

Chapter 260. Zoning

Article II. Residence Districts

§ 260-23. R Residence District.

Regulations for the R Residence District shall be as follows:

A. Permitted uses.

(1) Principal uses.

- (a) Single-family dwellings.
- (b) Two-family dwellings (subject to restrictions found in Subsection A(1)(e)[3].
- (c) Church or similar place of worship, parish house, convent, rectory or parsonage.
- (d) Public or private nonprofit elementary or secondary school accredited by the New York State Department of Education.
- (e) By special permit authorized by the Zoning Board of Appeals.
[Amended 2-17-2016 by L.L. No. 1-2016]

[1] Golf course catering exclusively to golfers, provided that any building thereon shall be at least 75 feet from any lot line, and no commercial activity shall be conducted except for an accessory pro shop, service building or an accessory dining room, with or without bar facilities.

[2] Two-family dwellings in the following described area of the Town of Cheektowaga: Beginning at the intersection of Como Park Boulevard and Union Road; thence southerly along Union Road to Slate Bottom Creek; thence southeasterly along Slate Bottom Creek to Transit Road; thence northerly along Transit Road to Zurbrick Road; thence westerly along Zurbrick Road and the south boundary of the Village of Depew to the point where the Village of Depew boundary intersects Rowley Road; thence southwesterly along Rowley Road to Indian Road; thence southerly along Indian Road to Como Park Boulevard; thence westerly along Como Park Boulevard to Union Road at the place of beginning.

(2) Permitted accessory uses.

- (a) Buildings for private horticulture purposes.
- (b) Offices for resident professionals as permitted and regulated by this chapter.
- (c) Off-street parking as permitted and regulated by this chapter.
- (d) Private swimming pool or pool deck, provided that it is located in the rear of the front setback line, is a minimum of five feet from the rear lot line and side lot line and does not occupy any part of a required exterior side yard.
[Amended 2-19-2014 by L.L. No. 1-2014]

- (e) Storage of house or camping trailers, utility trailers or boats owned by the occupant of the premises for his personal use shall be permitted as regulated by this chapter.
 - (f) Other customary accessory uses as regulated and permitted by this chapter.
- B. Required lot size. Unless otherwise provided, the minimum lot size shall be as specified in this section.
- (1) Minimum lot width.
 - (a) Single-family residence.
 - [1] Interior lot: 60 feet.
 - [2] Corner lot: 85 feet.
 - (b) Two-family residence.
 - [1] Interior lot: 85 feet.
 - [2] Corner lot: 95 feet.
 - (2) Minimum lot area.
 - (a) Single-family residence.
 - [1] Interior lot: 7,200 square feet.
 - [2] Corner lot: 10,200 square feet.
 - (b) Two-family residence.
 - [1] Interior lot: 10,200 square feet.
 - [2] Corner lot: 11,400 square feet.
 - (c) Other principal buildings: as regulated by yards and off-street parking requirements, but not less than 15,000 square feet in any case.
- C. Required open space. Unless otherwise provided, the minimum required open space shall be as specified in this section.
- (1) Front yard: 25 feet.
 - (2) Side yards (two required).
 - (a) Single- or two-family dwelling. The minimum width of any side yard shall equal 10% of the lot width, but need not exceed 10 feet; the total width of both side yards shall equal 25% of the lot width, but need not exceed 25 feet. See § 260-59F (exception of attached garage).
 - (b) Other principal buildings. Each side yard shall equal 30 feet or a distance equal to the height of the principal building, whichever is greater; provided, however, that where a side yard abuts a lot in any nonresidential district such side yard shall equal 15 feet or a distance equal to 1/2 the height of the principal building, whichever is greater.
 - (3) Rear yard. Rear yards shall be equal to 25% of the lot depth but shall not be less than 25 feet or a distance equal to the height of the principal building, whichever is greater.
 - (4) Open space between principal buildings on a single lot. No vertical wall of a principal building shall be nearer to a vertical wall of any principal building than 30 feet or a distance equal to the average height of such vertical walls measured from adjoining finished grade, whichever is greater.
- D. Maximum height of buildings. Unless otherwise provided, the maximum permitted height of buildings shall be as specified in this section.
- (1) Single- or two-family dwellings: 30 feet.

- (2) Other principal buildings: as regulated by side yard requirements [see Subsection **C(2)** above].
 - (3) Accessory buildings: one story not to exceed 12 feet.
- E. Off-street parking reference. For applicable off-street parking regulations, see Article **V**.
 - F. Supplemental regulations reference. For applicable supplemental regulations pertaining to use, height, area or open space, see Article **VI**.
 - G. Minimum livable ground floor area. Any building used principally as a dwelling shall have at least 900 square feet of livable ground floor area; provided, however, that where a dwelling has an integral garage and has livable floor space above the ground floor, the livable ground floor area shall not be less than 800 square feet.