

Article III - R-1 Single Family Residential District

§ 11 Purpose

The R-1 District is designed to provide for the development of neighborhoods that are occupied primarily by single family residences. The areas designated R-1 District will result in neighborhoods traditionally organized with single family houses fronting the street and accessory structures located in the rear yard, with the exception of the Lakefront Sub district. The Lakefront Sub district includes all properties that are located in the R-1 Zoning district and have property line adjoining the Lake Erie shoreline. Due to the distinguishing feature of the Lake Erie shoreline, the yard and area requirements for properties in the Lakefront Sub district vary from other residential properties in the R-1 district. The following regulations shall apply in all R-1 districts including the Lakefront Sub district in the Town of Dunkirk unless otherwise specified.

§ 12 Permitted Uses and Structures

The following are permitted uses:

- (1) Single family dwelling
- (2) Small-scale (Tier) 1 solar energy systems
- (3) Carport, garage, storage, or utility shed
- (4) Pool house, swimming pool (private)
- (5) Trailer (camper, boat, or utility) - not more than one when licensed and owned by occupant of premises for personal use

Commented [JS1]: Consider a separate District for these areas or rather than calling it a "sub-district," might be better just to call out special bulk regulations for properties with frontage along the Lake as is already done.

ALT: The areas designated R-1 District will result in neighborhoods traditionally organized with single family houses fronting the street and accessory structures located in the rear yard. Those lakefront properties with a property line adjoining the Lake Erie shoreline have yard and area requirements that vary from other residential properties in the R-1 district in order to protect water quality, the integrity of the Lake Erie shoreline, any unique habitats that exist, and minimize potential damage to properties from severe weather and wave conditions that exist.

Commented [JS2]: Term updated per proposed solar regulations

Commented [JS3]: Moved below

Commented [JS4]: Moved below

§ 13 Accessory Uses

The following are the accessory uses, building and structures permitted in the R-1 District provided that such accessory uses and buildings shall not be constructed until the main building has been constructed:

- (1) No more than one (1) commercial vehicle over one (1) ton capacity shall be parked over night.
- (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) Outdoor storage of trailers (camper, boat, utility, etc.), cars, and other recreational vehicles shall be limited to those currently licensed/registered and owned by occupant of premises for personal use and shall be stored to the side or rear of principal buildings. Storage in front driveways shall be limited to no more than **20 days** at one time.
- (6) Personal carport/garage, storage, or utility shed

§ 14 Site Plan Review

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

- (1) Park (public)
- (2) Cemetery
- (3) Public and semipublic facilities
- (4) Essential facility
- (5) Wind energy facility (Ref: local law # 3 of 2010)
- (6) Accessory apartment (dwelling unit)
- (7) Caretakers' quarters
- (8) Home occupation

Commented [JS5]: In the draft rewrite, site plan review was numbered as 13 (following permitted uses). I kept this as it was originally as it makes more sense to have the accessory uses after permitted; however, there really is no right/wrong way to do it.

Commented [JS6]: Needs to be consistent throughout

Commented [JS7]: Definition for this should incorporate what was previously listed in the code for clarification.

Commented [JS8]: Attached vs. detached? See Eden example text.

§ 15 Special Use Permits

The following uses are allowed only by special use permit requiring a hearing by the Zoning Board of Appeals and are subject to site plan review as outlined in Article XII:

- (1) Public safety facility
- (2) Religious institution
- (3) Private clubs, clubhouses, athletic recreation facility, golf course
- (4) Bed and breakfast, lodging house

§ 16 Lot, Area and Yard Requirements

The following lot, area and yard requirements apply to **non-lakefront properties** in the R-1 District:

Lot Requirements	
Minimum Lot Frontage	120 feet
Area Requirements	
Minimum Lot Area	1 acre
Maximum Building Coverage	20%
Maximum Lot Coverage	35%
Yard Requirements	
Minimum Front Yard Depth	50 feet
Minimum Side Yard	25 feet each side (with exception of existing footprints)
Minimum Rear Yard	75 feet

Corner Lots

The minimum width of the lot at the building line parallel to the street considered to be the front street shall be one hundred twenty (120) feet. Additional yard requirements, for both yards abutting streets, shall be determined as provided in this Chapter.

The following lot, area and yard requirements apply to **lakefront properties** in the R-1 District:

Lot Requirements

Minimum Lot Frontage 120 feet

Area Requirements

Minimum Lot Area 1 acre

Maximum Building Coverage 20%

Maximum Lot Coverage 35%

Yard Requirements

Minimum Front Yard Depth 35 feet or consistent of setback of adjacent neighbors

Minimum Side Yard 25 feet each side

Minimum Rear Yard 50 feet or distance permitted by USACOE or NYSDEC

Corner Lots

The minimum width of the lot at the building line parallel to the street considered to be the front street shall be one hundred twenty (120) feet. Additional yard requirements, for both yards abutting streets, shall be determined as provided in this Chapter.

§ 17 Buildings

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

Height

Maximum Building Height 2 stories not to exceed 35 feet

Floor Area

Minimum Floor Area One Story Dwelling 900 sq. feet

Minimum Floor Area Two Story Dwelling 800 square feet main floor

Accessory Building (maximum floor area) 1200 sq. feet

§ 18 RESERVED SEE ZONE R-1 GRAPHIC

Article IV - R-2 General Residential District

§ 19 Purpose

The R-2 District is designed to provide for the development of neighborhoods that include a mixture of single, two and multi-family housing and complementary services. Limited types of commercial uses are allowed in the zone to ensure the residential character is protected and enhanced.

§ 20 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) Carport, garage, storage or utility shed
- (7) Pool house, swimming pool
- (8) Trailer (camp, boat, utility)

Commented [JS9]: Term updated per proposed solar regulations

Commented [JS10]: Moved below

§ 21 Accessory Uses

The following are the accessory uses, building and structures permitted in the R-2 District.

- (1) No more than one (1) commercial vehicle over one (1) ton capacity shall be parked overnight.
- (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) Outdoor storage of trailers (camper, boat, utility, etc.), cars, and other recreational vehicles shall be limited to those currently licensed/registered and owned by occupant of premises for personal use and shall be stored to the side or rear of principal buildings. Storage in front driveways shall be limited to no more than **20 days** at one time.
- (6) Personal carport/garage, storage, or utility shed
- (7) Pool house, swimming pool

§ 22 Site Plan Review

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

- (1) Multi-family dwelling
- (2) Townhouses, condominiums
- (3) Assisted living
- (4) Group homes
- (5) Nursing home
- (6) Park
- (7) Cemetery
- (8) Public and semi-public facilities
- (9) Essential facility
- (10) Daycare center
- (11) Greenhouse
- (12) Wind energy facility
- (13) Accessory apartment (dwelling unit)
- (14) Home occupation

Commented [JS11]: See R-1

§ 23 Special Use Permits

The following uses are allowed only by special use permit requiring a hearing and are subject to site plan review as outlined in Article XII- Site Plan Review:

- (1) Public safety facility
- (2) Religious institution
- (3) Private clubs, clubhouses, athletic recreation facility, golf course
- (4) Farm
- (5) Bed and breakfast, lodging house

Commented [JS12]: Special use permit? May be unreasonably restrictive especially if any County Ag districts exist. May be better to have this as a permitted use.

§ 24 Lot, Area and Yard Requirements

The following lot, area and yard requirements apply to the R-2 District:

Minimum Lot Frontage

Single Family	120 feet
Two-Family	120 feet
Multiple Family	70 feet

Minimum land area of a lot shall not apply to prevent the construction of a one-family dwelling on a lot existing prior to April 14, 1998 and provided it's not adjoined at the side by other unoccupied land in the same common ownership shown on

existing filed subdivision map and having an area of not less than nine thousand (9,000) square feet and a width at the front building line of not less than ninety (90) feet.

Area Requirements

Minimum Lot Area	1 acre
Maximum Building Coverage	35%
Maximum Lot Coverage	50%

Yard Requirements

Minimum Front Yard Depth	35 feet
Minimum Side Yard	25 feet
Minimum Rear Yard	25 feet

Commented [JS13]: Confirm that this applies to any property regardless of public utilities... prior code called out smaller sizes with water and/or sewer.

Corner Lots

The minimum width of the lot at the building line parallel to the street considered to be the front street shall be ninety (90) feet. Additional yard requirements, for both yards abutting streets, shall be determined as provided in this Chapter.

§ 25 Buildings

The following requirements apply to buildings constructed in the R-2 District:

Maximum Building Height

Single Family	2 stories not to exceed 35 feet
Two-Family	3 stories not to exceed 40 feet
Multiple Family	3 stories not to exceed 40 feet

Minimum Floor Area

One Story Dwelling	800 square feet
Two Story Dwelling	720 square feet main floor
Other Dwellings	500 square feet per unit
Accessory Building (maximum floor area)	1200 sq. feet

§ 26 RESERVED SEE ZONE R-2 GRAPHIC

Article VIII- CR Commercial Residential District

§51 Purpose

The purpose of the C-R District is to promote a mix of uses that include retail and service uses which are catered to and support for the use of residents and visitors. Uses within this District shall be developed in such a manner. At the same time the major goal is to protect and enhance the adjacent local neighborhood(s) community by encouraging aesthetically appealing building and site design that conforms to, rather than detracting from, adjacent buildings and uses, including pedestrian-scale features, landscaping, appropriate selection of building materials, and other such elements. Businesses Access management strategies shall be incorporated to provide with safe ingress and egress and provide facilities for pedestrians and vehicles alike - and prohibiting chaotic strip-style design and development is prohibited.

§52 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
- (7) Carport, garage, storage or utility shed
- (8) Trailer (camp, boat, utility)
- (9) Pool house, swimming pool

Commented [JS14]: Does not belong here – accessory uses

§ 53 Accessory Uses

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

Commented [JS15]: Not noted in Town revisions – to be updated

§ 54 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) Park
- (4) Public safety facility
- (5) Religious institution
- (6) Cemetery

Commented [JS16]: Recreational?

- (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
- (27) Greenhouse

§ 55 Special Permitted Uses

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

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

§ 56 Lot, Area and Yard Requirements

Lot Requirements

Minimum Lot Frontage 120 feet

Area Requirements

Minimum Lot Area 21,780 square feet (with water or sewer)

Maximum Building Coverage 35%

Maximum Lot Coverage 50%

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 25 feet (abutting residence on each side)
12.5 feet (abutting commercial on each side)

Minimum Rear Yard 25 feet (abutting commercial or residential on only one side)
25 feet

Commented [JS17]: Both building and lot coverage noted commercial and residential percentages in the Town revisions, but there were no differences in them. Is there an intention to have differing percentage for each of these uses?

Commented [JS18]: Town revisions simply note “Needs to be of average adjacent neighbor.” This text is from C-2 District and is a little more clearer.

§ 57 Buildings

Maximum Building Height

Single-family/two-story 35 feet

Two-family/three-story 40 feet

Commercial uses 40 feet

§ 58 RESERVED

SEE ZONE M-1 GRAPHIC