

**TOWN OF LEWISTON, NEW YORK
LOCAL LAW No. 2 of 2026**

A Local Law Modifying “Chapter 360 – Town of Lewiston Zoning Code”

The Town of Lewiston Town Board hereby adopts the following amendments to the Code of the Town of Lewiston, Chapter 360 – “Town of Lewiston Zoning Code” as follows:

SECTION 1: Background, Findings, and Authority.

Background & Findings. It is the legislative determination of the Town of Lewiston Town Board (“Town Board”) that Chapter 360 “Town of Lewiston Zoning Code” of the Town of Lewiston Code requires clarification and/or modification to bring said law in line with Town procedure and to authorize/restrict various parameters of future applications as they may be received and processed by the Town of Lewiston Building Department.

Authority

These amendments to the Code of the Town of Lewiston are adopted pursuant to New York State Municipal Home Rule section 10(ii)(a)(12) which authorizes the Town of Lewiston (“Lewiston” or the “Town”) to adopt and amend local laws that are not inconsistent with the State Constitution or general law and that are related to the government, protection, order, conduct, safety, health, and well-being of persons or property of the Town. In addition to the above-cited authority, these amendments are adopted pursuant to the Town’s general power to enact local laws relating to the government, protection, order, conduct, safety, health, and well-being of persons or property within a municipality granted directly to local governments by the People of the State of New York through Article IX, Sections 1(a) and 2(c) of the New York State Constitution. The law is also adopted pursuant to the supersession authority granted by New York Municipal Home Rule Law, § 10, Subdivision (1)(ii)(d)(3).

SECTION 2: Amendments to Town Code

1. “Chapter 360 – Town of Lewiston Zoning Code” is hereby amended as follows:

a. §360-6 (C) shall be replaced in its entirety by the following:

“Time limit. Any permit (including any permits issued prior to the effective date of this chapter) hereafter issued for the construction of a building shall be invalid if such construction shall not be commenced within six months of the date of the permit or if said construction is commenced but has been abandoned for a period of six months. One six-month extension/renewal may be issued by the Town. (Must reapply after this six-month extension, if construction is not started).”

b. §360-6 (H) shall be added to the Town Code as follows:

- “H. Revocation of permit. The Code Enforcement Officer may revoke a building permit if it is determined that:
1. The permit was issued in error due to incorrect, inaccurate, or incomplete information;
 2. The work being performed violates any provision of this Code;
 3. The work deviates from the approved site plans, or from conditions imposed through a special use permit, variance, or other discretionary approval granted by the Town; or
 4. Construction has not commenced within six (6) months of the permit’s issuance, unless otherwise agreed upon in writing by the Code Enforcement Officer.”

c. §360-15 (A) shall be replaced in its entirety by the following:

- “A. An applicant must obtain approvals in the following order:
1. Zoning;
 2. Special use permits.
 3. Variances approvals.
 4. Subdivision or (for planned developments) concept plan;
 5. Site plan or (for planned developments) detailed plan; and
 6. Grading and building permits.

d. §360-18 Definitions. The following definition shall be modified in the Town Code as follows:

“ACCESSORY USE OR STRUCTURE

A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building. Accessory structures are not to be located in any required front yard.”

e. §360-18 Definitions. The following definition shall be added alphabetically to the Town Code as follows:

“FORESTRY

The management and cultivation of forested land for the production of timber and other forest products, including planting, thinning, and long-term ecological management.”

f. §360-18 Definitions. The definition for “ROADSIDE STANDS FOR THE SALE OF FARM PRODUCTS shall be deleted in its entirety and replaced with the following definition:

“ROADSIDE STAND

A small, temporary, seasonal structure located on a residential property and used for the sale of produce or goods, typically grown or made by the property owner. Roadside stands are informal in nature, do not include permanent utilities or foundations, and are accessory to the primary residential use of the property.”

g. §360-28 (A)(4) shall be replaced in its entirety by the following:

“Riverside accessory uses and structures such as pools or other structures less than four feet high, and which do not obstruct views of the river, may be placed in the rear yard of a riverside lot in accordance with the regulations for placement of accessory structures and uses. Fences in rear yards shall be no more than four feet in height and constructed in a manner that allows visibility through them.”

h. §360-35 shall be replaced in its entirety by the following:

“No primary building in this district shall be erected to a height in excess of 35 feet. No accessory structure in this district shall be erected to a height in excess of 22 feet.

i. §360-44 shall be replaced in its entirety by the following:

“No primary building in this district shall be erected to a height in excess of 35 feet. No accessory structure in this district shall be erected to a height in excess of 24 feet.

j. §360-49 Uses permitted. shall be replaced in its entirety by the following:

“§360-49 Uses permitted.

Permitted uses in the R-R District shall be as follows:

- A. Agriculture including but not limited to farms, farm-related operations, animal husbandry and raising of crops, livestock and livestock products, together with all customary buildings and structures associated with such uses.
- B. Forestry and conservation uses, activities and structures.
- C. Private stables.
- D. Roadside stands for the sale of farm products on nonagricultural properties, provided that any structure be set back a minimum of 20 feet from public right-of-way and that the property owner provide at least five off-street parking spaces.
- E. One-family detached dwellings.
- F. Places of worship.
- G. Parish houses or convents.
- H. Community facilities, public parks, playgrounds and public recreational areas.
- I. Schools.
- J. Governmental buildings owned and operated by a federal, state, county or other municipal government, governmental agency or public utility.
- K. Golf courses with corresponding clubhouse.”

k. §360-53 (A) shall be replaced in its entirety by the following:

“A. The building height limit of nonagricultural structures shall not exceed 35 feet. No residential accessory building in this district shall be erected to a height in excess of 27 feet.”

l. §360-58 Building height limit. shall be replaced in its entirety by the following:

“§360-58 Building height limit.

Maximum primary building height shall be 2 1/2 stories but not exceeding 35 feet. Maximum accessory building height shall not exceed 22 feet.”

m. §360-73 Building height limit. shall be replaced in its entirety by the following:

“§360-73. Building height limit.

No building shall be erected to a height in excess of 45 feet. Accessory structures shall not exceed a height of 24 feet.”

n. §360-85 Maximum height limit. shall be replaced in its entirety by the following:

“§360-85 Maximum height limit.

The maximum height of structures shall be as follows:

- A. All principal structures: 35 feet to the peak, not to exceed two stories.
- B. All accessory building: 30 feet to the peak, not to exceed one story.”

o. §360-98 Building height. shall be replaced in its entirety by the following:

“§360-98. Building height limit.

- A. The building height shall not exceed 40 feet, excluding roof equipment not intended for human occupancy.
- B. Maximum accessory building height shall not exceed 22 feet

p. §360-111 Yards required. shall be replaced in its entirety by the following:

“§360-111 Yards Required.

- A. Side yard. There shall be a side yard along the side of every lot in an I District of not less than the height of the building nearest the side line (20 ft min setback).
- B. Rear yard. There shall be a rear yard on every lot of an I District of not less than the height of the building nearest the rear line (20 ft min setback).
- C. Front yard setback shall be a min of 40 ft and established during site plan review.

D. Residential uses in this District shall follow the RR District setback regulations.”

q. §360-120 Regulations. shall be replaced in its entirety by the following:

“§360-120 Regulations.

- A. Permitted uses shall be any use permitted in the underlying (or primary) district.
- B. All development in this district shall be required to obtain site plan approval with the specific exception of accessory structures under 600 square feet and fences which comply with this regulation.
- C. Yards required. Required yards shall be as regulated in the underlying district, except that front yards may be reduced by the Town Board in order to fit site conditions, but not to exceed 50% of that normally required.
- D. Required lot area. Required lot area shall be as regulated in the underlying district. Size of dwellings. Floor area and building height shall be as regulated in the underlying district.
- E. Site plan review.
 - 1. All proposals for development in the Riverfront Overlay District shall be accompanied by an approved site plan (as regulated under Article XX), which shall be reviewed according to its conformance with the above statements of intent. In addition to its standard requirements, the site plan shall specifically provide for the following:
 - (a) Soils: evaluate soil characteristics, including capabilities and limitations, with regard to such features as depth to bedrock, slope, soil stability, soil drainage and soil permeability.
 - (b) Geology: investigate the geological characteristics of the area and determine the effect of geological conditions on the proposed development.
 - (c) Hydrology: investigate the hydrological characteristics of the site and determine options and recommendations regarding the effect of hydrological conditions on the proposed development, with special regard to runoff, sedimentation and drainage systems.
 - (d) Erosion: establish vegetation sufficient to stabilize the soil on all disturbed areas as each stage of grading is completed in order to minimize water-runoff and soil-erosion, and comply with any stormwater pollution prevention plan submitted pursuant to §360-120D of this chapter.
[Amended 12-27-2007 by L.L. No. 3-2007]
 - 2. Required plans. The following plans, as appropriate, shall accompany the site plan:
 - (a) Erosion control plans to be utilized both during and after construction, including a stormwater pollution prevention plan (SWPPP) if required for the proposed development under Article II of Chapter 143 of the Town Code, together with the recommendation of the Stormwater Management Officer to approve, approve with modifications, or disapprove the SWPPP pursuant to §143-5B of the Town Code.
[Amended 12-27-2007 by L.L. No. 3-2007]

- (b) A plan for any proposed alterations to the natural character of the shoreline.
 - (c) The utilities plan, all utilities to be underground.
 - (d) An improved grading plan.
 - (e) A landscaping plan.
3. Required referrals. Any plans for development in the Riverfront Overlay District shall bear the comments of the Niagara County Soil and Water Conservation District or the Niagara County Soil Conservation Service prior to any Town approvals.
 4. If a stormwater pollution prevention plan (SWPPP) was submitted pursuant to §360-120 of this chapter, the proposal shall not be approved unless the proposal and SWPPP comply with the performance and design criteria and standards set forth in Article II of Chapter 143 of the Town Code.”

r. §360-126 (B) shall be replaced in its entirety by the following:

- “B. Unless otherwise provided by the Town Subdivision Law ^[1] or the provisions of this chapter, site plan review and site plan approval shall be required for the following:
- (1) Any specially permitted use in any district, except for:
 - (a) Special use permits where the site in question is already the subject of an approved site plan and no alteration of the building or site will occur.
 - (2) Any new or expanded use, or change in use, in any Business, Rural Business Rural Residential, Rural Residential Transition, Traditional Neighborhood Design, Industrial, or Overlay District, including the addition or modification of any accessory use not shown on an approved site plan, except where
 - (a) The site in question is already the subject of an approved site plan and no alteration of the building or site, or change in principal or accessory use is requested; or a 1 or 2 Family Home with associated accessory uses or
 - (b) The site in question is already the subject of an approved site plan and alteration of the building increasing the original gross floor area by less than 600 square feet is requested, and no additional site improvements (i.e., parking) are requested.
 - (3) Any use, or change in use, in any PDD or PUD District, except that such review shall be governed by the provisions of governing Planned Development Districts or PUD District rather than this article.
 - (4) Any modification in the use of non-single-residential-family-zoned property, whether or not subject to a prior site plan approval, where curb-cut and driveway locations, off-site parking, loading area, fencing, outdoor storage or landscaping will be altered.
 - (5) All new construction of multiple-family dwellings including conversions of existing buildings to multiple-family dwellings and adding dwelling units to existing multiple-family dwellings.

- (6) Any change in use or intensity of use which the Building Inspector determines will significantly impact the characteristics of the site in terms of parking, loading, access, drainage, utilities, traffic, or other environmental impact for any commercial, industrial or multi family use.
- (7) Construction of any commercial docks, piers, launching ramp or structure in the Niagara River.
- (8) Any alteration of the site or building, (1) except for alteration of the building increasing the original gross floor area by less than 600 square feet is requested, except that once cumulative changes total at least 1,000 feet a site plan modification is required, or (2) alteration impacting only the height of the structure.
- (9) Any use involving outside storage, or expansion of outdoor storage areas, or movement of outside storage areas.
- (10) Any use involving construction or alteration of parking lots, drive-in or drive-through business facilities.
- (11) Any nonresidential use in a residential district. To include Farming Operations (Animal housing structures, Slaughter houses, Agritourism, Farm Markets, etc.)

[1] Editor's Note: See Ch. 306, Subdivision of Land.

§360-185 shall be replaced in its entirety by the following.

“§360-185 Accessory Uses and Structures.

- A. All accessory uses and structures shall observe the front yard requirements applicable to principal buildings in the district; no such uses or structures shall be placed in the minimum front yard.
- B. No detached structure shall be located less than five feet from any lot line; however, if the same is located less than 100 feet from the street line, the provisions of this chapter as to side yards shall apply thereto.
- C. All accessory uses and structures in residential districts shall observe a minimum five-foot rear yard setback. In all other districts, accessory uses and structures shall observe the rear yard setback for principal uses and structures in that district.
- D. There shall be no more than two accessory buildings per lot allowed in any residential district, except for the RR District. In the RR District, this restriction only applies to lots less than five acres in size.
- E. No accessory use or structure shall be allowed unless a principal use or structure already exists on the lot.”

Chapter 236 Noise

236-2 Prohibitions

B.

(5)

Construction: operating or permitting the operation of any tools or equipment used in construction, drilling, earthmoving, excavating or demolition work between the hours of 6:00 p.m. and 7:00 a.m. the following day on weekdays and before 8am and after 5pm Saturday or at any time on Sundays or legal holidays, except for:

(a)

Emergency work.

(b)

When it is the result of the operation of any said equipment by or for any municipal agency.

§ 236-4Exceptions.

The provisions of this chapter shall not apply to:

J.

Residential domestic power tools, lawn mowers and agricultural equipment, when operated with a muffler, between the hours of 8:00 a.m. and 8:00 p.m. on weekdays and 9:00 a.m. and 8:00 p.m. on weekends and legal holidays.

K.

The noise from residential home repair activity between the hours of 8:00 a.m. and 8:00 p.m. on weekdays and 9:00 a.m. and 8:00 p.m. on weekends and legal holidays.