

**Appendix B**  
Zoning Amendment



# TOWN OF WHEATFIELD NIAGARA COUNTY

2800 Church Road  
North Tonawanda, NY 14120-1099  
Phone: (716) 694-6440 Fax: (716) 694-5419

**Kathleen M. Harrington**  
*Town Clerk  
Registrar of Vital Statistics  
Records Management Officer  
Marriage Officer*

## Town of Wheatfield

### AUTHORIZING RESOLUTION

I, Kathleen Harrington-McDonell, elected Town Clerk of The Town of Wheatfield, 2800 Church Road, North Tonawanda, NY 14120, do hereby certify that the following resolution was adopted at the regular meeting of the Town of Wheatfield held on March 25, 2013 at 7:30 pm, and is incorporated in the original minutes of said meeting and that said resolution has not been altered, amended or revoked and is in full force and effect.

Resolved:

Moved by Councilman Helwig and seconded by Councilman to adopt Local Law 4-2013, concerning an amendment to the Town's Zoning code to provide for specific regulations in the Town's LWRP District.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Kathleen M. Harrington-McDonell  
Town Clerk

Seal of Municipality

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Wheatfield

Local Law No. 4-2013 of the year 2013

A local law amendment to Town's Zoning code to provide for specific regulations in the Town's LWRP  
(Insert Title)  
District.

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Wheatfield as follows:

see attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 4-2013 of 2013 of the ~~(County)(City)~~(Town)(Village) of Wheatfield was duly passed by the Town Board on March 25, 2013, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted ~~(Name of Legislative Body)~~ (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. ~~(Name of Legislative Body)~~ (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

*Kathleen Harrington-McDonnell*  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 04-16-2013

(Seal)

**§ 200-13.2 R-W Residential Waterfront District.**

A. Permitted principal uses. The permitted principal uses shall be as follows:

- (1) Uses as permitted in the R-1 District.
- (2) Two-family dwellings.

B. Permitted accessory uses. Permitted accessory uses shall be as permitted in the R-1 District.

C. Uses permitted upon issuance of a special use permit. The following uses shall be permitted upon issuance of a special use permit.

- (1) Golf courses.
- (2) Buildings for parks, recreation, clubs and fraternal organizations.
- (3) Nursing homes.

D. Minimum lot area and width.

(1) Minimum lot area for single-family and two-family dwellings.

- (a) Area for existing lots of record: 10,000 square feet.
- (b) Area for the creation of new lots: 20,000 square feet.

(2) Minimum lot width.

- (a) Interior lot width for existing lots of record: 50 feet.
- (b) Corner lot width for existing lots of record: 50 feet.
- (c) Interior lot width for the creation of new lots: 100 feet
- (d) Corner lot width for the creation of new lots: 100 feet

(3) Cluster provisions: as set forth in Article VI.

E. Minimum yards. For minimum yards, the following shall apply:

- (1) Front: 40 feet, except as provided under Article IV, § 200-23.
- (2) Side: 10 feet each.
- (3) Rear: 30 feet.

F. Buildings.

(1) Principal. For principal buildings, the following shall apply:

(a) Maximum height.

[1] Dwellings: 35 feet.

[2] Other: 40 feet.

(b) Minimum floor area per dwelling unit.

[1] One-story: 1,000 square feet.

[2] Two-story: 1,200 square feet.

(2) Accessory. For accessory buildings the following shall apply:

(a) Maximum height: 14 feet

(b) Yards and setbacks: as regulated under Article IV, § 200-21.

(3) Lot coverage. The maximum lot coverage by all buildings shall be 35%.

G. Buffers, landscaping. (reserved).

H. Site plan review. Site plan reviews shall be as set forth under the provisions of Article XII.