

ARTICLE 14

SINGLE-FAMILY RESIDENTIAL (R-1)

14.0 Purpose

The purpose of this District is to provide a single family residential development in the central area of the Village of Berlin Heights, This district is established in the recognition of the existing development in the above-noted area.

14.1 Principal Permitted Uses

In the R-1 District, no person shall hereafter use any land, building or structure and no person shall erect any building or structure except in accordance with the following provisions:

1. Single-family dwellings.
2. Publicly owned and operated schools, libraries, parks, parkways and recreation facilities.
3. Type B Family Day Care Home.
4. Accessory uses customarily incidental to the above permitted uses.

14.2 Development Standards

- a. Minimum Area: 10,000 sq. ft.
- b. Minimum frontage: 70 ft.
- c. Minimum front yard: 35 ft.
- d. Minimum side yard: 10 ft.
- e. Minimum rear yard: 20 ft.
- f. Minimum setback for corner lots: 1/2 the required front yard setback.
- g. Maximum Height: 35 ft.

14.3 Required Parking

As specified in Article 26.

14.4 Signs

As specified in Article 27.

14.5 Accessory Buildings

1. Where the accessory structure is attached to a main building, it shall be subject to and must conform to the main building.

2. Except as otherwise provided herein, no accessory building or structure, or use shall be erected or carried on in the required front yard.
3. A detached private garage, or other accessory structure may be erected and used in the interior side or rear yard provided that:
 - a. When such accessory structure is located in the rear yard, a minimum side and rear yard of three feet shall be maintained, unless the structure is 1,500 square feet or greater, then the minimum side yard and rear yard shall be twenty (20) feet.
 - b. In no case shall an accessory structure be located closer than twenty (20) feet to any street line or alley.
4. An accessory building shall be a minimum distance of ten (10) feet from any main building(s).
5. No accessory structure shall be used for human habitation.
6. No accessory structure shall be used for commercial or industrial purposes.
7. Accessory structures shall not cover more than thirty-five (35) percent of the required rear yard.
8. Accessory structures must be subordinate in area to the principal use.
9. The maximum height of any accessory structure shall be twenty (20) feet.
10. Private swimming pools, refer to Section 25.10.

14.6 Home Occupation as a Permitted Use

A home occupation shall be a permitted use if it complies with the following requirements:

1. The external appearance of the structure in which the use is conducted shall not be altered, and not more than one sign no larger than two (2) square feet shall be mounted flush to a wall of the structure.
2. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
3. There shall be no outside storage of any kind related to the use, and only commodities produced on the premises

may be sold on the premises; no display of products may be visible from the street.

4. Not more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the use.
5. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
6. No additional parking demand shall be created.
7. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.

ARTICLE 15

TWO FAMILY RESIDENTIAL DISTRICT R-2

15.0 Purpose

The R-2 District is designed to provide for a one-and-two family residential environment on relatively small lots with supporting ancillary uses in areas of the Village. The District should be adequately supported with necessary public utilities.

15.1 Principal Permitted Uses

The following provisions apply in all R-2 Districts. In an R-2 District no person shall hereafter use any building or structure except in accordance with the following provisions:

1. All uses principally permitted in an R-1 District unless otherwise provided.
2. Two-family dwellings.
3. Publicly owned and operated libraries, parks and recreation facilities.
4. Type B Family Day Care Home.
5. Accessory uses customarily incidental to the above permitted uses.

15.2 Development Standards

- a) Minimum Area: 14,000 square feet.
- b) Minimum Frontage: 80 feet.
- c) Minimum Front Yard: 35 feet.
- d) Minimum Side Yard: 10 feet.
- e) Minimum Rear Yard: 40 feet.
- f) Minimum Setback for corner lots: 1/2 of the required front yard setback.
- g) Setback on cul-de-sacs: Refer to Section 29.20.
- h) Maximum Height: 35 feet.

15.3 Required Parking

As specified in Article 26.

15.4 Signs

As specified in Article 27.

15.5 Accessory Buildings

1. Where the accessory structure is attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance

applicable to the main building.

2. Except as otherwise provided herein, no accessory building or structure, or use shall be erected or carried on in the required front yard.
3. A detached private garage, or other accessory structure may be erected and used in the interior side or rear yard provided that:
 - a. When such accessory structure is located in the rear yard, a minimum side and rear yard of three feet shall be maintained, unless the structure is 1,500 square feet or greater, then the minimum side yard and rear yard shall be twenty (20) feet.
 - b. In no case shall an accessory structure be located closer than twenty feet to any street line or alley.
4. An accessory building shall be a minimum distance of ten (10) feet from any main building(s).
5. No accessory structure shall be used for commercial habitation.
6. No accessory structure shall be used for commercial or industrial purposes.
7. Accessory structures shall not cover more than thirty-five (35) percent of the required rear yard.
8. Accessory structures must be subordinate in area to the principal use.
9. The maximum height of any accessory structure shall be twenty (20) feet.
10. Private swimming pools, refer to Section 25.10.

15.6 Home Occupation As A Permitted Use

A home occupation shall be a permitted use if it complies with the following requirements:

1. The external appearance of the structure in which the use is conducted shall not be altered, and not more than one sign no larger than two (2) square feet shall be mounted flush to a wall of the structure.
2. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
3. There shall be no outside storage of any kind related to

the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.

4. Not more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the use.
5. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
6. No additional parking demand shall be created.
7. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.

ARTICLE 16

MULTI-FAMILY RESIDENTIAL DISTRICT(R-3)

16.0 Statement of Purpose

The R-3 District is designed to provide for a multiple housing environment with townhouses and garden apartments constituting the principal type dwelling accommodations. The District should be adequately supported with necessary public utilities.

16.1 Principal Permitted Uses

In an R-3 District, no person shall hereafter use any building or structure except in accordance with the following provisions:

1. Multiple-family dwelling units, including apartments, townhouses, and rowhouses.
2. Hospitals, provided the following conditions are met:
 - a. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
 - b. The proposed site shall have at least one property line abutting a Regional, Major or Secondary Thoroughfare as shown in the Erie County Comprehensive Development Plan. All ingress and egress to the off-street parking area for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a said thoroughfare.
 - c. In the event one or more boundaries of the proposed site lies opposite or contiguous to R-1 residential district, the minimum distance between any hospital structure or accessory use in the residential district boundary shall be at least one hundred (100) feet for buildings containing two (2) stories or less. For buildings above two (2) stories, the building shall be set back from the initial one hundred (100) foot setback an additional one (1) foot for each foot of additional height above two (2) stories.
 - d. The minimum distance from any street right-of-way line shall not be less than forty (40) feet.
 - e. The minimum distance from any non-residential interior lot line shall not be less than twenty-five (25) feet.
 - f. Ambulance and delivery areas shall be obscured from all residential view with a wall at least six (6) feet in height and said wall shall be further subject to the requirements of Chapter 20, "General Provisions".
3. Housing for the elderly shall be on a site of more than

five (5) acres in area and may provide for the following:

- a. Cottage-type dwellings and/or apartment type dwelling units.
 - b. Common services containing but not limited to central dining rooms, recreational rooms, central lounge, and workshops.
 - c. All dwellings shall consist of at least three hundred and fifty (350) square feet per unit (not including kitchen and sanitary facilities).
 - d. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed thirty-five (35) per cent of the total site exclusive of any dedicated public right-of-way.
4. Convalescent and/or nursing home, not to exceed a height of two (2) stories, when the following conditions are met:
- a. The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each one (1) bed in the convalescent home, there shall be provided not less than fifteen hundred (1,500) square feet of open space. The fifteen hundred (1,500) square feet of land per bed shall provide for landscaping, off-street parking, service drives, loading space, yard requirements, and space required for accessory uses.
 - b. No building shall be closer than forty (40) feet from any property line.
5. Boarding house (rooming house).
6. Accessory buildings and uses customarily incidental to any of the above uses.

16.2 Site and Landscape Plan Review

For all uses permitted in the R-3 District, a site plan shall be submitted in accordance with the provisions of Article 24, Section 24.19.

16.3 Screening

Screening or buffering in compliance with the provisions of Article 24, Section 24.18.

16.4 Lot, Yard & Area & Building Requirements

Minimum lot area: 1 acre.
Minimum lot width: 150 feet.
Minimum side yard: 15 feet.
Minimum rear yard: 40 feet.

Maximum density) 4 units/acre.
Maximum height: 3 stories.

16.5 Required Parking

As specified in Article 26.

16.6 Signs

As specified in Article 27.

16.7 Accessory Buildings

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
2. Except as otherwise provided herein, no accessory building or structure, or use shall be erected or carried on in the front yard.
3. A detached private garage, or other accessory building may be erected and used in the interior side or rear yard provided that:
 - a. When such accessory building is located in the rear yard a minimum side and rear yard of three feet shall be maintained.
 - b. In no case shall an accessory building be located closer than twenty feet to any street line.
4. An accessory building shall be a minimum distance of ten feet from any main building(s).
5. No accessory structure shall be used for commercial or industrial purposes.
6. Private swimming pools, refer to Section 25.10.

16.8 Development Standards for Multi-Family Dwellings

Purpose

The special provisions set forth herein are intended to provide design criteria for multi-family dwellings. It is the express purpose of these provisions to establish design criteria and to provide for implementation of these provisions by the Planning Commission to review the site plan.

Design Criteria, General

It is the intent that multi-family dwellings where they are permitted shall constitute groupings making efficient

economical, comfortable and convenient use of land and open space and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.

Design Criteria, Detailed

- a) Each dwelling unit should be provided with reasonable visual and acoustical privacy. Fences, walks and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.
- b) Walks should be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities.
- c) The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.
- d) Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.
- e) Adequate recreation facilities for the residents of the project should be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.
- f) Attractive outdoor sitting areas should be provided, appropriate in size, type and number to the needs of the residents.
- g) Well-equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.
- h) All public streets located within any multi-family development shall meet the construction specifications set forth in the subdivision regulations.
- i) The Planning Commission shall act to insure that any private drives, parking areas or other vehicular ways used for common access for two (2) or more residents will be suitably paved and maintained as a condition of approval of the project.

- j) All dwelling units shall be so positioned as to assure the availability of adequate fire protection. The fire department shall adjudge the adequacy of protection.