

TO: Town Board
FROM: Charles D. Grieco, Esq.
DATE: August 6, 2014
RE: Proposed zoning code amendments

ON MOTION by _____, seconded by _____, the following resolution was adopted:

RESOLVED THAT the Town Clerk is hereby authorized and directed to publish notice of a public hearing to be held September 8, 2014 at 7:05 p.m. at the regular meeting of the Town Board on proposed amendments to Chapter 120 (Zoning) of the Town Zoning Code relating to limitations on certain accessory uses in residential districts, the regulation of portable electronic signs, and specifying construction materials for parking areas and driveways.

A copy of the proposed local law is attached.

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Local Law No 10, 2014
Town of West Seneca, New York
County of Erie

Section 1. Title

A local law to amend Chapter 120 (Zoning) of the Town Code relating to limitations on certain accessory uses in residential districts, the regulation of portable electronic signs, and specifying construction materials for parking areas and driveways.

Section 2. Enacting Clause

Be it enacted by the Town Board of the Town of West Seneca, as follows:

Section 3.

Chapter 120 (Zoning) of the Town Code of the Town of West Seneca is amended is follows:

Section 120-39, Limitations on accessory uses in R Districts, is amended to read:

A. Location of accessory buildings, structures and other improvements. No accessory building, structure or other improvement shall be erected or altered so as to:

- (1) Be in any required front yard or required side yard, except that an attached garage may extend three feet into a required side yard, provided that such garage is not nearer than five feet to any lot line.
- (2) Be nearer than 10 feet to any dwelling unless attached thereto or nearer than five feet to any other building.
- (3) Be within three feet of any side or rear lot line.

B. Fences in R Districts. Fence heights shall not exceed four feet in height in any front or side yard or six feet in height in any rear yard. Fences shall not be allowed to project any more than 10 feet into a front yard. If a building does not have required front yard setback as per § 120-30, no projection shall be allowed.

C. Projections into required yards. The following structures shall be permitted within required yards:

- (1) Accessory uses as permitted by the district regulations shall be permitted in required rear yards.
- (2) Roof projections of not more than two feet.

(3) Windowsills or other ordinary projections to an extent of not more than four inches.

(4) Unenclosed porches or unenclosed steps not extending above the first floor level may project into a required yard not more than one-fourth (1/4) the required width or depth of such yard, but not nearer any lot line than five feet.

D. Coverage of rear yards. In any R District, accessory buildings and roofed projections shall not occupy more than thirty percent (30% of a required rear yard of an interior lot nor more than 40% of a required rear yard of a corner lot.

E. Driveways. Driveways shall be a minimum of 3 feet from the side lot line.

F. Pools. Pools, in-ground or above-ground, shall be a minimum of 10 feet from any principal structure and 5 feet from any accessory structure. Decks, patios, or other similar structures are not permitted to connect the principal structure to the pool.

Section 120-40.12, Portable signs, is amended by adding a new subparagraph (E) as follows:

A. Portable signs shall be permitted to be up to 60 square feet per single face.

B. No portable sign shall be displayed without first obtaining a permit from the Zoning Officer, who may deny the permit if the location of the sign creates a hazard to the public.

C. A portable sign permit shall terminate 60 days after its issuance.

D. The fee for a portable sign permit shall be determined by resolution of the Town Board.

E. Portable Electronic signs are subject to the same requirements and restrictions as Specialty Signs pursuant to Section 120-40.4.

Section 120-44, Site requirements for off-street parking spaces, is amended by adding a new subparagraph (F) as follows:

F. All parking areas, driveways, drive lanes, access roads, private roads or similar private areas intended for vehicular travel and parking shall be constructed of concrete, asphalt, or similar material to create a hard surface area. Stone or gravel is not permitted as a finished construction material for such areas.

Section 4. Effective date

This local law shall take effect ten days after notice hereof is published in the official Town newspaper pursuant to New York Town Law Section 264(1).