

§116-8 District Regulations

(3rd run through of TB reviewed code, 5/2/2016) - should be 4/25/16

§116-8.1 R1 Single Family Residential District.

A. Permitted uses.

1. One single family dwelling, with no other dwelling or principal building on the same lot.
2. Church or other place of worship or religious instruction: parish house, rectory; convent in connection with school, all subject to Site Plan Review Regulations of Chapter 95 regardless of the building sq. footage.
3. Public or Private school accredited by the New York State Education Department, all subject to Site Plan Review Regulations of Chapter 95 regardless of the building sq. footage.
4. Public park or public playground maintained by the State of New York, County of Erie, or Town of Aurora.
5. Home occupations.*(see definitions)*
6. Customary accessory uses, including but not limited to private residential garages or accessory buildings; and also the further accessory uses in residences on Big Tree Road (Rt. 20A), Quaker Rd.(Rt.20A), Olean Rd. (Rt. 16) and Buffalo Rd. (Rt.16) only, professional offices of lawyers, physicians and surgeons, dentists, building architects, public accountants, and professional engineers, located and conducted wholly within the dwelling and incidental to the primary residential use of such dwelling; and further provided that, except for household servants and yardmen, not more than one person shall be employed and only as assistant to the professional resident. Furthermore in all cases where such professional offices are

established, off street automobile parking shall be provided for all residents, staff and customers of that professional.

7. Group Family Day Cares and Family Day Care Homes as defined and regulated by New York State.
8. Bed and Breakfast as defined by New York Building Code and subject to Site Plan Review Regulations of Chapter 95 regardless of the building sq. footage.
9. Signs, limited in accordance with Section 116-34A.

B. Maximum Height. (Mean Ht.)

1. 2 ½ stories not to exceed 35 feet for principal buildings.
2. Not to exceed 15 feet for accessory buildings.

C. Building Size.

1. Dwelling; not less than 1200 square feet.
2. Accessory Building; foot print not to exceed 25% of the required rear yard.

D. Minimum Lot Size.

1. Frontage along or parallel to the street right of way- 125 feet.
2. Area- 32,670 square feet (¾ of an acre not including the Right of Way)

E. Front Yard Depth or Setback.

1. 75 feet from the Right of Way
2. Where 20% or more of the lots in the same block on the same side of the street and within 1,000 feet of a proposed building are improved with buildings, the average setback of such existing buildings shall establish the minimum setback or building line. This provision shall not be interpreted to permit a front yard depth of less than 45'.
3. In the case of a corner lot, all buildings shall comply with the required front yard setbacks from the right of way of the primary street (street of property address). All such buildings shall be allowed a 45' setback from the right of way of the

secondary street.

F. Side Yards.

1. Principal Building; each side yard at least 20 feet
2. Accessory Building: A distance equal to the mean height of the proposed accessory building, but not less than 10 feet.

G. Minimum Depth of Rear Yard.

1. Principal Building; 50 feet, measured from the wall of the principal building closest to the rear property line.
2. Accessory Building; A distance equal to the mean height of the proposed accessory building, but not less than 10 feet.

§116.8-2 R2 Residential District

A. Permitted Uses.

1. Any use permitted and as limited in the R1 District
2. Two-family dwellings, with no other dwelling or principal building on the same lot.
3. Professional office as listed in section 116-8.1(6), conducted in a dwelling by the resident thereof.
4. Keeping of not more than three roomers, or boarders.

B. Maximum Height. (Mean Ht.)

1. 2 ½ stories not to exceed 35 feet for principal buildings.
2. Not to exceed 15 feet for accessory buildings.

C. Building Size.

1. Single Family Dwelling; not less than 1200 square feet.
 1. Two Family Dwelling; not less than 1800 square feet, with a minimum dwelling unit size of 500 square feet.

2. Accessory Building; foot print not to exceed 25% of the required rear yard.

D. Minimum Lot Size.

1. Frontage along or parallel to the street right of way- 100 feet.
2. Area- 32,670 square feet ($\frac{3}{4}$ of an acre not including the right of way)

E. Front Yard Depth or Setback.

1. 50 feet from the Right of Way
2. Where 20% or more of the lots in the same block on the same side of the street and within 1,000 feet of a proposed building are improved with buildings, the average setback of such existing buildings shall establish the minimum setback or building line. This provision shall not be interpreted to permit a front yard depth of less than 30 ft.
3. In the case of a corner lot, all buildings shall comply with the required front yard setbacks from the right of way of the primary street (street of property address). All such buildings shall be allowed a 45' setback from the right of way of the secondary street.

F. Side Yards.

1. Principal Building; each side yard at least 12 $\frac{1}{2}$ feet.
2. Accessory Building; A distance equal to the mean height of the proposed accessory building, but not less than 10 feet

G. Minimum Depth of Rear Yard.

1. Principal Building; 40' measured from the wall of the principal building closest to the rear property line.
2. Accessory Building; A distance equal to the mean height of the proposed accessory building, but not less than 10 feet.

§116-8.3 R3 Residential District

A. Permitted Uses.

1. Any use permitted and as limited in the R2 district.
2. Multiple dwelling
3. Dwelling group consisting of two or more dwellings on the same lot. All dwelling groups are subject to Town Board approval.
4. Boarding or rooming house.
5. Nonprofit institutions for charitable, religious, cultural or community social purposes, not including institutions for mental patients, correctional, or animal rescue purposes. All nonprofit institutions are subject to Site Plan Review Regulations of Chapter 95, and Special Use Permits (create) regardless of occupancy classification or the size of the building.

B. Maximum Height. (Mean Ht.)

1. 2 ½ stories not to exceed 35 feet for principal buildings.
2. Not to exceed 15 feet for accessory buildings.

C. Building Size.

1. Single family dwellings not less than 720 square feet
2. Two family dwellings not less than 1200 square feet, with a minimum dwelling unit size of 500 square feet.
3. Multiple dwellings not less than 500 square feet per family.
4. Accessory Building; footprint not to exceed 25% of the required rear yard

D. Minimum Lot Size.

1. Frontage along or parallel to the street right of way- 90 feet.
2. Area- 32,670 square feet (¾ of an acre not including the Right of Way). Plus an additional 4,000 square feet for each additional dwelling unit in excess of *two*.

E. Front Yard Depth or Setback.

1. 50 feet from the Right of Way.
2. Where 20% or more of the lots in the same block on the same side of the street and within 1,000 feet of a proposed building are improved with buildings, the average setback of such existing buildings shall establish the minimum setback or building line. This provision shall not be interpreted to permit a front yard depth of less than 30 ft.
3. In the case of a corner lot, all buildings shall comply with the required front yard setbacks from the right of way of the primary street(street of property address). All such buildings shall be allowed a 30' setback from the right of way of the secondary street.
4. In the case of multiple dwellings there shall be no parking of vehicles in the area between the street line and any portion of a structure used for dwelling purposes.

F. Side Yards.

1. Principal Building; each side yard at least 12 ½ feet.
2. Accessory Building; A distance equal to the mean height of the proposed accessory building, but not less than 10 feet .

G. Minimum Depth of Rear Yard.

1. Principal Building; 40 feet, measured from the wall of the main building closest to the rear property line.
2. Accessory Building; A distance equal to the mean height of the proposed accessory building, but not less than 10 feet.

H. Dwelling Groups.

In the case of a dwelling group each dwelling shall be situated on the lot in such a manner that in the event the property is split, each dwelling will meet the zoning requirements with regards to lot size and property line setbacks of the district in which the dwelling is located. The Town Board will deny, approve, or

approve with modifications all dwelling group applications after a public hearing and optional Planning Board review. Any inconsistencies with any zoning regulations will require Zoning Board of Appeals approval prior to any Town Board action.

§116-8-4 RR Rural Residential

A. Permitted uses.

1. One single family dwelling, with no other dwelling or principal building on the same lot.
2. Church or other place of worship or religious instruction: parish house, rectory; convent in connection with school, all subject to Site Plan Review Regulations of Chapter 95 regardless of the building sq. footage.
3. Public or Private school accredited by the New York State Education Department, all subject to Site Plan Review Regulations of Chapter 95 regardless of the building sq. footage.
4. Public park or public playground maintained by the State of New York, County of Erie, or Town of Aurora.
5. Home occupations.(see definitions)
6. Customary accessory uses, including but not limited to private residential garages or accessory buildings; and also the further accessory uses in residences on Big Tree Road (Rt. 20A), Quaker Rd.(Rt.20A), Olean Rd. (Rt. 16) and Buffalo Rd. (Rt.16) only, professional offices of lawyers, physicians and surgeons, dentists, building architects, public accountants, and professional engineers, located and conducted wholly within the dwelling and incidental to the primary residential use of such dwelling; and further provided that, except for household servants and yardmen not more than one person shall be employed and only as assistant to the professional resident. Furthermore in all cases

where such professional offices are established, off street automobile parking shall be provided for all residents, staff and customers of that professional.

7. Group Family Day Cares and Family Day Care Homes as defined and regulated by New York State.
8. Bed and Breakfast as defined by New York Building Code and subject to Site Plan Review Regulations of Chapter 95 regardless of the building sq. footage.
9. Signs, limited in accordance with Section 116-34A.
10. Keeping of domestic animals subject to the following limitations:
 - (a) 3 dogs over six months old.
 - (b) 6 chickens or other poultry per acre, no roosters, confined to lot boundaries and housed in the rear yard at least 25' from any lot line.
 - (c) Not more than two (2) of any other species of domestic animals.
 - (1) Keeping of large domestic animals including but not limited to: horses, goats, sheep etc., shall have a minimum of one acre undeveloped land per animal.
 - (2) Keeping of pigs and cattle: Shall have at least (2) acres of undeveloped land per animal.
 - (d) Keeping of manure behind the residence and a minimum of 60 feet to the side and rear property lines.

B. Maximum Height. (Mean Ht.)

1. 2 ½ stories not to exceed 35 feet for principal buildings.
2. Not to exceed 15 feet for accessory buildings.

C. Building Size.

1. Dwelling; not less than 1200 square feet.
2. Accessory Building; foot print not to exceed 25% of the required rear yard.

D. Minimum Lot Size.

1. Frontage along or parallel to the street right of way- 125 feet.
 2. Area- 32,670 square feet ($\frac{3}{4}$ of an acre not including the Right of Way)
- E. Front Yard Depth or Setback.
1. 75 feet from the Right of Way
 2. Where 20% or more of the lots in the same block on the same side of the street and within 1,000 feet of a proposed building are improved with buildings, the average setback of such existing buildings shall establish the minimum setback or building line. This provision shall not be interpreted to permit a front yard depth of less than 45'.
 3. In the case of a corner lot, all buildings shall comply with the required front yard setbacks from the right of way of the primary street (street of property address). All such buildings shall be allowed a 45' setback from the right of way of the secondary street.
- F. Side Yards.
1. Principal Building; each side yard at least 20 feet
 2. Accessory Building: A distance equal to the mean height of the proposed accessory building, but not less than 10 feet.
- G. Minimum Depth of Rear Yard.
1. Principal Building; 50 feet, measured from the wall of the principal building closest to the rear property line.
 2. Accessory Building; A distance equal to the mean height of the proposed accessory building, but not less than 10 feet.

§116-8.5 RA Residential/Agriculture.

A. Permitted uses.

1. Any use permitted and as regulated in the R-3 District.
2. Agricultural, floricultural, and horticultural pursuits, including but not limited to dairies, general farms, horse farms, greenhouses, plant nurseries, produce farms, and the raising of bees, poultry and livestock, together with all customary buildings and structures necessary for the production and storage of the products of such pursuits.
3. Seasonal cottages, as defined by Town Assessor, occupied less than six months a year and not constructed for year round occupancy.
4. When approved by the Town of Aurora Zoning Board of Appeals:
 - (a) Multiple Dog Permit; The housing more than three (3) dogs over six months old.
9. When approved by Town Board, through Chapter 95.
 - (a) Camp to be used by the general public.
 - (b) Farm equipment sales and display.
 - (c) Fur farm
 - (d) Public stable, riding academy or horseback training.
 - (e) Private Club, private recreation or camping area serving only club members and not conducting activities usually conducted for profit.
 - (f) Cemetery
 - (g) Golf Link
 - (h) Multiple Dwelling Group
 - (i) Dog Kennel; An establishment in which 3 or more dogs over 6 months in age are housed, groomed, bred, boarded, trained or sold, including dog rescue and adoption operations.
 - (j) Animal rescue
 - (k) Public utility buildings and all associated structures.
 - (l) Quarries, clay, sand and gravel pits, subject to §116-21 and §116-35.
 - (m) Veterinary hospitals or clinics.
 - (n) Customary accessory uses and structures, including but not limited to seasonal roadside stands, for the sale of the products of such land and signage as regulated in §116-34.B

B. Maximum height; (Mean Ht.)

1. 2 ½ stories not to exceed 35 feet for a principal non-farm building.
2. Two story not to exceed 20 feet for accessory buildings
3. No height limit for farm structures other than farm dwellings, if an Agricultural Exemption exists through the Town Tax Assessor, except as regulated by other applicable ordinances or codes.

C. Building size.

1. Single family dwellings not less than 720 square feet.
2. Two family dwellings not less than 1200 square feet, with a minimum dwelling unit size of 500 square feet.
3. Multiple dwellings not less than 500 square feet per unit.

D. Minimum Lot Size.

1. Frontage along or parallel to the street right of way- 200 feet.
2. Area- 3 Acres not including the Right of Way. Plus, in the case of a multiple family dwelling, an additional 4000 square feet for each additional dwelling unit in excess of one.

E. Front Yard Depth or Setback.

1. 75 feet from the Right of Way.

F. Side Yards.

1. Principal Building; each side yard at least 40 feet.
2. Accessory Building; A distance equal to the mean height of the proposed accessory building, but not less than 20 feet.

G. Minimum Depth of Rear Yards.

1. Principal Building; 100 feet, measured from the wall of the principal building closest to the rear property line.
2. Accessory Building; A distance equal to the mean height of the proposed accessory building, but not less than 20 feet.

116-8.6 B1 Business

A. Permitted Uses.

- 1) Single or two family dwellings, with no other dwelling or principal building on the same lot.

The following uses when approved by the Town Board through the Site Plan Review regulations of Chapter 95 regardless of the building square footage

- 1) Church or other place of worship or religious instruction; parish house or rectory; convent in connection with a school.
- 2) Public or private school accredited by the New York State Education Department.
- 3) Government buildings or uses not including institutions for mental patients or correctional purposes.
- 4) Child Day Care Centers as defined and regulated by New York State.
- 5) Public utility buildings and other structures.
- 6) Any use permitted and as regulated in the R-3 District except single and two family homes with no other dwelling or principal building on the same lot.
- 7) Stores for any retail merchandising and customary services incident to the retail sales therein. The footprint of such principal building not to exceed 5,000 square feet with only one principal building per lot. No storage except in completely enclosed buildings.

- 8) Art gallery, bank, barber shop, beauty shop, dry-cleaning pickup station, laundry pickup station, tailoring, shoe repair, printing pharmacy, photographer, sewing center, computer and electronic repair, fitness center, small animal hospital, and bakery. Small engine repair, restaurant or bar subject to special use permit by the Town Board. The footprint of such principal building not exceed 5,000 square feet with only one principal building per lot. No storage except in completely enclosed buildings.
- 9) Professional and clerical offices. The footprint of such principal building not to exceed 5,000 square feet with only one principal building per lot. No storage except in completely enclosed buildings.
- 10) Accessory Buildings: The combined footprint of all accessory buildings not to exceed 50% of the footprint of the principal building.
- 11) Customary accessory uses, including but not limited to parking areas.

B. Maximum Height. (Mean Ht.)

1. 2 stories not to exceed 35 feet for principal buildings.
2. 2 stories not to exceed 20 feet for accessory buildings.

C. Building size.

1. Single family dwellings not less than 720 square feet.
2. Two family dwellings not less than 1200 square feet with a minimum dwelling unit size of 500 square feet.
3. Multiple dwellings not less than 500 square feet per dwelling unit.
4. Accessory buildings residential; footprint not to exceed 25% of the required rear yard.

D. Minimum Lot Size.

1. Frontage along or parallel to the street right of way- 100 feet
2. Area- 32,670 square feet (3/4 of an acre not including the right of way) for the principal building, plus an additional 4,000 square feet for each dwelling unit in excess of two.

E. Front Yard Depth or Setback.

1. 50 feet for principal buildings. A minimum of 20 feet of green space between the Street Right of Way and any parking.
2. No accessory buildings in the front yard.
3. In the case of a corner lot, all buildings shall comply with the required front yard setbacks from the right of way of the primary street (street of property address). All such buildings shall be allowed a 30' setback from the right of way of the secondary street.

F. Side Yards.

1. Main Building: Not less than the height of the building or not less than 20 feet whichever is greater.
2. Accessory Building: A distance equal to the mean height of the proposed accessory building, but not less than 10 feet.

G. Minimum Depth of Rear Yard.

1. Main Building: The same as any adjacent R or A District or not less than the height of the building, whichever is greater.
2. Accessory Building: A distance equal to the mean height of the proposed accessory building, but not less than 10 feet.

H. Site Plan Review regulations of Chapter 95 are required for any non-Residential use abutting any R District.

116-8.7 B2 Business

A. Permitted Uses when approved by the Town Bd. through the Site Plan

Review regulations of Chapter 95 regardless of the building square footage

1. Any use permitted in the B1 District.
2. Stores for retail merchandising, and customary services incident to retail sale of materials and products but not limited to those cited in the B-1 district.
3. Assembly hall or auditorium.
4. Funeral home or undertaking establishment.
5. Hotel/ Motel.
6. Shops for construction trades
7. The following uses when approved by the Town Board through a Special Use Permit.
 - (a) Café, restaurant or tavern and banquet facilities. Establishments of a “Drive-In” or “Drive-Thru” service nature.
 - (b) Commercial amusement and recreation establishments such as sports facilities, indoor and outdoor theatres, bingo or dance halls and Night Clubs.
 - (c) Automotive fuel filling station, automobile and truck repair, auto body repair, and agriculture equipment repair.
 - (d) Indoor and outdoor shooting or archery ranges.
 - (e) Storage yards containing only the products of a business located on the same lot and which shall be completely enclosed by a suitable fence and/or buffer at least 6 feet high.
 - (f) New or used car sales.
 - (g) Warehouses.
 - (h) A club, organization, or recreation area or building including camps, and campsites serving the public.
8. No operation or activity shall be so conducted as to be noxious or offensive to any adjacent occupant due to excessive noise, dust, light or glare, smoke, odor, dirt, noxious gas, industrial waste, fire

hazard, traffic hazard, or congestion.

B. Maximum Height. (Mean Ht.)

1. 2 1/2 stories not to exceed 35 feet for principal buildings.
2. 2 story not to exceed 20 feet for accessory buildings.

C. Building Size.

1. Dwelling- Single family- not less than 720 square feet
Duplex- not less than 1200 square feet with a minimum dwelling unit size of 500 square feet.
Multiple dwellings- not less than 500 square feet per unit.
2. Retail- 55,000 sq. ft. maximum.
3. Manufacturing- 55,000 sq. ft. maximum.

D. Minimum Lot Size.

1. Frontage along or parallel to street right of way- 100 feet.
2. Area- 32,670 square ft.(3/4 of an acre not including the right of way) for the principal building.

E. Front Yard Depth or Setback.

1. 50 feet for buildings. A minimum of 20 feet of green space between the street right of way and any parking.
2. 30 feet for gasoline fuel pumps, and at least 10 feet of green space between the street right of way and pump access pavement.
3. In the case of a corner lot, all buildings shall comply with the front yard setbacks from the right of way of the primary street (street of property address). All such buildings shall be allowed a 30' setback from the right of way of the secondary street.

F. Side Yards.

1. At least 12.1/2 ft. where used for residence or adjacent to any R District.
2. Commercial buildings a distance at least equal to the wall hgt.

G. Minimum Depth of Rear Yard.

1. At least 40 ft. where used for residence or adjacent to any R District.
2. Commercial buildings a distance at least equal to the wall hgt.

H. Site Plan Review regulations of Chapter 95 are required for any non-Residential use abutting any R District.

116-8.8 I Industrial

A. Permitted Uses when approved by the Town Board through the Site Plan Review regulations of Chapter 95 regardless of the building square footage.

1. Any use permitted and as regulated in any B2 District, but not including the establishment of any residences.
2. Light industrial operations conducted in an enclosed building and provided that at no time will such use result in or cause the excessive dissemination of dust, effluents, smoke, smog, radiation, observable gas, waste products fumes or odors or other atmospheric pollution, objectionable noise, glare, vibration or other objectionable environmental conditions beyond the boundaries of the lot. Such use also shall not result in or cause the hazard of fire, explosion, or other physical hazard to any adjacent building or to any plant growth on any land adjacent to the site of the use. Such uses shall include:
 - (a) Manufacture, Fabrication, Assembly, and Packaging of machinery, metal, paper, fiberglass and wood products.
 - (b) Food preparation (e.g. baking bottling, mixing and milling.)
 - (c) Warehousing of products, excluding explosive or volatile materials.
 - (d) outdoor storage of goods, products, or materials as accessory to the above listed businesses in the rear yard only.

3. Any of the following uses subject to the restrictions of #2 above and to Special Use Permit approval by the Town Board.
 - (a) Processing or canning of putrescible food products (e.g. meat, fish, or dairy products, fermented foods such as sauerkraut, vinegar, or the like.
 - (b) Smelting of ore.
 - (c) Stockyard or slaughter of animals.
 - (d) Builders supply, lumberyard or concrete plant.
 - (e) Contractors yard.
 - (f) Junkyard/Salvage yard, also subject to Chapter 72 of the Town Code.
 - (g) Crematorium.
 - (h) Brewery, Distillery
4. Adult uses when approved by the Town Bd.
5. Other uses not specifically listed as permitted uses, but similar in nature and compatible with I District uses are subject to a Special Use Permit authorized by the Town Bd.
6. Customary business accessory uses, including but not limited to parking areas and accessory structures.

B. Maximum Height.

1. Height may not exceed setback from the right of way; otherwise, no height limit for industrial or commercial buildings, except as regulated by other applicable ordinances or codes.

C. Building Size.

1. Retail- 55,000 sq. ft. maximum.
2. Manufacturing- 55,000 sq. ft. maximum.

C. Minimum Lot Size.

1. Frontage along or parallel to the street right of way- 90 feet
2. Area- 32,670 square feet(3/4 of an acre not including the right of way).

D. Front Yard Depth or Setback.

1. 50 feet for buildings. A minimum of 20 feet of green space between the street right of way and any parking.

F. Side Yards.

1. The same as any adjacent R or A District, but not less than the height of the building.
2. Landscaping and buffering between commercial buildings and Residential and Agriculture Districts shall be required in accordance with site plan review.

G. Rear Yard.

1. The same as any adjacent R District, but not less than the height of the building.
2. Landscaping and buffering between commercial buildings and Residential and Agriculture Districts shall be required in accordance with site plan review.