

- (8) The storage of any unregistered vehicles or other similar equipment out of doors overnight shall be prohibited.
  - (9) No commercial vehicles shall be parked out of doors overnight in the townhouse cluster or development except in a common parking area. In no event shall vehicles be parked on any lawn area or along any portion of any street located within the townhouse development.
- I. Special accessory uses. The following special accessory uses may be established for the common and exclusive use of owners of townhouse residences and their guests. Such special accessory uses shall be operated on a not-for-profit basis and subject to the approval of the Board of Appeals.
- (1) Recreational facilities such as open or enclosed tennis courts, exercise facilities, picnic areas, gazebos or swimming pools, as regulated elsewhere in this chapter.
  - (2) One structure to house maintenance shops and vehicles to be used exclusively for the maintenance and management of the townhouse development.
  - (3) Common space for the exclusive use and convenience of residents of the townhouse cluster or development and their guests to park vehicles. Such common space shall be adequately landscaped and buffered so as to screen the site from adjacent areas and uses.

**§ 103-25. Condominium development regulations.  
[Added 3-15-2006]**

Condominiums, as defined in § 103-20B, shall be permitted. In addition to the zoning districts referred to in § 103-20B, condominiums shall also be permitted within the WD and WD-1 Waterfront Districts per §§ 103-13.2 and 103-13.3. The intent of this section is to provide areas within the City for

medium-density multifamily development where the relationship among buildings and between wings of a single building is regulated in order to assure adequate light and air to residents and protection to and from surrounding development. Maximum density will be approximately eight to 12 dwelling units per gross acre, depending on dwelling unit size.

- A. Design regulations – principal structures and uses.
- (1) Site plan review per § 103-13.2H.
  - (2) Attached dwelling units.
    - (a) Minimum lot size: one acre for nonresidential uses and 1.5 acres for permitted residential dwelling group development. Minimum frontage: 120 feet width for each group development of separate structure not a part of a group development 120 feet.
    - (b) Minimum yards for structures:
      - [1] Front: 25 feet.
      - [2] Side and rear: 40 feet, or as determined by the site plan review.
    - (c) Maximum structure height: 35 feet.
    - (d) Minimum floor area per attached dwelling unit:
      - [1] Nonresidential: 400 square feet.
      - [2] Residential: 640 square feet.
    - (e) Maximum land coverage: 35%.
    - (f) Access: Dwelling units within a group development may be arranged in groups or clusters. Each group or cluster shall abut a street, however, each dwelling unit within such

group or cluster need not so abut, provided that:

- [1] Each dwelling unit is accessible by means of a private street to service any emergency vehicles.
  - [2] The standards of design and construction for private streets shall meet applicable City specifications for public streets unless modified by the approved site plan.
  - [3] The location, design and construction of all utilities meet all applicable specifications and are adequate to serve the needs of the group or cluster.
  - [4] The procedures for the preservation and maintenance of private streets, pedestrian ways and common open space comply with all applicable laws.
- (g) Density. Minimum gross land area to be devoted to attached units, excluding the area of public streets on the perimeter of that area, shall be equal to the number of dwelling units times 3,500 square feet.
- (h) Principal structures shall be separated by at least 30 feet.
- (3) Detached dwelling units.
- (a) Minimum lot size: one acre for nonresidential uses and 1.5 acres for permitted residential dwelling group development. Minimum frontage: 120 feet.
  - (b) Density: Minimum gross land area to be devoted to detached units, excluding the area of public streets that service that area, shall be

equal to the number of dwelling units times 3,000 square feet.

- (c) Principal structure location and separation requirements:

[1] Front yard: 25 feet.

[2] Side and rear yards: 40 feet or as determined by the site plan review. However, the minimum distance between adjacent dwellings shall not be less than 10 feet.

[3] Minimum distance to lot line: five feet.

- (d) Minimum floor area in groups of eight dwelling units per lot.

[1] Nonresidential: 400 square feet.

[2] Single story: 1,000 square feet.

[3] Two or more stories: 1,200 square feet.

[4] A minimum of four dwellings are required for site plan approval.

- (e) Maximum land coverage: 40%.

- B. Design regulations — structures and uses accessory to attached dwelling units.

- (1) Minimum structure location:

(a) From another structure: five feet.

(b) From any lot line: three feet.

(c) No structure shall be located in the required yards.

- (2) Maximum height of accessory structure: 15 feet.

- (3) Maximum lot coverage, including area covered by the principal building: 40%.
  - (4) An accessory structure shall not exceed the length of the principal structure.
- C. Design regulations — structures and uses accessory to detached dwelling units.
- (1) Minimum structure location:
    - (a) From another structure: five feet.
    - (b) From any lot line: three feet.
    - (c) No structure shall be permitted in the required yards.
  - (2) Maximum height of accessory structure: 15 feet.
  - (3) Maximum lot coverage, including area covered by the principal structure: 45%.

**§ 103-26. Site development regulations. [Added 12-20-2006]**

Site plan decisions have a lasting effect on the character and function of a community. To protect the health, safety, and general welfare of the City of North Tonawanda and its citizens, regulations for site development are needed. The regulations contained in this section shall be considered minimum standards in addition to all other provisions of this chapter and shall apply to all new and modified existing public and private development whenever a permit is required. Whenever the requirements of this section conflict with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern. Exemptions to § 103-26, Site development regulations: All modifications to an existing structure that do not exceed 1,000 square feet in size or \$50,000 in total cost. For new and existing detached single-family and