

§ 103-15. Supplemental regulations.

A. As to use.

- (1) Public buildings, public services and public utilities. The provisions of this ordinance shall not be so construed as to limit or interfere with the development or use of public buildings used for governmental purposes or with the construction, installation, operation and maintenance for public utility purposes of water and gas pipes, mains and conduits, electric light and electric power transmission and distribution lines, telephone and telegraph lines, sewers and sewer mains and incidental appurtenances or with any highway or railroad right-of-way existing or hereafter authorized by the City of North Tonawanda or the State of New York. The above provision shall not be construed to permit yards, garages or other buildings for service or storage by said public utilities, except as otherwise permitted by this ordinance.
- (2) Accessory uses. In addition to other regulations of this ordinance, accessory uses shall be limited as follows:
 - (a) In any district, no accessory building shall be used for residence purposes except by employees of the tenant or owner of the premises as a condition of employment.
 - (b) In any R District, the storage of gasoline in quantities greater than 10 gallons on any lot shall not be permitted.
 - (c) In any R District, no access driveway to or from a business or industrial premises shall be deemed to be an accessory use.
 - (d) In any district, automobile wrecking shall not be deemed to be an accessory use.

- (3) Limitations on gasoline stations and public garages.
 - (a) No part of any building used as a public garage or filling station and no filling pump, lift or other service appliance shall be erected within 25 feet of any boundary lines of any R District.
 - (b) No gasoline or oil pump, no oiling or greasing mechanism and no other service appliance shall be installed in connection with any filling station or public garage within 10 feet of any street line.
- (4) Parking of commercial vehicles in R Districts. No parking of a commercial vehicle shall be permitted in any R District, except when the vehicle is used by the occupant of the premises and does not exceed three-fourths-ton rated capacity. Storage of a commercial vehicle shall not be permitted in any R District, except when such motor vehicle is stored or deposited in a completely enclosed building. **[Amended 4-5-1988]**
- (5) Signs in R-1 and R-2 Districts.
 - (a) One nonilluminated sign not exceeding two square feet in area shall be permitted as an accessory use. Such sign shall consist of a nameplate with no lettering except to indicate the name and profession or home occupation of the resident. Such sign shall located on the principal building or on a separate support not closer to the street line than 1/2 the required front setback.
 - (b) Church, school or other institutional bulletin boards not exceeding 25 square feet in area shall be permitted but shall not be closer to the street line than 1/2 the required front setback.

(c) Real estate "For Sale" or "For Rent" signs not exceeding six square feet in area shall be permitted on any premises to which they pertain, but shall not be closer to the street line than 1/2 the required front setback.

(6) Temporary structures. Temporary structures may be permitted in any district for uses incidental to construction work for a period of time not to exceed six months, provided that such buildings shall be removed forthwith upon the completion or abandonment of the construction work. Permits for any other temporary structures or for any extension of the six-month time limit shall be issued only upon authorization of the Common Council.

(7) (Reserved)³

B. Height.

(1) Accessory buildings.

(a) In any R District, accessory buildings may not exceed 15 feet in height.

(b) In any C or M District, the height of an accessory building shall be controlled by side yard and rear yard requirements for accessory buildings established hereunder in this section.

(2) Public and quasi-public buildings. The height of churches, schools, hospitals and other public and quasi-public buildings, when permitted in any R or C District, shall be controlled by the side yard and rear yard requirements established therefor in the district regulations.

3. Editor's Note: Former Subsection A(7), referring to outdoor storage of certain abandoned and junked vehicles, added 4-15-1968, effective 5-15-1968, was repealed 4-19-1988. See now Ch. 8, Abandoned Vehicles.

- (3) Exceptions. The height limitations of this ordinance shall not apply to:
- (a) Church spires, belfries, cupolas and domes, monuments, chimneys, smokestacks, flagpoles, radio towers, masts and serials, water tanks, elevator penthouses, conveyors and scenery lofts, provided that the aggregate horizontal area of such parts shall not exceed 20% of the ground floor area of the main building.
 - (b) Parapet walls not over four feet high.
- (4) Fences or walls. Except as otherwise provided in this ordinance, fences or walls shall be permitted in any district hut only when erected in accordance with the following regulations as to height and type of fence: seven feet where located in the back of the rear wall of the principal building and four feet where located to the side or in front of the principal building. No solid-type fence or wall shall be permitted in the required front yard in any R District. Any fence constructed in the front yard must be less than 50% solid and seven feet or less in any case upon the approval of the Board of Appeals, subject to conformance with the corner visibility provisions established under this section. **[Amended 6-3-1980; 7-3-2001]**
- (5) Hedges. Except as otherwise provided for in this ordinance, hedges adjacent to any vehicular traffic right-of-way shall be permitted in any district, but only when maintained at a height of no greater than two feet from grade. **[Added 7-6-2005]**

C. Area and yards.

- (1) Corner lot modification.
- (a) In the case of a corner lot in an R District where the rear lot line abuts the rear lot line of

an adjacent lot in any R District, the required side yard on the street side of such corner lot shall extend from the front yard to the rear lot line.

- (b) In the case of a corner lot in an R District where the rear lot line abuts a side lot line of an adjacent lot in any R District, the required side yard on the street side of such corner lot shall equal 60% of the required front yard of said adjacent lot, and no accessory building in any rear yard on such corner lot shall project beyond the required front yard of said adjacent lot or be located within 10 feet of the side yard of said adjacent lot.
 - (c) In the case of a corner lot in any C or M District which abuts a lot in any R District, all buildings on such corner lot shall have a setback from the street on which the lot in the R District fronts equal to 60% of the front yard requirements of the R District.
- (2) Corner visibility. Within the triangle formed by two intersecting street lines and a line joining points on such street lines 30 feet from their intersection, no fence, wall, hedge or dense foliage shall be erected, planted or maintained between the heights of two feet and six feet in any R District. Open-type fences less than 10% solid may be 3 1/2 feet high or, if approved by the Board of Appeals, seven feet high.
 - (3) Dwelling group. In the case of a dwelling group, all required yards shall be measured from the dwellings nearest the respective front, side or rear lot lines. Spacing between any two principal buildings on a lot shall be equal to the average height of said buildings.

- (4) Location and coverage of accessory buildings. No accessory building shall be erected or altered so as to:
- (a) Be in any required side or front yard.
 - (b) Be nearer than 10 feet to any dwelling unless attached thereto.
 - (c) Be within five feet of any side or rear lot line, except:
 - (1c) That in any C District this requirement shall be increased by one foot for each foot or fraction thereof that the accessory building exceeds 15 feet in height.
 - (2c) That this shall not prevent the erection in any C or M District of a common private garage one story high, of fireproof construction and housing not more than six motor vehicles, across a lot line.
 - (3c) As provided in §§ 103-12 and 103-13, and § 103-15C(1)(b) above.
 - (4c) That in any district, a single-story accessory building, 750 square feet or less in area, will be permitted to be three feet from any side or rear lot line.
[Added 11-7-2001]
 - (d) Have the aggregate ground area for all accessory buildings exceed 25% of the required rear yard in any R District or 40% of any required rear yard in any C District.
- (5) Lot frontage on street. No dwelling shall be erected on any lot which does not have immediate frontage on an existing or platted street or highway as provided in Section 36 of the General City Law.

- (6) Lot size exceptions for a lot of record. The lot width and area requirements of this ordinance shall be automatically waived to permit the erection of a single-family dwelling on any lot which was of record at the time this ordinance became effective, provided that yard and other requirements prescribed in this ordinance are complied with.
- (7) Usable open space for residents in any C District. In any C District where any building or portion thereof is used for residential purposes, 400 square feet of open space per dwelling unit shall be provided exclusively for recreation and household service activities.
- (8) Front yards on through lots. In any R District where and interior lot runs through a block from street to street, there shall be a front yard of the depth required by this ordinance on each street frontage. One of such yards shall be considered as a required rear yard, but no accessory buildings nr structures shall be located therein.
- (9) Front yard exceptions.
 - (a) Where the immediately adjoining lots on each side of a parcel of land in any R District and on the same side of the street therewith or in any other case where at least 1/3 of the R District lots on the same side of the street as such parcel and between the same two intersecting or intercepting streets have dwellings located thereon, the minimum front setback for such parcel shall be the average setback of such existing dwellings. This requirement shall not be so construed as to:
 - (1a) Permit a front setback of less than 15 feet;

- (2a) Require a front setback of more than 75 feet; or
 - (3a) Prohibit a variation of three feet from the computed average setback, if such setback is at least three feet greater than the minimum specified in the district regulations.
- (b) In the case of any parcel in any M District where the adjacent lots on the same side of the street and within 100 feet of said parcel have business and/or industrial buildings thereon and are in an M District, the minimum front setback for such parcel shall be the average setback of such buildings on said adjacent lots.
- (10) Projection into yards. The following structures shall be allowed within required yards.
- (a) The ordinary projection of window sills, belt courses, cornices and other ornamental features to an extent of not more than four inches.
 - (b) Balconies, bay windows, chimneys and roof projections not to exceed two feet.
 - (c) Retaining wall of any necessary height.
 - (d) Unenclosed or nonweatherproofed porches in rear yards, but not more than 1/4 the required depth of such yard.
 - (e) Unenclosed steps not extending above the floor level of the first story, provided that such steps are at least five feet from any lot line.
 - (f) A paved terrace, provided that such terrace is unroofed and without walls or other forms of enclosure and at least five feet from any lot line.

- (g) Subject to height limitations hereinabove established, fences or walls along property lines, provided that such fence or wall shall be at least two feet distant from any existing or future street line.
- (11) Side yard exception for dwellings. The total width requirement for both side yards for dwellings may be reduced by three feet in any case where a garage is attached to the dwelling; provided, however, that no side yard shall be less than five feet and that the attached garage shall be considered as part of the principal building for purposes of yard measurement.
- (12) A site plan or plans drawn to scale must be submitted to the Planning Commission for approval when more than two dwelling units or a cluster of buildings is planned on one plot of land located in any R or C Zoning District. The following departments shall review and recommend to the Planning Commission their written recommendations regarding the feasibility of such site plan or plans within 30 days' receipt thereof: City Engineer, Fire, Police and Water Departments and the Department of Public Works. **[Added 6-3-1980; amended 1-16-2001]**
- (13) Television satellite receiver dish. **[Added 4-16-1985]**
- (a) Definition. "Television satellite receiver dish" shall include any and all television antennas or metal or plastic apparatuses whose purpose is the reception of television and/or radio signals from satellite or microwave transmissions.
- (b) No television satellite receiver dish shall be constructed in the front yard, and they shall be further governed by the same restrictions applicable to accessory buildings.