

ARTICLE 7

GENERAL AND ANCILLARY REGULATIONS

The regulations set forth in this Article are intended to clarify, supplement, or modify the regulations set forth elsewhere in this Ordinance.

Section 7.1 Application of Regulations

The various zoning district regulations established herein are declared to be the minimum requirements necessary to carry out the purpose of this Ordinance. These regulations apply to each class or kind of structure or land, and are the minimum standards for all site clearing, development, buildings, structures, or alterations to land or structures within the jurisdiction of this Ordinance.

No part of a yard, open space, or off-street parking required in connection with any building for the purpose of complying with the regulations of this Ordinance shall be included as part or all of the required yard, open space, or off-street parking for another building or structure, except as hereinafter provided.

Section 7.2 Exceptions and Modifications

1. Setbacks - Corner Lots

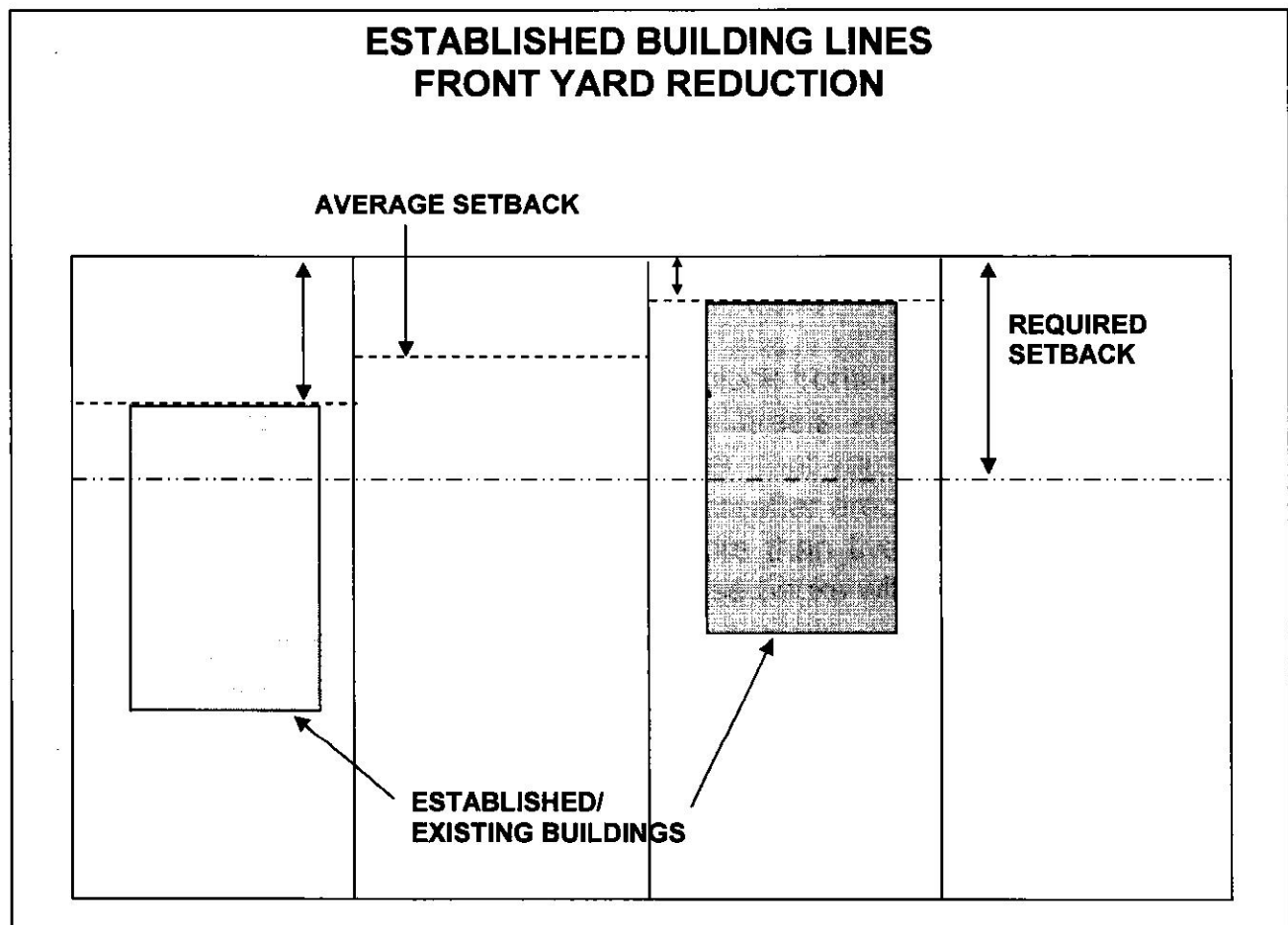
The setback from the street upon which the principal building will face shall be the minimum required front yard. The setback from the street upon which the side of the building will face shall be the minimum required front yard setback for the street upon which it is contiguous.

2. Setbacks - Through or Double Frontage Lots

Front yard setbacks for double frontage lots shall be provided for both streets upon which the lot has frontage, and any accessory use(s) shall be prohibited from the required front yard setback of the street upon which the principal building fronts.

3. Setbacks - Partially Developed Areas

Where the majority of lots in a block fronting on the same side of a street between two intersecting streets are lawfully occupied with buildings having greater or lesser front yard depth than required by these regulations, no building hereafter erected or altered shall vary in the front yard setback by more than five feet from the average depth of said existing front yard setbacks without written approval of contiguous property owners.



4. Setbacks – Multiple Buildings on Lot

Whenever more than one main building is to be located on a lot, the required yards shall be maintained around the group of buildings and buildings shall be separated by a horizontal distance that is at least equal to the height of the highest adjacent building.

5. Height

The height limitations of this Ordinance shall not apply to the following:

Belfries	Elevated water tanks
Chimneys	Ornamental towers and spires
Church spires	Public Monuments
Cupolas	Public utility poles
Domes	Smoke stacks

Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.

6. Projections

The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, window air conditioning units, and other architectural features, provided that such features shall project no more than two feet into any required yard.

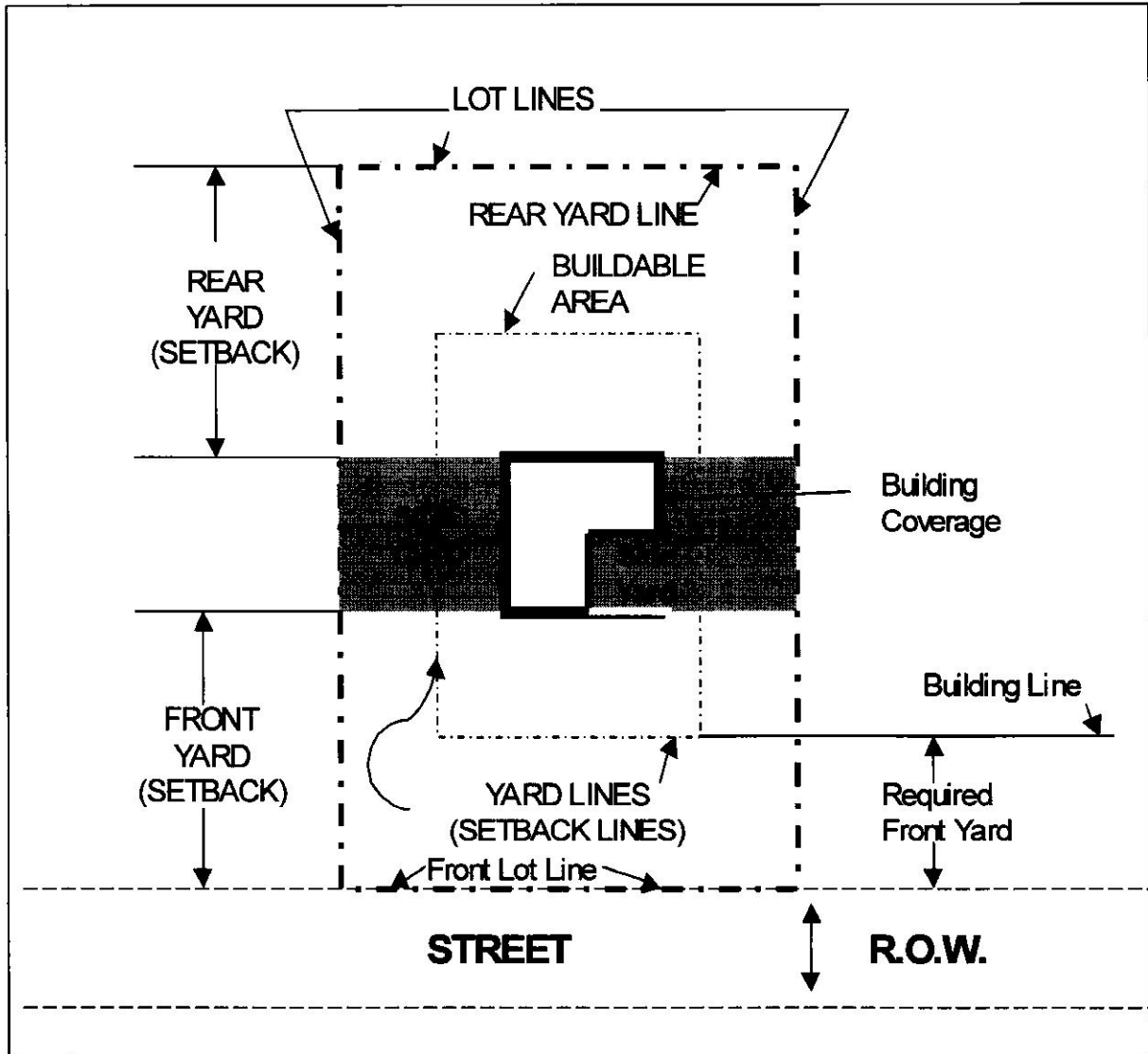
Steps and heating and cooling units may project into a required yard a distance not to exceed 5 feet but no closer than three feet of a property line.

Section 7.3 Measurements

1. Yards, Setbacks, Buildable Area

The required front, side, and rear yards for individual lots, as set forth for by Table 2 shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall

be known as the "buildable" area within which the approved structure(s) shall be placed.



2. Height

The height of a building or structure shall be measured from the base of the structure to the highest point of the building or structure.

Section 7.4 Number of Principal Buildings/Uses on a Lot

No more than one single-family dwelling, residentially designed manufactured home or duplex shall be allowed on a single lot or parcel.

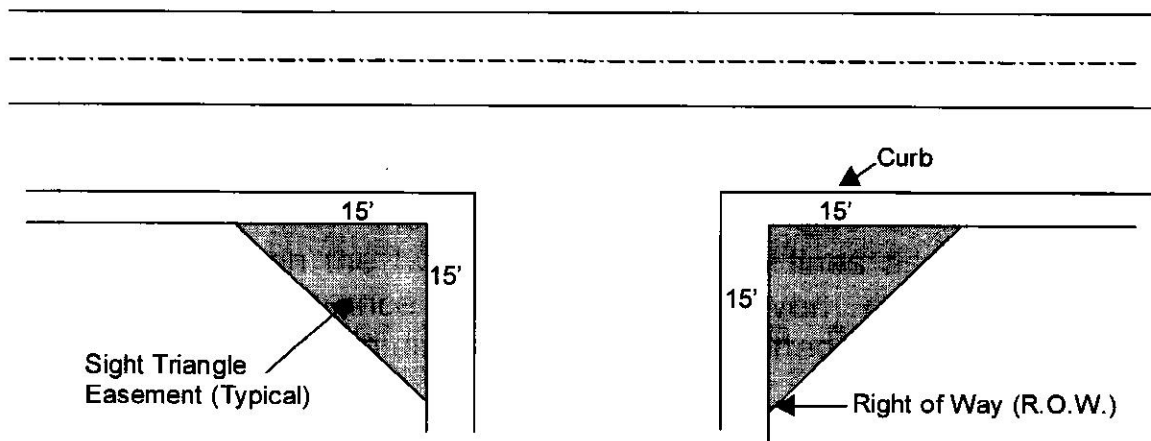
There is no limit on the number of other principal buildings or uses; provided all setback and other applicable requirements of this Ordinance are met.

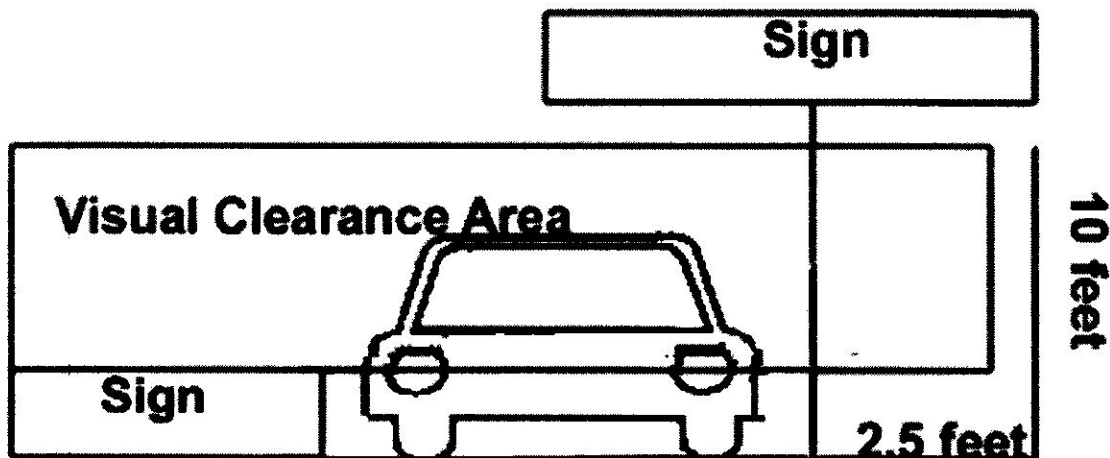
Section 7.5 Visibility at Intersections

On any corner lot in any district, no planting shall be placed or maintained and no fence, building, wall, or other structure shall be constructed at any point between a height of two and a half ($2\frac{1}{2}$) feet and ten (10) feet above the upper face of the nearest curb (or street center line if no curb exists) and within the triangular area bounded on two sides by the street right-of-way lines and on the third side by a straight line connecting points on the two street right-of-way lines as required by the following vision clearance illustrations. However, poles and support structures less than 12" in diameter may be permitted in such areas.

Vision Clearance Illustration

Sight Triangles





Section 7.6 Accessory Buildings and Uses

Section 7.6-1 Accessory Uses to Observe Required Setbacks

Unless specifically provided herein, accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.

Section 7.6-2 Requirements Applicable to All Accessory Uses

1. If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 12 feet in height.
2. No accessory building may be located in a required front yard. Where an accessory building is erected in the required rear yard on a corner lot, it shall not be located closer to any street than the required front yard distance.
3. No accessory use shall occupy any part of a buffer area.

Section 7.6-3 Requirements Applicable To Specific Accessory Uses

Requirements applicable to Specific Accessory Uses are as follows:

1. Off-Street Parking and Loading Space

Paved off-street parking and loading spaces, not to include parking structures, are permitted in all required yards and setback areas, but no closer than 5 feet to a residential property line and two feet to any other property line.

2. Free-Standing Signs

Free-standing signs are permitted in all required yards, but no closer than 5 feet of a property line.

3. Buildings, Sheds, and Structures for Dry Storage; Greenhouses

Building sheds and structures for dry storage and greenhouses may be located in rear yard setback areas only, but no closer than 3 feet to a residential property line.

4. Domestic Animal Shelters and Pens

Domestic animal shelters and pens may be located in rear yard setback areas only, but no closer than 10 feet from any side or rear residential property line.

5. Swimming Pools, Tennis Courts, Recreational Uses

These uses may be located in required rear yard and setback areas only; provided said uses shall be no closer than 10 feet to the nearest property line, and shall have all lighting shielded or directed away from adjoining residences.

6. Ground Supported Communication and Reception Antennas

These uses may be located in required rear and side yards only, but no closer than 5' to the property line, and if located in the buildable area shall not extend or be located in front of any principal building.

7. Fences and Walls

Fences and walls are allowed within required yards and setback areas, and may extend to the property line; provided that when located within a required front yard in a Residential District, fences and walls in excess of 4.0' in height must be of decorative nature and open design. A chain link fence in excess of 4.0' is prohibited in the front yard.

Section 7.4 Nonconformities

Section 7.4-1 Continuation

Nonconforming uses, buildings, or structures are declared by this Ordinance to be incompatible with permitted construction in the districts in which they are located.

However, to avoid undue hardship, the lawful use of any such use, building, or structure at the time of the enactment, amendment, or revision of this Ordinance may be continued (Grand Fathered) even though such use, building, or structure does not conform with the provisions of this Ordinance.

Section 7.4-2 Modification

A proposed change or modification of a nonconforming use shall be governed by the following:

1. Change of Nonconforming Use

If a change from one nonconforming use to another is proposed and no structural alterations are involved, the change may be permitted, provided:

- a. Nonconformity of dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking shall not be increased; and
- b. The proposed change will have little discernable impact over the existing nonconforming use.

If a change to a permitted use is proposed which is nonconforming only as to dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking, the change may be permitted, provided that all applicable requirements that can be reasonably complied with are met.

Compliance with a requirement is not reasonably possible if it cannot be achieved without adding land to the lot of the nonconforming use or moving the use if it is on a permanent foundation.

Whenever a nonconforming use of land or building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed back to a less restricted or nonconforming use.

2. Enlargement or Expansion of Nonconforming Use

Enlargement or expansion of a nonconforming building, use, or structure shall be permitted; provided such enlargement shall meet all applicable setbacks, buffer area, and off-street parking requirements for the district within which it is located.

3. Repair or alteration of Nonconforming Use, Building, or Structure

The repair or alteration of a nonconforming use shall in no way increase the nonconformity of said use, except as otherwise permitted by Subsection 2 above.

4. Replacement of Nonconforming Use

A building permit for the replacement of a nonconforming building or structure where damaged or destroyed must be initiated within 6 months of the time of the damage or destruction or forfeit the right of replacement.

Replacement if initiated within 6 months of the time of damage or destruction shall adhere to all applicable requirements of Table 2.

Replacement of a nonconforming mobile or manufactured home once removed from a lot or parcel shall be accomplished within 30 days of removal or forfeit nonconforming status, and if replaced shall not infringe on established setbacks, and shall meet in full the requirements of Section 3.4 of this Ordinance.

Section 7.4-3 Discontinuance

No building or portion thereof used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of six months, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located.

The following uses or structures shall be discontinued and/or torn down, altered or otherwise made to conform with this Ordinance within the time periods set forth below. Upon application to the Board of Zoning Appeals, the Board, either according to general rule or upon findings in a specific case, may permit not more than one extension as indicated below.

<u>Nonconformities</u>	<u>Discontinue Within</u>	<u>Extension</u>
Wrecking, junk, scrap, or salvage yards.	One Year	6 Months
Fences and hedges impeding vision At intersections.	30 Days	30 Days
Nonconforming on-site signs.	Change in Use	None

Notice shall be sent by the Zoning Administrator to the owner or operator of any nonconforming uses stating wherein they do not conform to said Ordinance and stating the date by which they must either comply or cease to exist. The date that the use must comply or cease to exist shall be measured from the date of enactment or amendment of this Ordinance and shall be observed regardless of whether notice of nonconformity is sent by the Zoning Administrator or received by the affected owner/operator.

Section 7.4-4 Lot of Record

Where the owner of a lot of record September 14, 1989, (at the time of the adoption of the town's first zoning ordinance) does not own sufficient land to meet the setback requirements of this Ordinance, such lot may nonetheless be used as a building site provided applicable setback requirements are not reduced by more than 20%. Setback reductions greater than 20% shall be referred to the Board of Zoning Appeals for consideration. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell off these lots, they must first be combined to comply with the dimensional requirements of this Ordinance.

Section 7.5 Erosion and Sediment Control

No development shall be undertaken that directly or indirectly increases the erosion of land or its potential for erosion.

(1) Existing Uncovered Areas

All uncovered areas not actively being developed on the effective date of this Ordinance, which resulted from previous land disturbing development activities, and which exceed one contiguous acre, and are causing offsite visual evidence of erosion or sedimentation, shall be provided with a ground cover or other protective measures sufficient to restrain accelerated erosion and control off-site sedimentation.

(2) Erosion Control During Construction

The developer shall take all reasonable measures to reduce soil loss and contain sediment during construction. Exposed soil shall be stabilized within one (1) month of exposure.

(3) Ground Cover Requirements

To help retain sediment generated by land-disturbing development activities within the boundaries of the development tract, the developer shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion

within thirty (30) calendar days following completion of such development.

(4) Construction of Buffer Strips

No land-disturbing activity except recreational uses with grasses and other vegetation shall be permitted in proximity to a water body unless a vegetated strip is provided along the margin of the watercourse of sufficient width to prevent sediment from leaving the site and entering the watercourse. The strip shall be inspected for approval by the Zoning Administrator.

(6) Graded Slopes and Fills

The angle for graded slopes and fills on sites meeting the requirements of this section shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed shall be stabilized sufficiently to restrain erosion within thirty (30) calendar days of completion of any phase of grading.