

Article 1. Introductory Provisions

1.1 Title, Purpose, and Applicability 1-2

1.1.1 Title	1-2
1.1.2 Purpose	1-2
1.1.3 Authority	1-2
1.1.4 Territorial Application	1-2
1.1.5 Minimum Requirements	1-2
1.1.6 Required Conformance	1-2
1.1.7 Relationship to Other Regulations	1-2
1.1.8 Conflicting Provisions	1-2
1.1.9 Severability	1-2

1.2 Zoning Map 1-3

1.2.1 Zoning Map Incorporated	1-3
1.2.2 Establishment of Zones	1-3
1.2.3 Zoning Map Boundaries	1-3

1.3 Transition Rules 1-4

1.3.1 Illegal Structures and Uses	1-4
1.3.2 Creation of Nonconformities	1-4
1.3.3 Previously Granted Approvals	1-4
1.3.4 Pending Applications	1-4

1.1 TITLE, PURPOSE, AND APPLICABILITY

1.1.1 Title

This Ordinance, which includes the Zoning Map, is known, cited, and referred to as the “Unified Development Ordinance,” or “Ordinance.”

1.1.2 Purpose

This Ordinance is adopted in accordance with a comprehensive plan to promote the interest and welfare of the people through standards that address the orderly and compatible use of land, the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and type of blocks, thoroughfares, and open spaces.

1.1.3 Authority

This Unified Development Ordinance is adopted pursuant to New York State General City Law and New York State Municipal Home Rule Law.

1.1.4 Territorial Application

This Ordinance applies to all land, structures, and uses within the corporate boundaries of the City of Buffalo.

1.1.5 Minimum Requirements

In their interpretation and application, the provisions of this Ordinance are the minimum requirements for the protection and promotion of the public health, safety, and welfare.

1.1.6 Required Conformance

No structure may be erected, converted, enlarged, reconstructed, moved, or altered for use; no land or structures may be used or changed; and no lots of record established, by subdivision or otherwise, that do not conform with all applicable regulations of this Ordinance, unless otherwise expressly allowed by Section 1.3.

1.1.7 Relationship to Other Regulations

A. Where conditions, standards, or requirements imposed by any provision of this Ordinance are either more restrictive or less restrictive than any standard imposed by any other statute, law,

ordinance, regulation, license, or permit, the most restrictive of any such standards control. An exception to this is City Code Chapter 511. In the instance that any provision of this Ordinance is in conflict with any section of Chapter 511 the standard from this Ordinance shall prevail.

- B.** Whenever a provision of this Ordinance refers to any other part of the City Code or to any other law, the reference applies to any subsequent amendment of that law.
- C.** Notwithstanding the provisions of this Ordinance, the New York State Uniform Fire Prevention and Building Code, and State Energy Conservation Construction Code, are applicable and controlling at all times.
- D.** A development that is proposed for a local landmark or within a local historic district must also comply with City Code, Chapter 337, Preservation Standards. Whenever a development must comply with the Secretary of the Interior’s standards for the preservation, rehabilitation, restoration, or reconstruction of a registered historic building or site, and such standards conflict with any provision of this Ordinance, the Secretary of the Interior’s standards control.
- E.** Whenever a development is proposed within an Urban Renewal Area and must comply with an Urban Renewal Plan that was adopted by the City of Buffalo and remains in effect, and such standards conflict with any provision of this Ordinance, this Ordinance controls.

1.1.8 Conflicting Provisions

If any provision of this Ordinance contains an actual, implied, or apparent conflict with another provision of this Ordinance, the more restrictive provision controls.

1.1.9 Severability

If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of this Ordinance. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence, or provision specifically addressed in the controversy in which the judgment or decree was made.

1.2 ZONING MAP

1.2.1 Zoning Map Incorporated

- A.** The Zoning Map is incorporated and made part of this Unified Development Ordinance as if fully set forth and described in this Ordinance.
- B.** The Zoning Map is maintained by the City Clerk.

1.2.2 Establishment of Zones

In order to carry out the purposes of this Ordinance, the City of Buffalo is divided into the following zones, as indicated on the Zoning Map:

A. Neighborhood Zones

- N-1D Downtown/Regional Hub
- N-1C Mixed-Use Core
- N-1S Secondary Employment Center
- N-2C Mixed-Use Center
- N-2E Mixed-Use Edge
- N-2R Residential
- N-3C Mixed-Use Center
- N-3E Mixed-Use Edge
- N-3R Residential
- N-4-30 Single-Family
- N-4-50 Single-Family
- N-DER Downtown Entertainment Review Overlay

B. District Zones

- D-R Residential Campus
- D-M Medical Campus
- D-E Educational Campus
- D-S Strip Retail
- D-C Flex Commercial
- D-IL Light Industrial
- D-IH Heavy Industrial
- D-OS Square
- D-OG Green
- D-ON Natural

C. Corridor Zones

- C-M Metro Rail
- C-R Rail
- C-W Waterfront

1.2.3 Zoning Map Boundaries

- A.** The precise location of a zone boundary line on the Zoning Map is determined as follows:
 - 1.** Where a boundary line is shown as coinciding, binding along, or superimposed on a lot line, the boundary is that lot line.
 - 2.** Where a boundary line is shown as within or along a public or private right-of-way, the boundary is the centerline of that right-of-way.
 - 3.** Where a boundary line is indicated by a designated number of feet, that distance controls.
 - 4.** Where a boundary line is shown as a railroad right-of-way line, the boundary is the railroad right-of-way line.
 - 5.** Where a boundary line is shown as following the shoreline of a water body, the boundary line is the mean high water line of the water body, as determined by the U.S. Army Corps of Engineers.
 - 6.** Where a boundary line is shown as following the centerlines of streams, rivers, or other continuously flowing watercourses, the boundary line follows the channel centerline of the watercourses at mean low water line, as determined by the U.S. Army Corps of Engineers. In the event of change in the location of such streams, rivers, or other watercourses, the boundaries move with the channel centerline.
 - 7.** Where a boundary line is shown and its location is not fixed by any of the rules of this section, its precise location is determined by scaling from fixtures, objects, or other structures shown on the map.
- B.** In the event that any uncertainty exists with respect to the intended boundaries as shown on the Zoning Map, the Zoning Administrator is authorized to interpret the boundaries per Section 11.3.11.
- C.** In the case of a split lot, in which a zone boundary line runs through a lot, zone standards are applied separately to each portion of the lot.

1.3 TRANSITION RULES

1.3.1 Illegal Structures and Uses

- A.** Any structure or use that was illegal prior to adoption of this Ordinance, but is subsequently made legal by this Ordinance, is deemed legal as of the effective date of this Ordinance.
- B.** Any structure or use that was illegal prior to adoption of this Ordinance, and does not conform to all requirements of this Ordinance, remains illegal. Illegal structures and uses are not considered nonconforming structures or uses.

1.3.2 Creation of Nonconformities

A legal structure, use, or lot that conformed to all prior requirements of the zoning ordinance, subdivision ordinance, and other referenced ordinances in force prior to the effective date of this Ordinance, but no longer meets all the standards of this Ordinance, is deemed nonconforming and is controlled by the provisions of Section 12.1.

1.3.3 Previously Granted Approvals

- A.** If any approval was lawfully issued prior to the effective date of this Ordinance, the action authorized by the approval that was issued may be undertaken, except as follows:
 - 1.** If a required approval from the Planning Board, Zoning Board of Appeals, or Common Council is not received prior to the effective date of this Ordinance, then all applications for the proposed project, including those for which an approval has previously been granted, will be considered pending applications pursuant to Section 1.3.4.
- B.** If the applicant fails to act before any approval expires, including any periods of extension granted, the provisions of this Ordinance govern and the previous approval is revoked.

1.3.4 Pending Applications

- A.** An application that has been submitted and determined to be complete (per Section 11.2.1.D) prior to the effective date of this Ordinance is deemed to be a pending application.

- B.** Any pending application for a proposed project, for which all approvals required under the previous Ordinance (i.e., Chapter 511 of the City Code of the City of Buffalo) from the Planning Board, Zoning Board of Appeals, and Common Council, were not granted prior to the effective date of this Ordinance, will be governed by this Ordinance.
- C.** Any pending application for a proposed project, for which all approvals required under the previous Ordinance (i.e., Chapter 511 of the City Code of the City of Buffalo) from the Planning Board, Zoning Board of Appeals, and Common Council, have been granted prior to the effective date of this Ordinance, will be governed by the ordinance in effect at the time all approvals were effective.
- D.** For a proposed project that has been determined to be a pending application governed under this Ordinance:
 - 1.** A new application is not required unless the appropriate ordinance administrator or review body determines that additional information is necessary.
 - 2.** If the provision of parking was required under the previous ordinance, a Transportation Demand Management Plan will only be required if the project was determined to be deficient in parking and, therefore, would have required a variance.