

Article VI - C-1 -Tourism Commercial District

§ 35 Purpose

The purpose of the C-1 District is designed to provide for the development of commercial areas within the Town to serve residents as well as provide businesses attractive to visitors in order to stimulate economic development. Site and building design of commercial uses shall incorporate elements that complement or improve the character of the surrounding area in terms of building facades, pedestrian amenities, landscaping, lighting, appropriately-scale signage, access management, etc.

Commented [JS1]: Rewrote end of first and changed up second sentence.

§ 36 Permitted Uses and Structures

The following are permitted uses in the C-1 District:

Commented [JS2]: More work needed here??

- (1) Single family dwelling
- (2) Small-scale (Tier 1) solar energy systems
- (3) Commercial-scale (Tier 2) solar energy systems

§ 37 Accessory Uses

The following are the accessory uses, building and structures permitted in the C-1 District:

- (1) Enclosed structures for storage of products, equipment, materials, merchandise or vehicles incidental or accessory to the principal use. Outdoor storage (non-retail sales) shall be screened.
- (2) Carport, garage, storage or utility shed
- (3) Signs subject to the provisions of Article XVI – Sign Restrictions.
- (4) Satellite television receiving antennas subject to the provisions of Article XXI – Supplemental Regulations.
- (5) Fences, walls and hedges subject to the provisions of Article XXI - Supplemental Regulations.
- (6) Pool house, swimming pool
- (7) Private parking garages for employee/business use

Commented [JS3]: Added this in.

For internal reference, this is from the Supplementary Regulations section:

- 1) In Commercial and Industrial Districts, accessory buildings lying wholly within a rear yard shall be a minimum of five (5) feet from side or rear lot lines, except those accessory buildings in which business operations are undertaken and may contradict the intent of the District, used for business or individual purposes the setback shall be a minimum of twenty-five (25) feet from any Residential District boundary.
- 2) In any district, the distance between the main building and the accessory building shall be a minimum of ten (10) feet.

Is the red text acceptable?

Commented [JS4]: Also added in.

§ 38 Site Plan Review

The following uses are permitted subject to site plan review as outlined in Article XII – Site plan Review:

- (1) Assisted living
- (2) Nursing home
- (3) Public Park
- (4) Public safety facility
- (5) Religious institution

- (6) Cemetery
- (7) Funeral home
- (8) Private schools (Nursery-12)
- (9) Public and semipublic facilities
- (10) Essential facility
- (11) Vehicle parking and storage facility
- (12) Hospital, medical clinic, sanitarium
- (13) Private clubs, club houses, athletic and recreational facilities, golf course
- (14) Daycare center
- (15) Greenhouse
- (16) Brewery, distillery, winery
- (17) Bar
- (18) Restaurant
- (19) Bed and breakfast, lodging house
- (20) Hotel, motel, motor court
- (21) Financial institution
- (22) General business office
- (23) General contractors
- (24) Dance, art, music, photo studio
- (25) Shopping center
- (26) General retail and personal service

Commented [JS5]: Recommend this for C-2, not C-1

Commented [JS6]: Recommend this for C-2, not C-1

Commented [JS7]: Including tasting rooms? Dining? Maybe change this to SUP?

Commented [JS8]: Dine-in only?

Commented [JS9]: Recommend this for C-2, not C-1

Commented [JS10]: Outdoor storage yards would be covered under accessory uses above, i.e. requires screening. May want to consider this one as a special use permit...in C-2 (not C-1)

Commented [JS11]: Recommend this for C-2, not C-1

§ 39 Special Use Permits

The following are special permitted uses subject to the conditions outlined in Article XIII - Special Permits:

- (1) Library
- (2) Kennels
- (3) Restaurant
- (4) Equipment sales and rental
- (5) Wholesale distribution warehouse and mini warehouse

Commented [JS12]: ??? Permitted instead?

Commented [JS13]: Add "Commercial" in front and also include grooming and related animal care (non-medical)

Commented [JS14]: This is also noted in site plan review. Don't think it belongs here.

(6) Veterinary services

Commented [JS15]: Added

§ 40 Lot, Area and Yard Requirements

The following lot requirements apply to the C-1 District:

Lot Requirements - RESIDENTIAL

Minimum Lot Frontage 120 feet

Area and Yard Requirements

All buildings intended for residential use shall comply with the area and yard requirements of the AR-1 district.

Lot Requirements – NON-RESIDENTIAL

Minimum Lot Frontage 40 feet

Area Requirements

Minimum Lot Area 4,000 square feet

Maximum Building Coverage 50%

Maximum Lot Coverage 80%

Yard Requirements

Minimum Front Yard Depth Average front yard depth of building(s) within 100 feet or 5 feet whichever is less but in no case more than one (1) foot larger than either of the front yard depths of buildings on the two adjacent lots.

Minimum Side Yard 0 feet (abutting non-residential district)
OR
Same as the minimum side yard for abutting district (if residential district)

Minimum Rear Yard 10 feet (abutting non-residential district)
OR
Same as the minimum rear yard for abutting district (if residential district)

§ 41 Buildings

The following requirements apply to buildings constructed in the C-1 District:

Maximum Building Height

Non-residential uses 40 feet

Residential uses Comply with R-2 District

Floor Area

Non-residential uses	30% FLOOR AREA RATIO MAX.
Two-story non-residential use	720 square feet
Residential uses	Comply with R-2 District

§ 42 RESERVED SEE ZONE C-1 GRAPHIC

Article VII - C-2 Highway Business District

§ 43 Purpose

The C-2 District is established to encourage uses that are primarily accommodated and orientated to the automobile. Uses in this District shall incorporate building and site design elements that complement or improve the character of the surrounding area while minimizing potential environmental impacts. Though car-oriented, uses should employ access management techniques to limit expansive parking or driveways where feasible as well as pedestrian facilities and connections.

Commented [JS16]: Added this.

§ 44 Permitted Uses and Structures

The following are permitted uses:

- (1) Single Family dwelling
- (2) Two family dwelling
- (3) Forestry, nursery, orchards
- (4) Wildlife sanctuaries
- (5) Small-scale (Tier 1) solar energy systems
- (6) Commercial-scale (Tier 2) solar energy systems

Commented [JS17]: Recommend removing

§ 45 Accessory Uses

The following are the accessory uses, building and structures permitted in the C-2 District:

Commented [JS18]: Added in – mirrored from C-1

- (1) Enclosed structures for storage of products, equipment, materials, merchandise or vehicles incidental or accessory to the principal use. Outdoor storage (non-retail sales) shall be screened.
- (2) Signs subject to the provisions of Article XVI – Sign Restrictions.
- (3) Satellite television receiving antennas subject to the provisions of Article XXI – Supplemental Regulations.
- (4) Fences, walls and hedges subject to the provisions of Article XXI - Supplemental Regulations.

- (5) Private parking garages for employee/business use **§ 46 Site Plan Review**

The following uses are permitted subject to site plan review as outlined in Article XII- Site Plan Review:

- (1) Assisted living
- (2) Nursing home
- (3) Public Park
- (4) Public safety facility
- (5) Religious institution
- (6) Cemetery
- (7) Funeral home
- (8) Private schools
- (9) Public and semi-public facilities
- (10) Essential facility
- (11) Vehicle parking and storage facility
- (12) Hospital, medical clinic, sanitarium
- (13) Private clubs, club houses, athletic and recreational facilities, golf courses
- (14) Daycare center
- (15) Veterinary hospital
- (16) Brewery, distillery, or winery
- (17) Bar
- (18) Restaurant
- (19) Bed and breakfast, lodging house
- (20) Hotel, motel, motor court
- (21) Financial institution
- (22) General business office
- (23) Contractors
- (24) Dance, art, music, photo studio
- (25) Shopping center
- (26) General retail and personal services

Commented [JS19]: Including tasting rooms? Dining? Maybe change this to SUP?

Commented [JS20]: Dine in only?

§ 47 Special Use Permits

The following are special permitted uses subject to the conditions outlined in Article XIII - Special Permits:

- (1) Library
- (2) Kennels
- (3) Restaurant with drive through or drive in service
- (4) Equipment sales, rental and service
- (5) Recreational vehicle, recreational mobile home, and boat sales
- (6) Motor vehicle service station
- (7) Automobile sales (new and used)
- (8) Lumber yards
- (9) Wholesale distribution warehouse and mini warehouse
- (10) Veterinary facilities

Commented [JS21]: ??? Permitted use?

Commented [JS22]: Add "Commercial" in front and also include grooming and related animal care (non-medical)

Commented [JS23]: Difference in this from "Restaurant" above?

Commented [JS24]: Added

§ 48 Lot, Area and Yard Requirements

The following lot requirements apply to the C-2 District:

Lot Requirements

Minimum Lot Frontage 50 feet

Area Requirements

Minimum Lot Area 5,000 square feet

Maximum Building Coverage ????

Maximum Lot Coverage 80%

Yard Requirements

Minimum Front Yard Depth Average front yard depth of building(s) within 100 feet or 5 feet whichever is less but in no case more than 1 foot larger than either of the front yard depths on buildings on the two adjacent lots

Minimum Side Yard 0 feet (abutting non-residential district)
OR
Same as the minimum side yard for abutting district (if residential district)

Minimum Rear Yard 10 feet (abutting non-residential district)
OR
Same as the minimum rear yard for abutting district (if residential district)

Commented [JS25]: Original code was similar to the residential/non-residential differentiation that is shown in C-1. Do we want to carry that over here as well? Recommended.

Commented [JS26]: Not noted

§ 49 Buildings

Maximum Building Height

Non-residential uses	40 feet
Residential uses	Comply with R-2 District

Floor Area

Non-residential uses	30% FLOOR AREA RATIO MAX.
Two-story non-residential use	720 square feet
Residential uses	Comply with R-2 District

§ 50 RESERVED SEE ZONE C-2 GRAPHIC

Article IX- M High-Tech/Industrial District

§ 59 Purpose

This District is intended to encourage a range of industrial and high-tech businesses along with associated administrative offices primarily for heavy commercial and industrial uses. The activities of these types of businesses should not constitute a significant fire hazard, emit smoke, cause glare, create excessive noise, odor or dust or in any other way constitute a nuisance to be detrimental to neighboring properties. It is generally understood that business operations within this District may be more intensive in nature and operate at atypical hours; therefore, adequate buffering, screening, and other such measures are to be utilized to minimize environmental and aesthetic impacts in the Town of Dunkirk.

§ 60 Permitted Uses and Structures

The following are permitted uses:

- (1) Public Safety Facility
- (2) Small-scale (Tier 1) solar energy systems
- (3) Commercial-scale (Tier 2) solar energy systems

§ 61 Accessory Uses

The following are the accessory uses, building and structures permitted in the M District:

- (8) Enclosed structures for storage of products, equipment, materials, merchandise or vehicles incidental or accessory to the principal use. Outdoor storage (non-retail sales) shall be screened.
- (9) Signs subject to the provisions of Article XVI – Sign Restrictions.
- (10) Satellite television receiving antennas subject to the provisions of Article XXI – Supplemental Regulations.
- (11) Fences, walls and hedges subject to the provisions of Article XXI - Supplemental Regulations.
- (12) Private parking garages for employee/business use

Commented [JS27]: This is the data and format from the C-1 District. The draft C-2 text looks unfinished... only shows 40 feet for other structures (height) and 900 feet min floor area. Recommend copying over C-1 regs.

Commented [JS28]: Added this in to give more direction to applicants and the Board for expectations on site design. Thoughts?

Commented [JS29]: Not noted in Town revisions – to be updated

Commented [JS30]: Added this in.

For internal reference, this is from the Supplementary Regulations section:
3) In Commercial and Industrial Districts, accessory buildings lying wholly within a rear yard shall be a minimum of five (5) feet from side or rear lot lines, except those accessory buildings in which business operations are undertaken and may contradict the intent of the District, used for business or individual purposes the setback shall be a minimum of twenty-five (25) feet from any Residential District boundary.
4) In any district, the distance between the main building and the accessory building shall be a minimum of ten (10) feet.

Is the red text acceptable?

Commented [JS31]: Also added in.

§ 62 Site Plan Review

The following uses are permitted subject to site plan review as outlined in Article XII- Site Plan Review:

- (1) Public Park
- (2) Essential facility
- (3) Contractors Yards
- (4) Equipment sales, rental and service
- (5) Adult bookstore, theater, exotic dancing
- (6) Light Manufacturing
- (7) Executive or administrative offices
- (8) Laboratories and related facilities for research, experimentation, testing and product development when conducted entirely within a building
- (9) Office buildings for general purposes
- (10) Research and development and light manufacturing support by research and development.
- (11) Educational facilities
- (12) Engineering, architectural and design services

Commented [JS32]: Might be better in permitted uses?

Commented [JS33]: Might be better in permitted uses?

§ 63 Special Use Permits

The following uses are permitted only by a special use permit requiring a hearing and site plan review.

- (1) Recreational vehicle, mobile home and boat sales
- (2) Motor vehicle service station
- (3) Automobile sales; used and new
- (4) Heavy Manufacturing
- (5) Extraction of sand, gravel and other materials
- (6) Lumber Yards
- (7) Wholesale distribution, warehouse and mini warehouse
- (8) Utility-scale (Tier 3) solar energy systems
- (9) Tier 2-Utily Battery Energy Storage Systems
- (10) Computer programming and other software services

Commented [JS34]: Does not make sense here – move to permitted?

§ 64 Lot, Area and Yard Requirements

Lot Requirements

Minimum Lot Frontage 100 feet

Area Requirements

Minimum Lot Area 10,000 square feet

Maximum Lot Coverage 80%

Yard Requirements

Minimum Front Yard Depth 20 feet

Minimum Side Yard 15 feet (abutting non-residential)

Minimum Rear Yard 25 feet

Commented [JS35]: Pretty small figure – 50 feet more reasonable

Commented [JS36]: Town revisions also note “abutting residence-residence” with no numbers associated... Recommend 25 feet abutting non-residential uses or districts or 50 feet abutting residential uses or districts

§ 65 Buildings

Maximum Building Height 40 feet

Maximum Floor Area 30%

§ 66 RESERVED SEE ZONE X-X GRAPHIC

Article X- SBO - Scenic Byway Overlay District

§67 Purpose

The SBO - Scenic Byway Overlay District is intended to protect the high scenic value of the Great Lakes Seaway Trail to preserve and enhance its value and to assure the exclusion of incompatible uses. The SBO District implements the policies of the Chadwick Bay Region Comprehensive Plan and the cooperative efforts of the regional planning efforts. ALT – implements the policies of local community plans, County or regional plans, and the Great Lakes Seaway Trail Corridor Management Plan. The Seaway Trail has been identified as an important scenic and visual resource and should be protected. The SBO District is developed as a waterfront protection zone that recognizes the significance of beaches, bluffs, erosion control, shoreline protection and the overall scenic quality of the corridor.

Commented [JS37]: 1997 Plan – still pertinent? Reference the Chautauqua 20/20 Plan (2011) instead? Or at least reference the State Corridor Management Plan for the Byway, the County 20/20 Plan, and any subsequent planning documents.

§ 68 Application

This overlay applies to all properties and uses with property frontage along the Great Lakes Seaway Trail; in any underlying district where the overlay district applies, limitations and standards contained in this Article shall apply. In the event of conflicting provisions of such a combined district, the requirements of the Overlay District shall take precedence over the requirements of the underlying zone. Uses permitted in the Overlay district, must in each instance, be in compliance with those uses permitted by the applicable underlying district regulations and any other district regulations.

Commented [JS38]: Should state here where the overlay applies. Recommend the following: “This overlay applies to all properties and uses with frontage on the Great Lakes Seaway Trail.”

§ 69 Uses Permitted

All uses permitted, with the exception of single family residential, in the underlying zone are subject to the review and approval of the Town Board as required in this Chapter and will be evaluated against

regulations of this Chapter. Single family residential uses are subject to the provisions of the Development Standards of this Article.

§ 70 Corridor Standards

The following Corridor Standards shall apply:

- 1) the natural and aesthetic aspect of the site shall be retained and incorporated into all development plans;
- 2) water courses, wetlands and wildlife habitats shall be maintained and protected where feasible;
- 3) developments shall be of a design which acts to preserve scenic vistas and viewpoints and to minimize any detrimental impact to open views and vistas;
- 4) all architectural elements shall be of a design, color and material that blends and enhances the surrounding scenic viewshed and the existing architectural scheme.

§ 71 Roadway Design Standards

The following Roadway Design Standards shall apply:

- 1) streets and highways shall be designed in a manner which acts to minimize the adverse visual and physical impacts the roadway will have on the scenic corridor;
- 2) scenic turnouts shall be provided at appropriate vistas or viewpoint locations;
- 3) 3) pedestrian and bicycle trails shall be included in conformity with the Region's Comprehensive Plan and Local Waterfront Revitalization Program;
- 4) all roadways which cross major drainage courses shall be grade separated from trails and greenbelts established in conjunction with these features in such a manner as to permit unencumbered use of the trails and greenbelts;
- 5) access points and curb cuts shall be limited along the scenic highway.

§ 72 Lighting Standards

The following Lighting Standards shall apply:

- 1) lighting within the Overlay District shall adhere to the lighting regulations of the underlying zone;
- 2) all lighting shall be designed and located in a manner which does not disturb the scenic value or other public interests included within the scenic corridor.

§ 73 Utility Standards

The following Utility Standards shall apply:

- 1) where practical, all new utilities, including the linkage between main line and structures, shall be underground.

§ 74 Grading Standards

The following Grading Standards shall apply:

- 1) siting and location of roads, buildings and other structures shall be engineered to minimize grading and to retain existing landforms and characteristics in a natural state;
- 2) development projects shall be designed to utilize the natural grade rather than graded building pads;
- 3) where natural grade and cut/fill slopes meet, there shall be a gradual transition from the graded slope to the natural configuration consistent with the topography of within the area.

§ 75 Vegetation Standards

The following Vegetation Standards shall apply:

- 1) landscape plans shall attempt to incorporate existing on-site trees and shrubbery into the landscaping scheme;
- 2) erosion retardant vegetation shall be utilized on all cut/fill slopes; such vegetation should be compatible with the surrounding natural vegetation;
- 3) native plant material should be utilized to the greatest extent possible;
- 1) 4) tree species to be planted within a given corridor should be consistent with other tree species within the area.

§ 76 Signage Standards

The following Signage Standards shall apply:

- 1) all signs shall conform to the regulations of this Chapter;
- 2) all signs shall be located in a manner which does not disturb the scenic value or other public interests included within the scenic corridor.