW COVERAGE OFFICE/LIGHT INDUSTRIAL LAND USE AREA

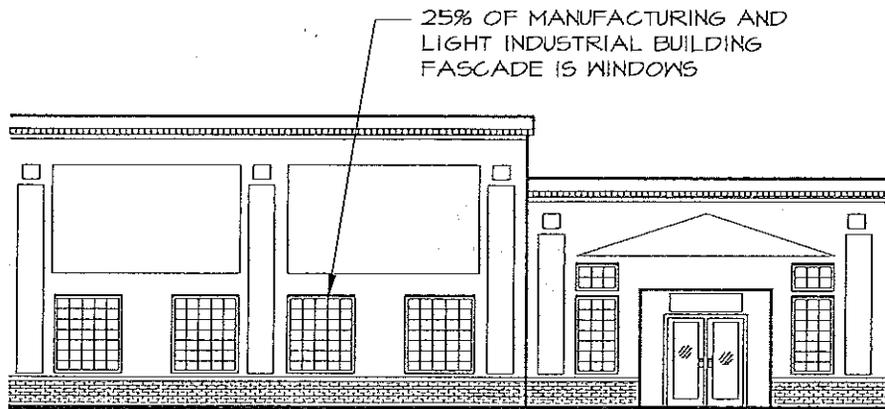


FIGURE 3-8 - TYPICAL WINDOW COVERAGE MANUFACTURING/LIGHT INDUSTRIAL LAND USE AREA

2. Ancillary uses shall be architecturally consistent with the primary structures of the site.

Building Roofs

Roof design shall conform to legitimate forms (e.g. hipped, gabled or flat). Mechanicals placed on roof-tops shall be screened from street level and when possible, screened from Route 5.

Corner Vision Requirements

No sight obscuring structures or plantings exceeding twenty four (24) inches in height shall be located within twenty (20) feet of the public right of way at all intersections of public and private roads and driveways. Trees located within twenty (20) feet of an intersection shall be maintained to allow ten (10) feet of visual clearance below the lowest hanging branches.

Energy Conservation

To promote and protect the use of solar efficiency in the Union Ship Canal Urban Renewal Plan, the following shall apply:

1. The placement of structures or modifications of existing structures containing solar structures shall be determined by the Planning Board. If no protection from adjacent development is sought for a system, then no permit shall be required for the installation. Consideration will be given to locating the structures the furthest distance from adjoining properties, on the southern exposure, whenever reasonably possible.
2. The placement of structures and landscaping which have the potential of blocking the sun from adjacent solar collectors shall only be allowed by the Planning Board upon review of a site plan. The placement of said potential obstruction should be such that it least interferes with the adjacent solar collectors while still allowing reasonable use of the land.
3. To the extent possible, new buildings will be located and orientated to be responsive to passive and active solar consideration. When possible, no building or accessory structures should cast a shadow on an adjacent property or structure on December 21 to ensure maximum solar access.

Fencing and Walls

The Planning Board may require fences or walls to assure privacy for adjacent land uses with visual, noise or air quality factors considered. In addition, screening may be required to minimize the visual impacts of various features within the Union Ship Canal Urban Renewal Plan. The following shall apply to all fences, walls and screening in the Union Ship Canal Urban Renewal Plan:

1. No fencing or walls shall be allowed in front yard.
2. No fencing shall be allowed along the yard facing the Open Space Land Use Area.
3. In no case will perimeter fencing be allowed in the Union Ship Canal Urban Renewal Plan.
4. The height of all fences or walls shall be measured from the average finished grade of the lot. In no event shall fences or walls exceed a height of six (6) feet.

5. Any chain-link fence in the Union Ship Canal Urban Renewal Plan shall be black vinyl coated. Unpainted or untreated chain-link fencing is prohibited in areas visible from adjacent properties.
6. The use of razor or barbed wire is strictly prohibited in the Union Ship Canal Urban Renewal Plan.
7. The City of Buffalo recognizes the need for security and encourages innovative solutions other than exposed fencing. If fencing or walls are required, they will generally not be permitted within the setback areas. The Planning Board may permit exceptions to this guideline if the occupant can demonstrate extenuating circumstances.
8. Materials and colors for fences and walls shall be compatible with building materials. All solid fences shall be installed so that the better side shall face outward.
9. Fences and all supporting structures must be entirely on the property of the party erecting the fence.

Hazardous Material

Any structure or underground facility used or intended to be used for storage of hazardous material shall provide for detection of any leaks, such as through double-walled storage tanks and storage of containers on impermeable surfaces.

Lighting

The following lighting design standards are provided to ensure coordinated, safe, functional and visually attractive lighting systems in each development. The site lighting requirements include:

1. No use shall produce a strong, dazzling light or reflection of a strong, dazzling light or glare as shall be visible from any point along a lot line.
2. Lighting shall include the following types in designated areas:
 - a. *Open Space Land Use Area (trails, walkways, gathering areas), Building Entries and Building Washes: metal halide.*
 - b. *Parking Areas, Driveways and Streets: high pressure sodium.*

3. All lighting should provide uniform illumination at the following preferred maximum levels:
 - a. *Open Space Land Use Area (trails, walkways, gathering areas), Building Entries, Driveway Entries and Building Washes: 0.5 foot-candles.*
 - b. *Parking Areas, Driveways and Streets: 1.0 foot-candles.*
4. Pedestrian area plazas and walk lights are not to exceed fifteen (15) feet in height and must be designed to be harmonious with other light fixtures on the site.
5. Soft lighting of building faces is encouraged. Building lighting shall be indirect in character. Indirect wall lighting or "wall-washing" overhead down lighting or interior illumination that spills outside is encouraged. Architectural lighting should articulate the particular building design and provide required functional lighting for safety and clarity of pedestrian movement.
6. All light fixtures are to be concealed source fixtures except for pedestrian oriented accent lights.
7. Security lighting fixtures are not to project above the façade or roof line of any building and are to be shielded. Lighting shields shall be painted to match the surface to which they are attached. Security lighting fixtures are not to be substituted for parking lot or walkway lighting fixtures and are restricted to lighting only loading and storage locations or other similar areas requiring security lighting.
8. Service-area lighting shall be contained within the service yard boundary. No light spillover shall occur outside the service area; the light source should not be visible from the street.
9. Exterior wall-mounted floodlights are expressly prohibited except for security lighting in enclosed service court yards.
10. When possible, overhead wiring shall not be permitted in the Union Ship Canal Urban Renewal Plan.

Landscaping Requirements

General Provisions

The following guidelines shall be used in developing the landscaping plan:

1. All planting strips, yards, setbacks and other required open space areas shall be landscaped in accordance with a Landscaping Plan, prepared by a licensed landscape architect submitted and approved by the Planning Board as part of the City wide site plan review process. A developer shall be expected to topsoil, seed or sod all areas so designated in the Landscape Plan in compliance with the Voluntary Cleanup Agreement and Soils Management Plan, if applicable.
2. All required planting shall be permanently maintained in good condition and, when necessary, replaced with new plant material to ensure continued compliance with these standards. For the purpose of enforcement, the property owner shall be responsible for maintenance. Maintenance shall include watering, weeding and pruning and grass cutting.
3. Plants selected shall be suited to the climate and region as well as the geologic, environmental and topographic conditions of the site.
4. Perimeter landscape materials for each development shall be complementary to the adjacent developments.
5. Decorative water features shall incorporate re-circulating water, when possible.
6. Outdoor eating and passive recreation areas for employees, including, but not limited to picnic tables, benches, patios, etc., should be included in the landscaped area. When developed as part of the landscaped area, the eating/passive area shall have a maximum six (6) foot screening. Five (5) percent or a maximum of 2,500 (two thousand five hundred) square feet, whichever is less, of the landscaped area should be dedicated to outdoor eating and recreation areas.
7. The applicant is encouraged to provide funding for the beautification within the Union Ship Canal Urban Renewal Plan. The percentage of glazing required on buildings would be reduced by ten (10) percent of the required amount and the cost difference would be donated to Downtown Development, Inc. for the development of public art and/or public open space maintenance within the Union Ship Canal Urban Renewal Plan.

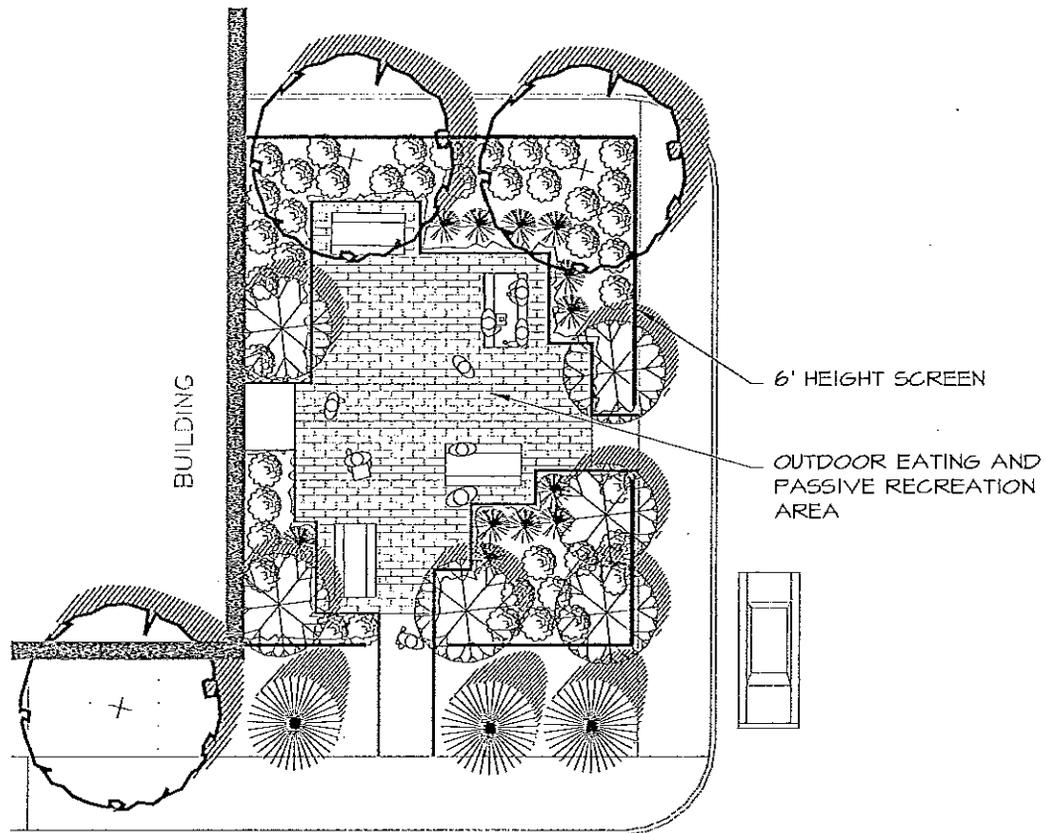


FIGURE 3-9 - TYPICAL EATING AND PATIO AREA

8. Site landscaping shall follow the following basic plant principles:

- a. *A landscaped area shall have a minimum width of ten (10) feet excluding curbs, retaining walls or similar enclosing structures.*
- b. *Plant material shall be massed in beds rather than planted as independent units in a lawn. Simple masses of shrubbery with good scale, a predominance of two species for unity and individual plants for accent are desirable.*
- c. *Landscaping materials shall be contained so as not to spill or intrude into the public right of way.*
- d. *The use of synthetic vegetation (turf, plastic plants, etc.) shall not be allowed for any required landscaping.*
- e. *The minimum size for a tree shall be a 2 ½ " caliper. All trees shall be staked and all planting areas mulched. All staking shall be removed after one growing season.*
- f. *The minimum size for a shrub shall be 30" in height.*
- g. *Vines shall be a minimum of thirty (30) inches in length after one growing season and may be used in conjunction with fences, screens or walls to meet physical buffer requirements so specified.*

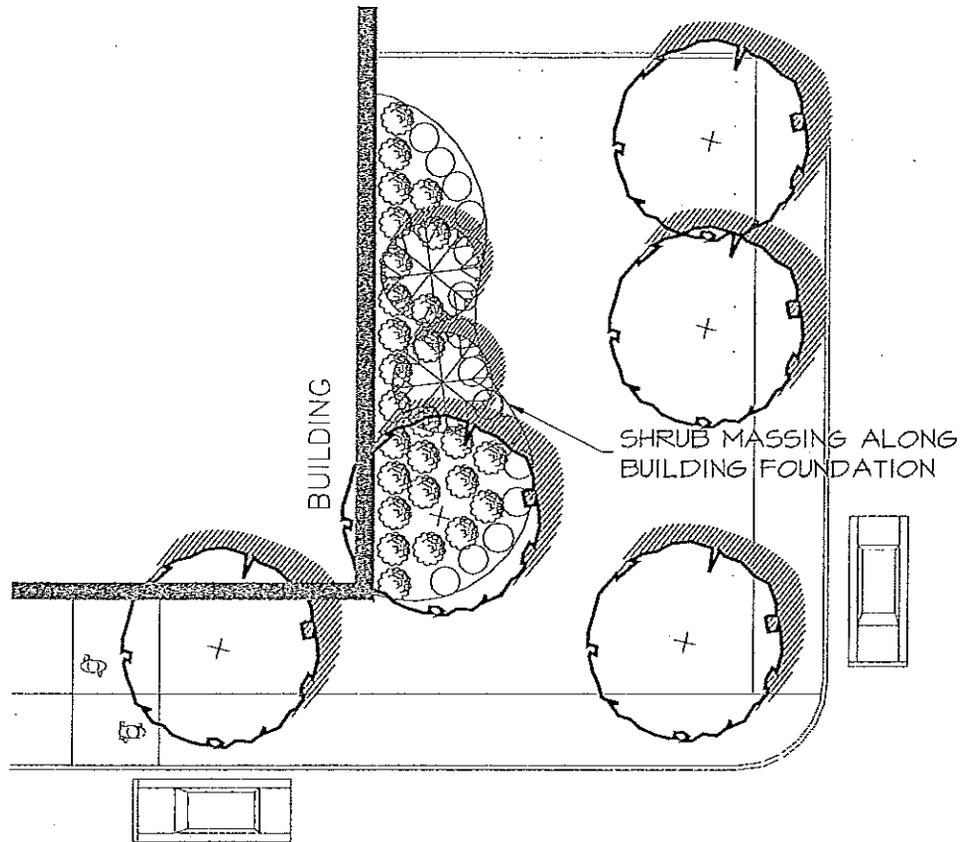


FIGURE 3-10 - TYPICAL LANDSCAPING BED MASSING

h. Ground covers used in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance and complete coverage after three complete growing seasons.

Plant List

Suggested plant material includes:

DECIDUOUS TREES

<u>Botanical Name</u>	<u>Common Name</u>
Acer campestre	Hedge Maple
Acer platanoides	Norway Maple Varieties
Acer rubrum	Red Maple Varieties
Amelanchier spp.	Serviceberry Varieties
Celtis occidentalis	American Hackberry
Craetegus phaenopyrum	Washington Hawthorne
Fraxinus pennsylvannica	Green Ash
Pyrus calleryana spp.	Flowering Pear (avoid Bradford)
Quercus borealis	Red Oak
Syringa amurensis japonica	Japanese Tree Lilac
Tilia cordata	Linden

EVERGREEN TREES

<u>Botanical Name</u>	<u>Common Name</u>
Abies concolor	White Fir
Picea glauca	White Spruce
Picea pungens	Colorado Spruce
Pinus nigra	Austrian Pine
Pinus sylvestris	Scotch Pine

SHRUBS

<u>Botanical Name</u>	<u>Common Name</u>
Berberis thunbergii	Japanese Barberry
Cornus mas	Cornelian Cherry
Cornus sericea	Red Twig Dogwood
Euonymus alata	Burning Bush
Euonymus fortunei	Wintercreeper
Forsythia intermedia	Forsythia
Hibiscus syriacus	Rose of Sharon
Hydrangea macrophylla	Summer Beauty Hydrangea
Ilex crenata compacta	Japanese Holly
Juniperus chinensis columnaris	Columnar Juniper
Juniperus chinensis sargentii	Sargent Juniper
Juniperus horizontalis 'Bar Harbor'	Bar Harbor Juniper
Prunus glandulosa	Flowering Almond
Rosa X meidiland	Meidiland Rose
Spirea bumalda	Spirea
Taxus spp.	Yew
Thuja occidentalis	American Arborvitae
Viburnum opulus	European Cranberry

Parking, Loading and Stacking Requirements

General Provisions

Parking and loading areas of each development shall meet the following requirements:

1. No on-site parking shall be developed within the front yard. For lots adjacent to the Open Space Land Use Area, the front yard shall be the area adjacent to the Open Space Land Use Area.
2. Parking may be allowed in the side or rear yards; parking will be allowed in setbacks if parking is to be linked or shared among uses in the Union Ship Canal Urban Renewal Plan.
3. When possible, shared and linked parking facilities should be utilized in the Union Ship Canal Urban Renewal Plan.

Uses that operate at times other than normal business hours could consider shared parking and make arrangements with surrounding land owners to utilize their parking facilities through a formal agreement. Certification of this formal agreement shall be required at the time of site plan review application.

4. Visitor drop-off zones and parking shall be provided near visitor entrances.
5. The use of parking bumpers in surface parking lots is prohibited.
6. Parking areas shall be separated into sections not to exceed eighty (80) cars unless a hardship is demonstrated by the applicant; landscaping will be required for all sections of the parking lot.
7. All parking spaces shall be designated by painted lines.
8. Specific landscaping requirements for parking areas include:
 - a. *Landscaped islands shall be integrated into parking areas to visually break up large expanses of paving and provide shading.*
 - b. *Trees shall be planted and maintained throughout the surface parking lot to ensure that the parking area will be shaded. Planting requirements shall include 300 square feet of landscaped/treed areas for each 2700 (two thousand seven hundred) square feet of parking. Up to fifty (50%) of this planting requirement can be calculated in the perimeter of the parking area if landscaped; the remaining fifty (50) percent shall be developed as islands within the parking surface area.*
 - c. *Berms or walls screened with dense landscaping shall be used to screen parking lots and parking areas from all public roads, paths and private streets. Bermed areas shall be landscaped with trees and shrubs to cover 30% of their area.*
9. When a combination of uses is permitted on a parcel, the combined total of required parking spaces shall be provided unless it can be demonstrated to the satisfaction of the Planning Board that the nature of the proposed uses will permit use of a lesser number of spaces.

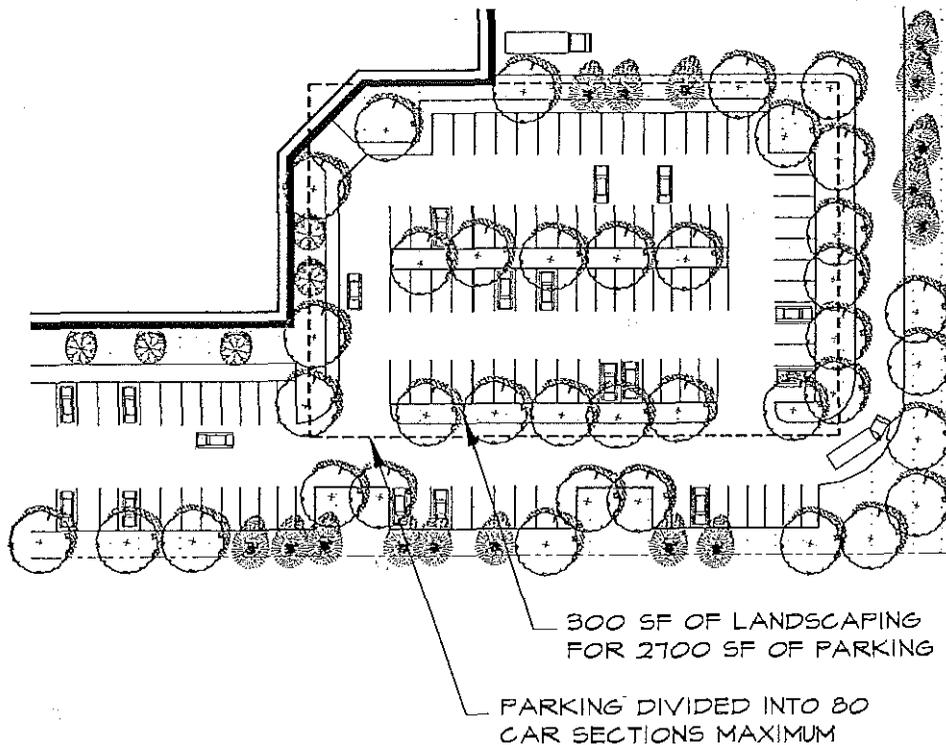


FIGURE 3-11 - TYPICAL PARKING AREA - 80 CAR

Off Street Parking Requirements

The following minimum off-street parking requirements shall be provided and maintained in the case of new construction, alterations that increase the number of required parking units and changes in use:

1. **Industrial plants, wholesale distribution, laboratories, etc.:** Six tenths (0.6) of a parking space per employee for two consecutive shifts.
2. **Offices (General):** One (1) parking space for each four hundred (400) square feet of net floor area.
3. **Medical and Dental Offices/Clinics:** One (1) space for each employee plus one (1) space for each examining room.
4. **Public and Semi-Public Buildings (including, but not limited to theaters, gymnasiums and other places of public assembly):** One (1) parking space per two hundred (200) square feet of net floor area. If devoted to uses other than office, one (1) parking space per five (5) seats.
5. **Restaurant, Bar:** One space per three (3) seats and one (1) space per one hundred-fifty (150) square feet for customer area or takeout services.

6. Retail Stores: One (1) parking space for each two hundred-fifty (250) square feet of sales floor area.
7. Banks: One (1) parking space for each two hundred-fifty 250 square feet of net floor area.
8. Recreation facilities: One (1) parking space for every five (5) customers computed on the basis of maximum servicing capacity at any one (1) time, plus one (1) additional space for every two (2) regularly employed on the premises.

The net floor area is defined as the total floor area less permanent concourses, stair halls, lobbies, elevator shafts, areas permanently devoted to warehousing and rooms housing equipment servicing the entire building.

When units of measurement used in computing the number of required off-street parking, loading and stacking spaces result in the requirement of the fractional space, the nearest whole number of off-street parking spaces shall be required.

Vehicular Circulation and Parking Standards

1. Each parking space shall be provided access to a public street through a drive or aisle of not less than ten (10) feet wide.
2. Parking shall be designed in dimensions according with the following:

Type of Parking	Angle	Stall Length	Stall Width	Aisle Width
Traditional	90	19'00"	9'00"	24'00"
Traditional	60	21'00"	9'00"	18'00"
Traditional	45	19'10"	9'00"	13'00"
Handicapped	90	19'00"	13'00"	24'00"
Handicapped	60	21'00"	13'00"	18'00"
Handicapped	45	19'10"	13'00"	13'00"

3. Water cannot be drained from parking areas to adjoining property unless part of an approved drainage plan. Permeable materials should be used for parking areas when possible.
4. Parking, stacking and loading areas shall be illuminated only to the extent necessary to ensure public safety; illumination shall not be used for the purpose of advertising or attracting attention to the principal use.

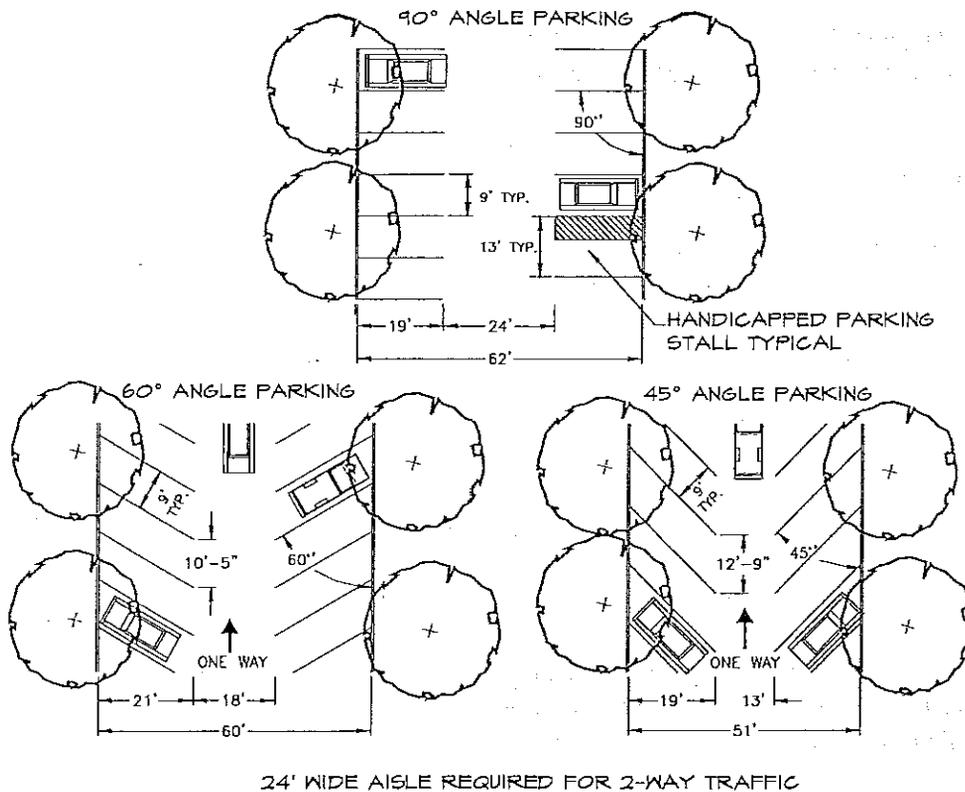


FIGURE 3-12 - TYPICAL PARKING STALL LAYOUT

Lighting fixtures shall be designed, sized and located so as not to cast direct rays of excessive brightness upon adjoining premises or cause glare hazardous to pedestrians or person using adjacent public streets. Parking lots used after sundown shall be lighted to give protection to persons using the lot and the lights shall be directed away from the street and adjoining property.

- Entrance and exit driveways serving parking facilities, drive in businesses and other parking areas shall be provided in location, size and number so as to minimize interference with uses on adjacent properties and the flow of traffic on adjacent streets.

Loading Requirements

On the same premises with every building or structure erected and occupied for the purpose of business, trade or industry, there shall be provided and maintained adequate space for the parking of commercial vehicles while loading and unloading off the street.

1. The following minimum off-street loading areas shall be required unless a hardship is proven by the applicant:

<u>Use</u>	<u>Square Feet</u>	<u>Number</u>
Office Buildings	100,000 +	1 area
Wholesale/Industrial Operations	under 40,000	1 area
	40,001 - 100,000	3 areas
	100,001 +	4 areas
Retail Stores/Services	under 5,000	1 area
	5,001 - 40,000	2 areas
	40,001 +	3 areas

2. Off-street loading and unloading areas shall be in addition to and not considered as meeting a part of the requirements for off-street parking space.
3. Off-street loading and unloading areas shall be provided at the time of the erection of any building or structure and/or at the time any building or structure is enlarged or increased in capacity.
4. Off-street loading areas shall be provided and maintained as long as such building is occupied or unless equivalent facilities are provided.
5. An off-street loading area shall not be used for repairing or servicing of motor vehicles.
6. All required loading areas shall be related to the building and provide for loading and off-loading of delivery and other service vehicles and shall be so arranged that they may be used without blocking or otherwise interfering with the use of access ways, parking or stacking facilities, public streets or sidewalks. Unless landscaped, required loading area shall not face or be visible from the frontage street but in no case, shall be located in a required front yard.
7. Each required off-street loading area shall be designed for vehicular access by means of a driveway or driveways to a public street in a manner that least interferes with adjacent traffic movements and interior circulation.
8. Off-street loading areas shall be at least forty (40) feet in length by twelve (12) feet wide. The area shall be exclusive of the maneuvering space and each loading area shall have vertical clearance of at least fourteen (14) feet.

Screening

The following screening requirements shall apply to the Union Ship Canal Urban Renewal Plan:

1. **Screening of Exterior Mechanical Equipment - Any exterior components of plumbing, processing, heating, cooling and ventilating systems and their screened devices which will be visible from upper floors of adjacent buildings shall be kept to a visible minimum, shall be installed in a neat and compact fashion and shall be painted such a color as to allow their blending with their visual background.**

No exterior components of plumbing, processing, heating, cooling and ventilating systems shall be mounted on any building wall unless they are integrated architectural features.

2. **Screening of Exterior Equipment and Transformers - Transformers that may be visible from any primary visual exposure area (e.g. the fronts and sides of buildings) shall be screened with either plantings or a durable, noncombustible enclosure. Where possible, it is recommended that refuse containers and transformers be integrated into the same enclosure. Screen fences or walls shall be of a height at least equal to that of the materials or equipment being stored. Higher screening may be required if adjacent parcels can view the storage area from a superior position such as an existing multi-story structure or from elevated ground.**

Electrical equipment shall be mounted on the interior of a building wherever possible. When interior mounting is not practical, electrical equipment shall be mounted in a location that is substantially screened from public view. In no case shall exterior electrical equipment be mounted on the street side or primary exposure side of any building. Exterior mounted electrical equipment and conduits shall be kept to a visible minimum. Where visible, they shall be installed in a neat and orderly fashion and shall be painted to blend with their mounting background.

3. **Screening of Outdoor Storage and Refuse Areas - Refuse collection areas should be effectively designed to contain all refuse generated on site and deposited between collections. Deposited refuse should not be visible from outside the refuse enclosure.**

Screening shall be of sufficient height and density to completely hide the storage from public view.

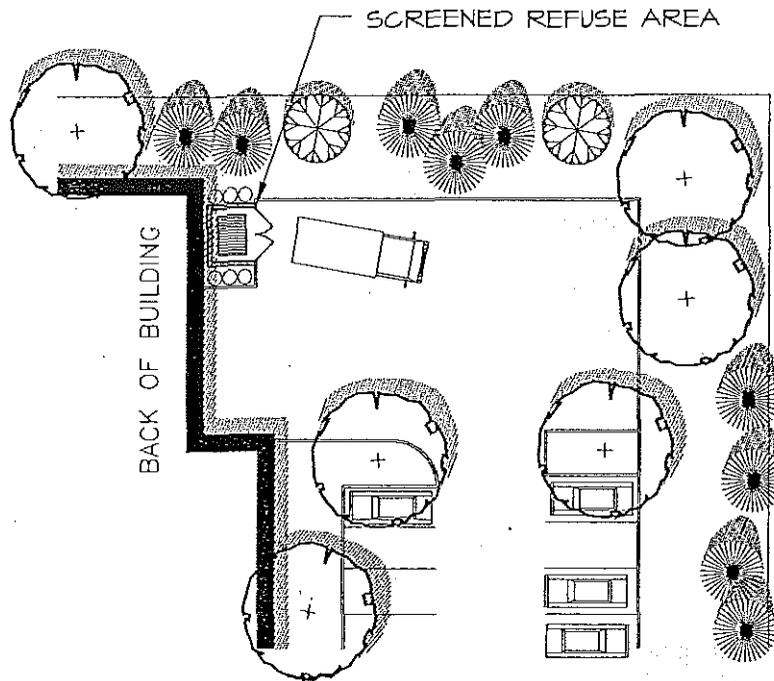


FIGURE 3-13 - TYPICAL SCREENED AREA

All screening shall be maintained in such manner as to present a neat and orderly appearance at all times.

Refuse collection areas should be so located upon the lot as to provide clear and convenient access to refuse collection vehicles and thereby minimize wear and tear on on-site and off-site developments.

Refuse collection areas should be designed and located upon the lot as to be convenient for the disposition of refuse generated on site. In no case shall outdoor storage or refuse areas be located in the front yard or the open space setback of any site area; no refuse area shall be visible from a public street.

Signage

All signs in the Union Ship Canal Urban Renewal Plan shall be considered an accessory use and shall not be permitted as a principal use. Signs shall be erected or maintained in accordance with the following:

General Provision

1. **Illumination** - Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall any illuminated sign or lighting device be placed so as to permit the beams and illumination to be directed upon a public street, highway, sidewalk or adjacent

premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance. The full number of illuminating elements of a sign shall be kept in working condition or immediately repaired or replaced. Overhead wires or exposed wires on a sign or its supporting members are prohibited.

2. **Roof Signs** - No signs, except such direction devices as may be required by the Federal Aeronautical Authorities, shall be placed, inscribed or supported upon or above the height part of the facade line.
3. **Traffic Safety** - No sign shall create a traffic hazard by obstructing the view at any street intersection or by design resemblance through color, shape or other characteristics common to traffic control devices.
4. **Maintenance of Signs** - Every sign shall at all times be in a safe and structurally sound condition and maintained by replacement of defective or worn parts, painting, repainting and cleaning. If the sign does not comply with adequate safety standards, the sign shall be removed at the property owner's expense. No person shall maintain, or permit to be maintained on any premise owned, occupied or controlled by them, any sign which is not structurally sound or creates an electrical hazard. Any such sign shall be removed or repaired by the owner or user of the sign or the owner of the premises.
5. **Abandoned Signs** - Except as otherwise provided, any business or tenant sign which is located on property which becomes vacant and unoccupied for a period of six (6) months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.
6. **Unlawful Signs** - No person shall erect on any premise owned or controlled by them or use any sign which does not comply with this Chapter.
7. **Off Site Signs** - No off site signs shall be permitted in the Union Ship Canal Urban Renewal Plan.

Sign Requirements

1. No sign shall be more than four (4) colors (including black and white).
2. No sign shall have more than eight (8) words per tenant or business.

3. Signs identifying uses or services on the premises shall total one (1) square feet in area for every foot of an occupant's building frontage to a maximum of one hundred (100) square feet of each premise. Where a building fronts on more than one (1) street, the frontage shall not exceed the length of the longest side of one (1) street.
4. The area of signs composed on individual letters without a background shall be taken as that enclosed by a series of lines joined to form a perimeter bounding all parts of the display.

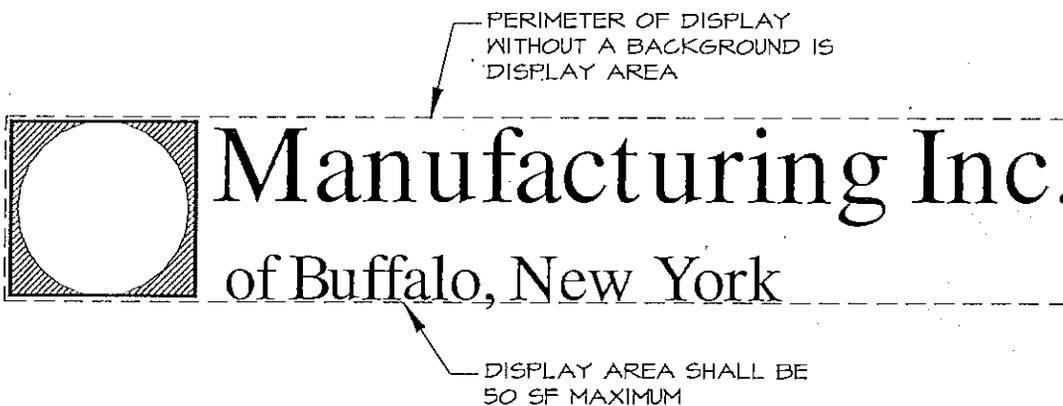


FIGURE 3-14 - SIGN AREA FOR INDIVIDUAL LETTERS

5. Animated or revolving signs shall be prohibited.
6. Attached signs shall comply with the following provisions:
 - a. *Attached signs shall be affixed to any wall of a building.*
 - b. *If more than one tenant is located in a building, individual signs for each will be allowed attached to the building as long as the total signage square footage for the development does not exceed the maximum signage of one hundred (100) square feet.*
7. Detached signs shall comply with the following provisions:
 - a. *A maximum of one detached (1) sign shall be allowed on each lot identifying the name of the businesses located on that lot not to exceed the total allowed (one hundred (100) sf).*
 - b. *The overall height of the detached signs, inclusive of any base or base structure, shall not exceed six (6) feet above the ground;*

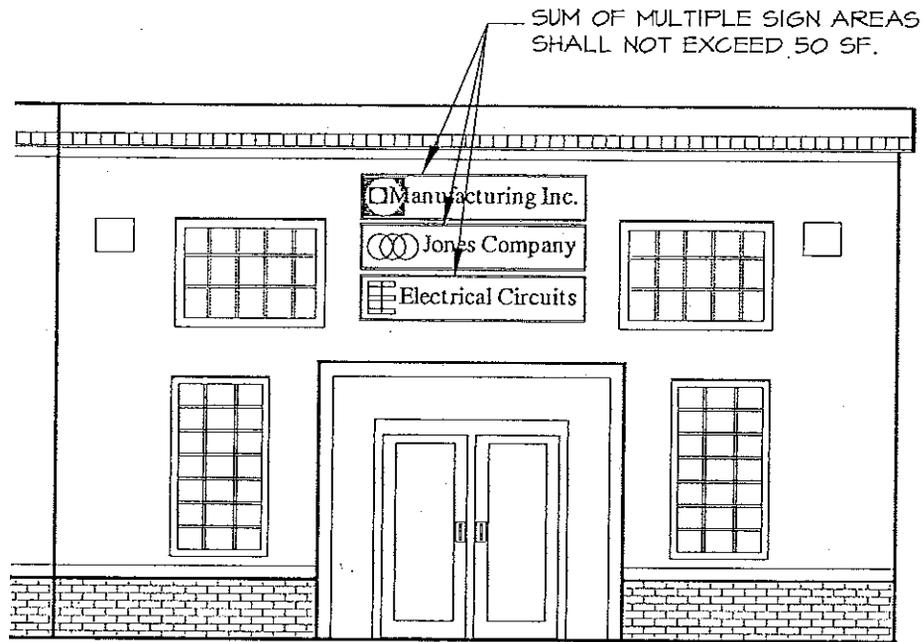


FIGURE 3-15 - TYPICAL SIGNAGE FOR MULTI-TENANTS

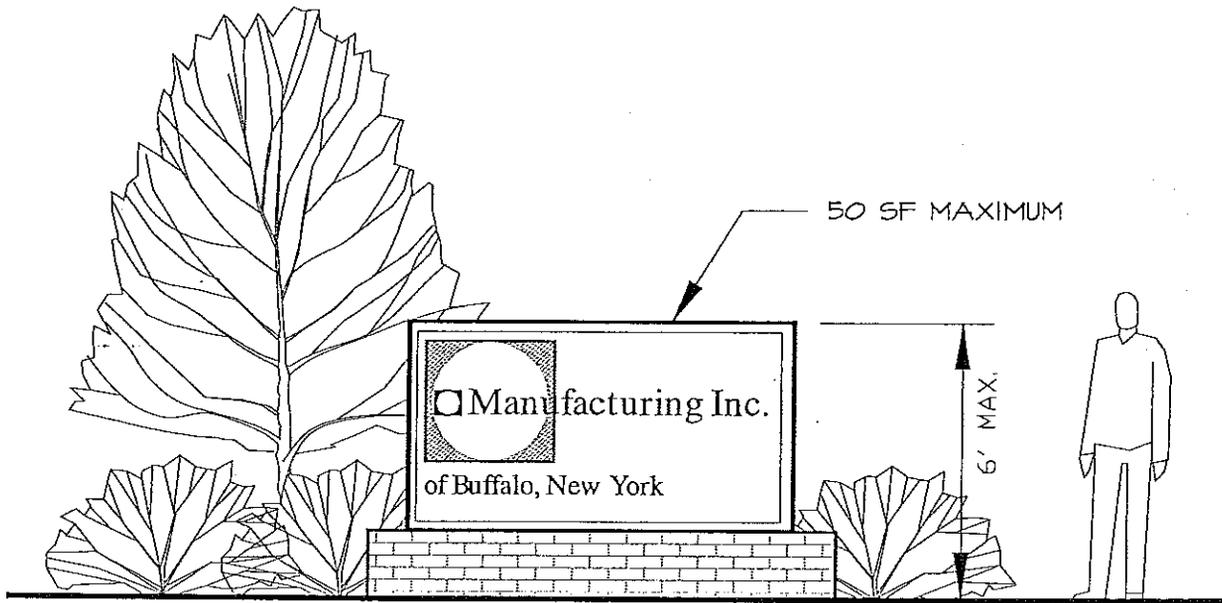


FIGURE 3-16 - TYPICAL DETACHED SIGN

- c. *Detached signs shall be set back a minimum of six (6) feet from the street right of way;*
- d. *All detached signs shall be fixed in place and of a permanent nature. Such signs shall not be revolving nor of an animated nature, nor shall they contain flashing lights.*

Accessory Signs

The following signs shall be considered accessory to the principal use of the premises on which they are located. Such sign may be illuminated only by a shielded, non-flashing light:

1. A single real estate sign not over twenty (20) square feet in area attached to a building or detached and located in front yard relating to sale, rental or lease of premises.
2. Plaques or markers indicating that a building or property is an historic resource not exceeding six (6) square feet.
3. One (1) sign indicating the project name and the names of the architect, engineer, contractor and participation public and private governmental agencies and officials, placed on the premises where construction, repair or renovation is in progress, not exceeding thirty-two (32) square feet in face area, fifteen (15) feet in height nor located less than twenty-five (25) feet from the lot line;
4. On-site directional signage.

Temporary or Portable Signs

1. A temporary or portable sign is defined as any movable sign not permanently attached to the ground, a building or other permanent fixture on a parcel of land; banners, pennants and spinners shall be considered temporary or portable signs.
2. A sign on a registered motor vehicle is not defined as a sign within the meaning of this section. Such vehicle may be parked only in designated parking areas as outlined on the site plan.
3. Temporary or portable signs shall be used for the following purposes only:
 - a. *New business enterprises;*
 - b. *Celebration of the anniversary date of a new business enterprise or new product;*
 - c. *Business enterprises that have lost the use of an existing sign by reason of fire or other catastrophe.*
4. No temporary or portable sign shall be more than five (5) feet by eight (8) feet in size.
5. Portable signs shall in no instance be placed within the public right of way so as to interfere with the sight

distance at a heavily traveled intersection or with the free passage of pedestrians on the public sidewalk.

6. No temporary or portable sign shall be illuminated by flashing lights of any kind or color.
7. All temporary signs shall be removed within thirty (30) days unless an extension is approved by the Planning Board for no more than one hundred eighty (180) days.

Site Grading

The site grading standards are developed to unify the grading of the Union Ship Canal Urban Renewal Plan in terms of earth forms, preservation of topographic features, detention of storm water and compatibility of relationships between buildings, parking, road and adjacent properties. All site grading shall conform to the following requirements:

1. Lot grading will be done in such a way as to preserve or enhance the topographic features and to provide positive drainage. All site grading shall be designed to meet the following standards and shall meet the requirements of the ADA.

	Minimum Slope (%)	Maximum Slope (%)
Planting Areas	2	12
Parking Lot Pavement	2	4
Driveways, Access Drives	2	6
Pedestrian Pavements	1	2
Sidewalks	1	5

2. Where retaining walls are required, they shall be of a material compatible with the building architecture. Wooden retaining walls are prohibited.
3. Berms, channels, swales, etc. shall be graded in such a way as to be an integral part of the grading and paved surface. Such features shall be designed with smooth vertical transitions between changes in percent slope.
4. Exceptions may be granted when an approved NYS DEC Voluntary Cleanup Agreement or Soils Management Plan warrants deviation from the standards of this chapter.

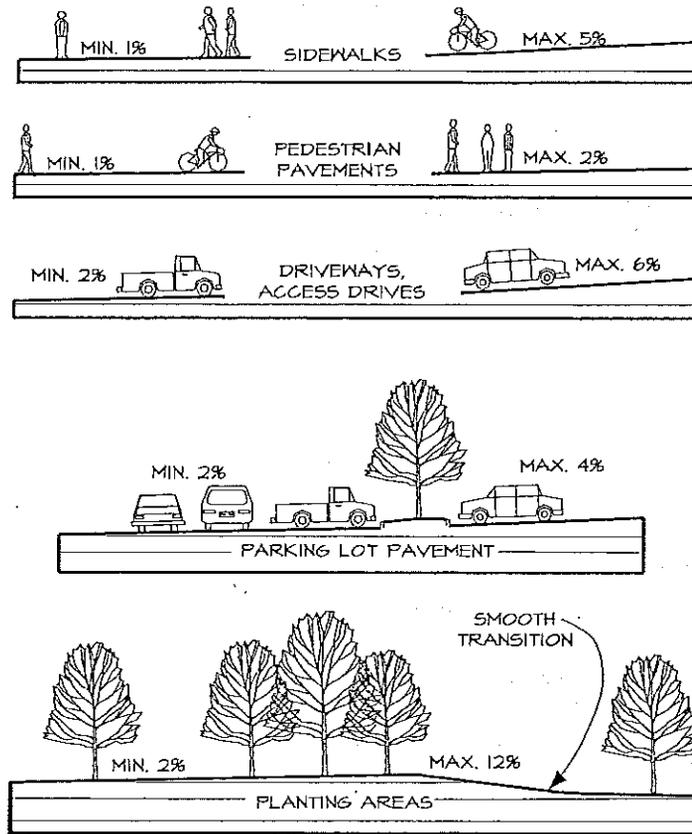


FIGURE 3-17 - TYPICAL MINIMUM AND MAXIMUM SLOPES

Sound

At all points along the edge of a lot, sound levels produced by equipment on that lot shall meet the following:

1. The LDN (Day/Night Equivalent Sound Level) shall not exceed 60dBA except for occasional truck and rail traffic in or out of the lot.
2. Where a sound is tonal, information carrying, intermittent or impulsive, the above limits shall be reduced by 5dB.
3. Sound levels at the nearest residence shall be 10dB below the above given standards.
4. Certification of compliance will be required and submitted to the Planning Board.

Utilities and Communication Devices

All exterior on-site utilities, including, but not limited to, drainage systems, sewers, gas lines, water lines and electrical, telephone and communications wires and equipment shall be installed underground and maintained when site conditions allow.

1. On-site underground utilities shall be designed and installed to minimize the disruption of off-site utilities, paving and landscaping during construction and maintenance and shall be designed as not to place excessive burdens upon off-site utility systems during the course of use.
2. Temporary overhead power and telephone facilities are permitted during construction.

Wastewater and Stormwater

1. A storm water drainage plan will be prepared for each building owner and shall conform to the Voluntary Cleanup Agreement and Soils Management Plan, where applicable. The storm sewer system will accommodate on-site storm water runoff; in general, drainage rates will not increase from pre-development conditions once development occurs. No storm drainage, piped or sheet, will be discharged into natural drainage courses at points other than those approved by the appropriate permitting agencies.
2. In addition, the storage or maintenance of water or materials, which attract or aid in the propagation of insects or rodents or create a health hazard, is prohibited. This includes stagnant water and ponding areas within all portions of the site including parking areas, sidewalks and landscaped area.
3. The requirements of this section apply to each and every separate use within a multi-use facility connected to a public sewer directly or indirectly.

3.4 EXCEPTIONS AND MODIFICATIONS

3.4.1 PURPOSE

Because each property is unique and has different characteristics, modifications will sometimes be allowed for new development in the Union Ship Canal Urban Renewal Plan. These exceptions and modifications are granted on an individual basis if the land use meets the requirements.

Requirements of this Plan may be modified by the Planning Board pursuant to the notice procedures of this Chapter when such modification is consistent with the requirements of the Union Ship Canal Urban Renewal Plan and the City's Draft Comprehensive Plan. The impact of the proposed modification on the natural features of the site and the

use and preservation of solar access shall be considered, when applicable.

3.4.2 EXCEPTIONS TO SETBACK REQUIREMENTS

The following improvements, or parts of improvements, are specifically excluded from the site setback requirements:

1. Steps and sidewalks.
2. Paving and associated curbing.
3. Landscaping.
4. Underground utilities and sewers.

3.4.3 EXCEPTIONS TO YARD REQUIREMENTS

Any lot separately owned and recorded on the Tax Map of the City of Buffalo at the time of enactment of this law which has a frontage of less than the prescribed number of feet permitted in the Union Ship Canal Urban Renewal Plan may be used as a building lot if it has sufficient area to permit the required setbacks.

3.4.4 EXCEPTIONS TO HEIGHT LIMITATIONS

Exceptions to height restrictions in the Union Ship Canal Urban Renewal Plan include:

1. Flagpoles, masts or aerials located on a building and extending not more than twenty (20) feet above the roof of such building;
2. Elevator or stair penthouses provided that such structures do not occupy more than ten (10) percent of the roof area;
3. Solar energy systems not more than one half (1/2) story above the roof of such building;
4. Observation towers;
5. Clock towers.

SECTION IV - DEVELOPMENT OPPORTUNITIES

4.1 DESIGN AND SITE PLAN REVIEW

All development proposals within the Union Ship Canal Urban Renewal Plan shall be subject to design review and approval by the Planning Board as outlined in the City of Buffalo Citywide Design and Site Plan (Chapter 511 – Article XXVIII). In addition to the requirements in the Citywide Design and Site Plan review, the Planning Board will evaluate the quality and appropriateness of the proposal on the basis of the design objectives of the Plan and ensure the project's compatibility with the uniformity requirements and performance standards of these regulations.

1. **The Planning Board shall have the authority to approve, approve with modifications or disapprove any plans and specifications submitted for the Union Ship Canal Urban Renewal Plan.**

2. **The Planning Board shall consider the public health, safety, welfare and comfort and convenience of the public in general and the project's compatibility with the uniformity requirements of the Union Ship Canal Urban Renewal Plan. The Board shall review:**
 - a. *Building design and siting – the appearance, views to and from, scale, materials, orientation and lighting must be consistent with the guidelines in this Chapter.*

 - b. *Vehicular Access - the number of proposed access points are not excessive, all access points are adequate in width, grade alignment, location and visibility, emergency access is adequate, access for public transportation is provided.*

 - c. *Parking - adequate off-street parking, queuing and loading spaces are provided to minimize the number of cars parked or standing on public roads.*

 - d. *Pedestrian Circulation – site circulation system is adequate to provide safe accessibility to all parking areas and, where applicable, public spaces and ensure adequate separation of pedestrian and vehicular traffic for safe movement.*

 - e. *Landscaping and Screening - all parking, storage, loading and service areas on properties are reasonably screened and the general landscaping of the site reflects the character of the surrounding area.*

 - f. *Site Features - the proposed use is compatible with geologic, hydrologic and soil conditions of the site and the existing scenic features and views are maintained and enhanced to the greatest extent possible.*

 - g. *Public Facilities - the public facilities that service the proposed use, including water, sanitary sewer, drainage, roads and related facilities, parks and open space are*

adequate for the intended level of use.

- h. Avoidance of Nuisance - the proposed use will not create noise, odor, dust, vibration or smoke as to create a nuisance or be detrimental to adjoining properties or the environment of the park itself.*
- i. Drainage – the proposed use will not adversely impact the drainage conditions on surrounding properties.*

4.2 DEVELOPMENT PROPOSALS IN THE UNION SHIP CANAL URBAN RENEWAL PLAN

All developments in the Union Ship Canal Urban Renewal Plan shall be required to submit a development proposal as outlined in the Citywide Design and Site Plan Review process. In addition to the Citywide Design and Site Plan Review requirements, the development proposal submitted for the Union Ship Canal Urban Renewal Plan shall include the following information:

- 1. A NYS DEC approved Soils Management Plan for the property, if applicable.**
- 2. Location of outdoor eating areas and other open spaces within the site.**
- 3. A landscaping plan for the site including location, species and size for all plant materials. A calculation of the total landscaped area shall be included on the site plan.**
- 4. Pools, ponds and water features.**
- 5. Fencing and retaining walls, including materials, styles, colors and placement.**
- 6. Location, design and illumination field of lighting.**
- 7. Description of all permits required in the development and status of each.**
- 8. Description of deed restrictions, where applicable.**
- 9. Description of exterior building materials.**
- 10. Normal hours of business operation.**
- 11. The Board may request a property owner or their agent provide additional supporting data or plans deemed necessary and relevant to carry out its responsibility for development proposal review.**

4.3 PERFORMANCE BOND AS CONDITION OF APPROVAL

Lack of past compliance with the City of Buffalo Citywide Design and Site Plan Review process may lead the Planning Board to require, as a condition of development proposal approval, the property owner to file a performance bond in such amount and form as determined by the Planning Board to ensure that the proposed development is built in compliance with the approved plans.

4.4 DEVELOPMENT PROPOSAL REVISIONS

Property owners wishing to make any changes in an approved development proposal shall submit a revised development proposal to the Planning Board for review and approval. The property owner shall be responsible for informing the Planning Board of changes in use, tenants or other factors that may impact the overall site design. The Planning Board will determine if additional site review is required based on the proposed changes.

SECTION V - PLAN AMENDMENT PROCESS

AMENDMENT PROCESS

There may be a rare occurrence where the Chairman of the Urban Renewal Agency, the Executive Director of the Office of Strategic Planning, the Common Council, and/or the Chair of the Planning Board, desire an amendment(s) to this Urban Renewal Plan. Amendments to this plan shall be considered and approved through the process described below.

1. **The Urban Renewal Plan amendment is submitted to the City Planning Board who must advertise ten days prior to holding a public hearing and then approving the plan amendment.**
2. **The Planning Board after its holding the public hearing and approving the Urban Renewal Plan amendment, submits its recommendation to the Common Council through the City Clerk.**
3. **The originating department files the Urban Renewal Plan amendment with the City Clerk.**
4. **The City Clerk publishes a public hearing notice not less than thirty days after the Planning Board's public hearing.**
5. **The public hearing by the Common Council is held at least ten days after the publication of the public hearing notice, after which the Common Council may approve the Urban renewal Plan amendment.**
6. **The Mayor then has ten days in which to sign it into law.**