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Chapter 54 - ZONING
ARTICLE IV. - SUPPLEMENTARY DISTRICT REGULATIONS

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Sec. 54-349. General application.

The regulations set forth herein shall supplement or modify the regulations set forth in this chapter.

(Code 1992, § 17.40(1))

Sec. 54-350. Setbacks on federal, state and county highways.

The front yard setback requirements enumerated in this chapter are applicable to local streets and highways. Front yard setback requirements for federal, state and county trunk highways are 55 feet. Setback requirements for federal, state and county highways are subject to section 54-351.

(Code 1992, § 17.40(2))

Sec. 54-351. Lots and yards.

- (a) *More than one building on a lot.* In any district more than one building housing a principal use may be erected on a single lot, provided that yard and other requirements of these regulations shall be met for each building as though it were on an individual lot, unless otherwise specified in this chapter for planned commercial or residential developments.
- (b) *Through lots and corner lots.* On through lots or lots with double frontage, the required front yard shall be provided on each street. On corner lots, the street side yard shall equal the required front yard for lots fronting on that street.

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- (c) *Development in mapped streets.* Where an official line has been established for the future widening or opening of a street, the depth of a front yard or the width of a side yard shall be measured from such official line to the nearest line of the building.
- (d) *Access.* Every building housing a principal use hereafter erected or moved shall be on a lot with access to a public street and all such buildings shall be so located as to provide safe and convenient access for servicing and off-street parking, unless otherwise specified in this chapter.
- (e) *Building groups.* In any nonresidential district, a group of buildings separated only by common or party walls shall be considered as one building.
- (f) *Yard encroachments.* Every part of every required front and side yard shall be open and unobstructed by structures from 30 inches above the general ground level of the graded lot upward to the sky, except as hereinafter provided or as otherwise permitted in these regulations:
 - (1) Roof eaves may project into a required side yard not more than three feet where the required side yard is eight feet or more in width. Roof eaves may project into a required side yard not more than two feet where the required side yard is less than eight feet.
 - (2) Sills, belt courses, cornices, vertical solar screens and other ornamental features may project not over one foot into a required yard.
 - (3) Fire escapes, stairways and balconies, whether unroofed, open and unenclosed or enclosed, shall not intrude into required yards.
 - (4) Solar collectors which are part of the principal building may extend into a required rear yard for a distance not to exceed ten feet and solar collectors may extend into a required side yard, provided that they have a minimum seven feet clearance from grade and provided further that such extension shall be at least five feet distant from the adjacent lot line and shall not extend more than three feet from the building.
- (g) *Telephone, television, natural gas and power transmission lines.* Telephone, television, natural gas and power transmission lines may be constructed within the setback lines and additions to and replacements of existing lines may be made, provided that the utility owner first file with the county an agreement in writing that they will remove at their expense all new lines, additions and replacements constructed after the effective date of the ordinance from which this subsection is derived, when such removal is necessary for the improvement of the highway.

(Code 1992, § 17.40(3))

Sec. 54-352. Accessory uses and structures.

- (a) *Accessory building number limits.* In any residential district, in addition to the principal building, a detached garage or attached garage and one additional accessory building may be placed on a lot. No accessory building shall be built on a lot without a principal building.
- (b) *Attached accessory buildings.* All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
- (c) *Detached accessory buildings.* No detached accessory building shall occupy any portion of the required front yard and no detached accessory building shall occupy more than 30 percent of the rear yard or be located within three feet of any other accessory building, principal building or lot line.
- (d) *Accessory structures.* Notwithstanding fences, residential driveways and parking lots, unless otherwise provided by these regulations, no structure shall be located within three feet of any accessory building, principal building or lot line.

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- (e) *Fences, walls, hedges.* Ornamental fences, walls and hedges may be permitted in any required yard or along the edge of any required yard; provided, however, that in residential districts no such fence, wall or hedge shall exceed a height of 3½ feet along the sides or front edge of any front yard and no such fence, wall or hedge shall exceed a height of eight feet in any other required yard.
- (f) *Accessory parking and storage in residential districts.* Accessory parking and storage restrictions in residential districts are as follows:
 - (1) There shall be no customary storage of any sports vehicle, boat, boat trailer, utility trailer, camper or any like business or recreational vehicle in the required front yard of any residential district.
 - (2) No person shall park or store more than two unlicensed motor vehicles. No person may offer any motor vehicles for sale on a recurrent basis in any residential district.
 - (3) No person shall store in the open more than three full cords of firewood in any residential district. No firewood shall be stored in any required front yard or closer than two feet to any residential lot line.

(Code 1992, § 17.40(4); Ord. of 6-24-1997, § 17.40(4))

Sec. 54-353. Height exceptions.

The height limitations in this chapter do not apply to belfries, cupolas, antennas, water tanks, elevator bulkheads, chimneys, spires, flagpoles or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(Code 1992, § 17.40(5))

Sec. 54-354. Corner visibility.

On any corner lot in all zoning districts, no fence, wall, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of 2½ feet and ten feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining the points along such right-of-way lines 25 feet from the point of intersection.

(Code 1992, § 17.40(6))

Sec. 54-355. Signs.

- (a) *Character of signs.* Flashing signs, remains, banners, streamers and all other fluttering or spinning signs shall be prohibited, except in connection with temporary sales, cultural events or civic activities. No sign shall display flashing or intermittent lights customarily associated with danger or emergencies.
- (b) *Signs in residential districts.* No sign in a residential district shall exceed eight feet in height or produce artificial light from within.
- (c) *Signs in commercial districts.* Temporary window signs advertising a sale or special event at an individual commercial establishment shall be exempt from the sign regulations.
- (d) *Maintenance of signs.* All signs shall be maintained so as to present a neat, clean appearance. Painted areas shall be kept in good working order.

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- (e) *Location of signs.* No on-premises sign shall be located closer than ten feet to the right-of-way. If located within the setback, all signs shall have at least 12 feet of clear space, exclusive of supporting structure, for visibility purposes.

(Code 1992, § 17.40(7))

Sec. 54-356. Off-street parking.

- (a) *Requirements not specified.* Parking requirements for a use not specified shall be the same as required for a use of similar nature or sufficient off-street parking shall be provided such that no public street shall be used for parking.
- (b) *Changes in buildings or use.* Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of 25 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of 50 percent or more in the floor area, such building or use shall then comply with the parking requirements set forth in the district in which it is located.
- (c) *Mixed uses.* In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the uses computed separately.
- (d) *Joint use.* Two or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. A written agreement shall accompany any joint use arrangement.
- (e) *Off-lot parking.* Required off-street parking spaces shall be located on the same lot with the principal use or, when this requirement cannot be met, such parking spaces may be located off-lot, provided the parking spaces are located in the same district. Off-lot parking spaces must also be held in fee simple ownership by the owner of the use requiring such parking or be leased or rented through a written agreement. Off-lot parking spaces for residential uses shall be within 200 feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved, while the farthest portions of a parking lot for all other uses shall be within 300' of the entrance of the establishment.
- (f) *Off-street parking measurement.* Floor space or area shall mean the gross floor area inside exterior walls where floor space is indicated in this chapter as a basis for determining the amount of off-street parking required.
- (g) *Design standards.* Each required off-street parking space shall have a stall width of at least nine feet and a stall length of at least 18 feet. Minimum width of aisles providing access to stalls for one-way traffic shall be 11 feet for 30 degree parking and 20 feet for 90 degree parking. Minimum width of aisles providing access to stalls for two-way traffic shall be 24 feet. No parking area of more than four spaces shall be designed as to require any vehicle to back into a public street. Any parking area of more than five spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect any adjacent residential uses. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands. All parking areas shall be surfaced with a durable, dustproof surface consisting of concrete or bituminous concrete or of compacted gravel or crushed stone properly sealed and surface treated.
- (h) *Paved parking lot.* A paved parking lot shall be arranged so that no vehicles or other moveable units shall be parked closer than ten feet from the street right-of-way. A moveable unit shall include, but not be limited to, a mobile home, camping unit, snowmobile and farm equipment. In no case shall any parking be located within the limits of the vision corner.

(Code 1992, § 17.40(8))

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Sec. 54-357. Off-street loading.

(a) *Loading space requirements.* The loading space requirements specified in the following table shall apply to all districts:

Uses	Floor area (Sq. Ft.)	Loading spaces
Retail, wholesale warehouse, service, manufacturing and industrial establishments	2,000—10,000	1
	10,000—20,000	2
	20,000—40,000	3
	40,000—60,000	4
	Each additional 50,000	1
Hotels, offices, hospitals, places of public assembly	5,000—10,000	1
	10,000—50,000	2
	50,000—100,000	3
	Each additional 25,000	1
Funeral homes	2,500—4,000	1
	4,000—6,000	2
	Each additional 10,000	1

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- (b) *Multiple or mixed uses.* Where a building is devoted to more than one use or to different uses and where the floor area for each use is below the minimum required for a loading space, but the aggregate floor area of the uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.
- (c) *Location.* Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within 30 feet of the nearest point of intersection of two streets or require any vehicle to back into a public street.
- (d) *Design standards.* Each off-street loading space shall have a width of at least 12 feet, a length of at least 45 feet and a vertical clearance of at least 14 feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten feet in width, 25 feet in length and eight feet in vertical clearance. Every loading space shall be sufficiently screened in the form of a solid fence or shrubbery to protect any neighboring residence.

(Code 1992, § 17.40(9))

Sec. 54-358. Common open space.

- (a) *Exclusions.* Common open space shall not include street rights-of-way, driveways, parking areas or yards required in connection with any building.
- (b) *Buildings and structures.* Common open space areas may contain complementary buildings and structures appropriate for the recreational use and enjoyment of the residents of the development for which it was established.
- (c) *Reservation.* When common open space or any portion thereof is to be reserved for the exclusive use and enjoyment of the residents of the development from which it was established, the developer shall establish conditions as to the ownership, maintenance and use of such areas as deemed necessary to ensure preservation of its intended purposes. Land designated as common open space shall be restricted by appropriate legal instrument as open space perpetually or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successors and assigns and shall constitute a covenant running with the land and be recorded as a condition of approval.
- (d) *Maintenance.* In the event that common open space is improperly maintained, the appropriate town may serve written notice upon any property owner or association setting forth the manner in which the property owners or association has failed to maintain the common open space and demand maintenance deficiencies to be corrected within 30 days. If the deficiencies as originally set forth or subsequently modified are not corrected within 30 days, the town may enter upon such common open space and correct maintenance deficiencies. The cost of such maintenance shall be assessed ratable against the properties within the development that have the right to use the area and shall become a tax lien on such properties. The town shall file notice of any liens in the office of the town clerk.

(Code 1992, § 17.40(10))

Sec. 54-359. Landscaped buffer.

The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between and among different uses of land in proximity to each other.

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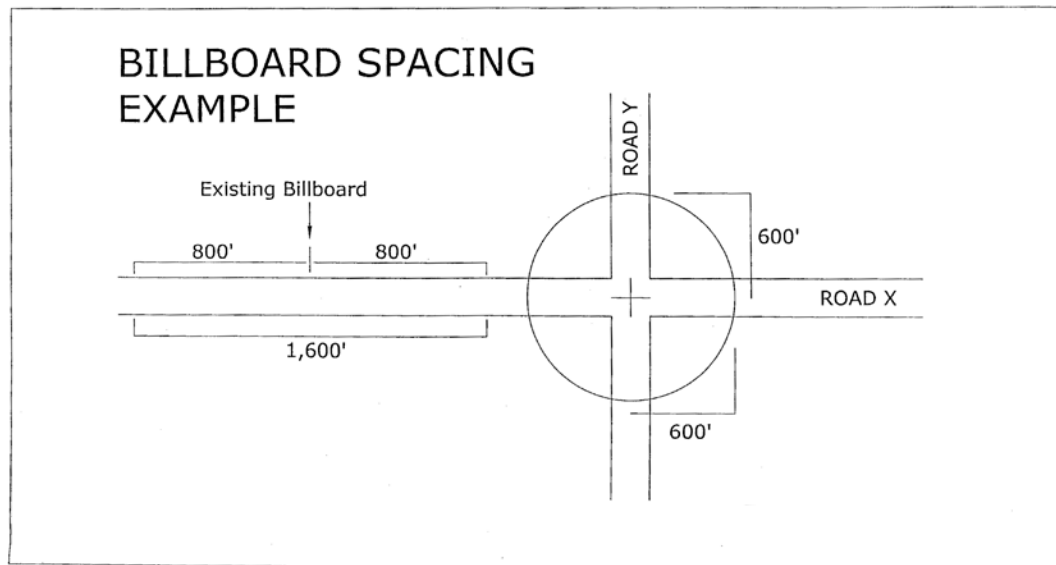
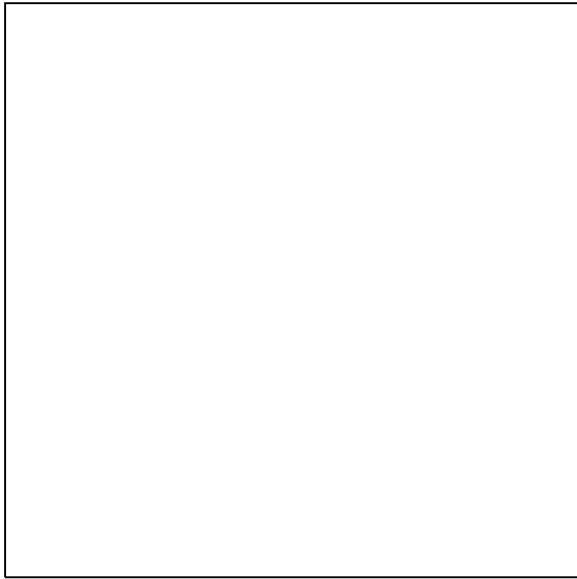
- (1) *Requirements.* Where these regulations require a landscaped buffer area, the following requirements shall be met:
 - a. The landscaped buffer area shall not be less than eight feet in width measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines.
 - b. The area shall be so designed, planted and maintained as to be 75 percent or more opaque between two feet and six feet above average ground level when viewed horizontally.
 - c. Types and numbers of plantings for landscaped buffers shall be submitted with application for a building permit or special exception, along with plans and statements demonstrating how the buffer will be maintained in the future.
 - d. Plantings shall be of a size and type which will ensure the meeting of the 75 percent opacity requirement within no longer than 12 months of the date of the first planting.
 - e. Failure to maintain the landscaped buffer area as set out in this subsection (1) of this section shall be a violation of these zone regulations.
- (2) *Substitution for landscaped buffer area.* Except when otherwise specifically provided by these regulations, a six-foot high opaque structure set in a six-foot wide landscaped buffer area may be substituted for the six-foot high planted buffer. If such opaque structure is of nonliving material, for each ten feet thereof, an average of one shrub or vine shall be planted abutting such barrier, but need not be spaced ten feet apart. Such shrubs or vines shall be planted along the outside of such barrier, unless they are of sufficient height at the time of planting to be readily visible over the top of the barrier. The remainder of the required landscaped areas shall be landscaped with grass, ground cover or other landscaping.
- (3) *Sight distance.* When an accessory intersects a public right-of-way, all landscaping shall provide unobstructed visibility at a level between 2½ feet and ten feet as provided in section 54-354. No structure of landscaping, except required grass or ground cover, shall be located closer than three feet from the edge of any access.

(Code 1992, § 17.40(11))

Sec. 54-360. Billboards.

- (a) No billboard may be erected within 800 feet of another billboard as measured along both sides of the highway or within 600 feet of the intersecting centerlines of two roadways.

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- (b) No billboard may be erected within 500 feet of an existing residential use or within 200 feet of a residential zoning district.
- (c) Maximum size of billboards shall be 700 square feet per structure, inclusive of border and trim, but exclusive of base supports or other structural members.
- (d) Roof-mounted billboards are prohibited.
- (e) Highway setback for a billboard shall be 55 feet.
- (f) The maximum height of a billboard is 50 feet, including supports, base, etc.
- (g) Billboards which are back-to-back, side-by-side, bottom-on-top and V-shaped shall be considered as one structure if they are physically contiguous and share a common structure in whole or in part.

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- (h) Billboards may be illuminated, subject to the following restrictions:
- (1) Billboards which contain, include or are illuminated by any flashing, intermittent or moving lights are prohibited, except for the purpose of giving public service information, such as time, date, temperature, weather or similar information.
 - (2) Billboards which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled portion of a highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle are prohibited.
 - (3) No billboard shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.
- (i) No billboard shall be erected on more than four steel uprights, and all newly permitted billboards shall include an apron or trim around the face of the sign. All billboards shall have no less than eight feet of under-clearance.
- (j) All new structures shall be engineered to withstand a wind load pressure of 30 lbs. per square foot. A structural blueprint with engineering specifications shall accompany the application for a special exception permit.

(Code 1992, § 17.40(12))

Secs. 54-361—54-383. Reserved.