

Part II - Zoning Districts and Requirements

Article II - Zoning Districts Established

§ 7 Establishment of Districts

For purpose of this Chapter, the Town of Dunkirk is hereby divided into the following new classes of districts:

- R-1 Single Family Residential District
- R-2 General Residential District
- AR-1 Agriculture/General Residential District
- C-1 Tourism Commercial
- C-2 Highway Business District
- ~~CR~~ Commercial Residential
- ~~M-1~~ High-Tech/~~Industrial Business~~ District
- ~~M-2~~ Industrial District

§ 8 Zoning Map

The boundaries of the zoning districts are hereby established on a map entitled "Zoning Map of the Town of Dunkirk" which map accompanies and is hereby declared to be a part of this chapter and as amended ~~by Local Law 2-2002.~~

§ 9 District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the zoning map, the following rules shall apply:

- 1) where the designation on the zoning map indicates a boundary approximately upon a road, the center line of the road shall be construed to be the boundary;
- 2) where the designation on the zoning map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary;
- 3) distances shown on the zoning map are perpendicular distances from road center lines measured to the district boundary, which boundaries in all cases where distances are given are parallel to the road center line;
- 4) in other cases, the district boundary shall be determined by the use of the scale of the zoning map.

Where a district boundary divides a lot of record at the time such boundary is adopted, the district requirements of the greater portion of the lot will become the requirements of the entire lot.

§ 10 Contiguous Parcels

When two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, they shall be used as one lot for such use.

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.

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.

§ 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 [JS2]: Term updated per proposed solar regulations

§ 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.

Commented [JS3]: 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.

§ 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 [JS4]: Definition for this should incorporate what was previously listed in the code for clarification.

§ 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:

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

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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:

<u>Lot Requirements</u>	
<u>Minimum Lot Frontage</u>	<u>120 feet</u>
<u>Area Requirements</u>	
<u>Minimum Lot Area</u>	<u>1 acre</u>
<u>Maximum Building Coverage</u>	<u>20%</u>
<u>Maximum Lot Coverage</u>	<u>35%</u>
<u>Yard Requirements</u>	
<u>Minimum Front Yard Depth</u>	<u>35 feet or consistent of setback of adjacent neighbors</u>
<u>Minimum Side Yard</u>	<u>25 feet each side</u>
<u>Minimum Rear Yard</u>	<u>50 feet or distance permitted by USACOE or NYSDEC</u>

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.

Lot Requirements

Minimum Lot Frontage—120 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 the date of enactment and not adjoined at the side by other unoccupied land in the same ownership 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

20%

Maximum Building Coverage—35% Maximum Lot Coverage

Yard Requirements

Minimum Front Yard Depth—50 feet

Minimum Side Yard—25 feet each side

Minimum Rear Yard—75 feet

§ 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

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

Maximum Floor Area Accessory Building 600 sq. feet

§ 18 Supplemental Regulations and Exceptions

See Part III - Regulations Applying to all Districts for additional regulations applying to the R-1 District in the Town of Dunkirk.

Commented [JS5]: Unnecessary/redundant

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.

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. Lot sizes are generally smaller than the R-1 zone to accommodate the smaller housing types that are allowed in the R-2 District. Limited types of commercial uses are allowed in the zone to ensure the residential character is protected and enhanced. The following regulations shall apply in all R-2 Districts.

§ 20 Permitted Uses and Structures

The following are permitted uses:

(1) Single family dwelling

(2) Two-family dwelling

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- (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 [JS6]: Term updated per proposed solar regulations

§ 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 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;

§ 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

§ 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

§ 24 Lot, Area and Yard Requirements

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

<u>Minimum Lot Frontage</u>	
<u>Single Family</u>	<u>120 feet</u>
<u>Two-Family</u>	<u>120 feet</u>
<u>Multiple Family</u>	<u>70 feet</u>

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.

<u>Area Requirements</u>	
<u>Minimum Lot Area</u>	<u>1 acre</u>
<u>Maximum Building Coverage</u>	<u>35%</u>
<u>Maximum Lot Coverage</u>	<u>50%</u>
<u>Yard Requirements</u>	
<u>Minimum Front Yard Depth</u>	<u>35 feet</u>
<u>Minimum Side Yard</u>	<u>25 feet</u>
<u>Minimum Rear Yard</u>	<u>25 feet</u>

Commented [JS7]: 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

~~Maximum Building Height – Single Family Maximum Building Height – Two Family Maximum Building Height – Multiple Family Other Uses Floor Area~~

~~Minimum Floor Area One Story Dwelling Minimum Floor Area Two Story Dwelling Minimum Floor Area Other Dwellings Maximum Floor Area Accessory Uses~~

§ 26 Supplemental Regulations and Exceptions

~~2 stories not to exceed 35 feet~~

~~3 stories not to exceed 40 feet~~

~~5 stories or 55 feet, whichever is greater~~

~~3 stories not to exceed 40 feet~~

~~800 sq. feet~~

~~720 sq. feet main floor~~

~~500 sq. feet per unit~~

~~600 sq. feet~~

~~See Part lit – Regulations – Applying to all Districts for additional regulations applying to the R-2 District in the Town of Dunkirk.~~

SEE ZONE R-2 GRAPHIC

Commented [JS8]: Unnecessary/redundant