

**ARTICLE VI
PERMITTED MODIFICATIONS**

SECTION 600 ZONE LOT REGULATIONS

A. Existing Zone Lots of Record

1. A non-conforming zone lot of official record existing at the effective date of this Law may be used for any purpose permitted in the zone district in which it is located, irrespective of its area or width, provided that the owner of which does not own any adjoining property which would create a conforming lot if all or part of said property were combined with subject zone lot and provided that the minimum area for such lot shall be twelve thousand (12,000) square feet and a minimum lot width requirement of sixty (60) feet and that all other provisions of this Law are adhered to. No lot or lots in single ownership shall hereafter be reduced so as to create one (1) or more non-conforming lots.
2. A permit for the use of pre-existing lots which are less than twelve thousand (12,000) square feet in area and less than sixty (60) feet in width may only be issued following the approval of a variance by the Board of Appeals.

SECTION 601 HEIGHT REGULATIONS

- A. The height limitations of this Law shall not apply to church spires, belfries, cupolas, domes, silos and other buildings not used for human occupancy.
- B. Chimneys, ventilators, skylights, water tanks, television and radio antenna and similar features and necessary mechanical appurtenances usually carried on and above the roof level may exceed the height limitation of this Law by not more than thirty (30) feet.
- C. The provisions of this Law shall not apply to prevent the erection of a parapet wall or cornice for ornament, which may extend above the height limits of this Law by up to five (5) feet.
- D. Public and quasi-public buildings, schools, churches and other similar permitted uses may exceed the maximum height specified for the zone district provided that the minimum front, side and rear yard setbacks are increased by two (2) feet for each one (1) foot of such additional height up

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to a maximum height of fifty (50) feet and provided that on-site fire protection facilities approved by the local fire company are installed.

- E. Exception – The height limitation set forth hereinabove shall not apply to Commercial Communication Towers, Wind Energy Towers, Meteorological Testing Towers or Wind Energy Conversion Devices or Facilities.
1. In no case will Commercial Communication Towers, Wind Energy Towers, Meteorological Testing Towers or wind Energy Conversion Devices or Facilities be greater than four hundred and fifty (450) feet in total height.
 2. In no case will a Wind Energy Device exceed one hundred and sixty-five (165) feet in total height. **LL No. 1/2007**

SECTION 602 YARD REGULATIONS

A. Side Yard Reduction

1. The width of one (1) side yard in a **Rural** Residential District may be reduced to not less than ten (10) feet, provided that the sum of widths of the two (2) side yards is not less than the required minimum, and further provided that the distance between the proposed structure and either an existing or proposed structure on an adjacent zone lot is not less than the required minimum sum of the widths of the two (2) side yards.
2. In the case of lots which comply with the provisions for modification of Section 600, the combined total side yard requirements, as specified in the Schedule, shall be reduced by six (6) inches for each foot by which a lot is less than the minimum lot width requirement specified in the Schedule for the zone in which located. In no case shall the combined side yard width be reduced to less than twenty-five (25) feet nor shall any single yard be less than ten (10) feet in width.

B. Front Yard Exception

In **Rural** Residential Districts where the frontage on the same side of the street within five hundred (500) feet of the subject is fifty (50) percent or more developed, the required front yard setback from the right-of-way line for a new

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structure may be modified to the average for such existing development. Otherwise, the requirements of the Schedule shall apply.

SECTION 603 PROJECTIONS INTO REQUIRED YARDS

Certain architectural features may project into required yards as follows:

- A. Cornices, canopies, eaves or other architectural features may project into side yards a distance not exceeding two (2) inches per (1) foot of side yard width, but may not exceed a total of three (3) feet.
- B. Fire escapes may project into side and rear yards a distance not exceeding four (4) feet, six (6) inches.
- C. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.
- D. Patios may be located in side and rear yards provided that they are not closer than ten (10) feet to any adjacent property line.

SECTION 604 SLOPES

- A. The surface slope of all surfaces of the front, side and rear yards of any building shall slope down and away from the foundation walls on a slope of not less than one (1) percent for a distance equal to at least one-half (1/2) the width or depth of the required yards.
- B. When a building is located within two hundred (200) feet of a public highway or road, the top of the foundation wall in the front of the building shall not be less than two (2) feet above the elevation of the centerline of the road fronting the premises.
- C. When unnecessary hardship or practical difficulty due to topographical conditions is proven, the Board of Appeals, without public hearing, shall vary the requirements set out above to permit reasonable use of the premises, consistent with the intent and purposes of this Local Law, provided that all surfaces of the front, side and rear yards of any building shall slope down and away from the foundation walls for a distance equal to at least one-half (1/2) of the width or depth or the required yards.