

ARTICLE V

Yard and Setback Regulations

1. General requirements.

No principal structure shall be located any closer to any street or property line than the required minimum setback as set forth in Article IV, Section 2 and the accompanying Bulk Table, or the established setback, if such exists.

Accessory structures and uses may be permitted within the required setback other than the front setback but not within any required yard, unless specifically authorized in this Article. Driveways, sidewalks, underground utility structures and underground drainage structures may be permitted within any setback and within the front yard provided such utility and drainage structures are completely underground and not visible on the surface of the ground. Parking shall not be permitted in any required yard except on an approved residential driveway. (Amended March 18, 2004)

2. Front yard and setback exceptions.

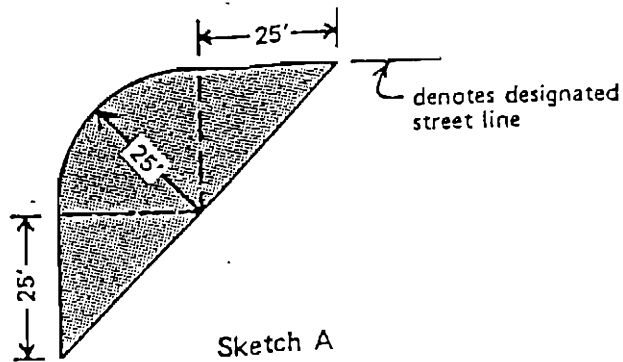
A. The Planning Board may permit the following accessory structures in the LO and PI Districts within a required front yard:

- (1) Gatehouse
- (2) Reception office
- (3) Watchman's post

B. The Planning Board may permit a garage accessory to a residence to be located within the front yard or setback where, due to topographic conditions, there would be practical difficulties in constructing a safe and convenient drive from the street; provided, however, that such garage shall not adversely affect the future use and development of adjacent properties.

C. At the intersection of two streets, no shrubbery, hedge or other natural growth, fence or wall over three (3) feet higher than the apex at the center line of the street shall be located within the triangular area shown shaded in Sketch A below nor shall any such shrubbery, hedge or other natural growth, fence, or wall be permitted which shall obstruct vision or line of sight regardless of height, nor shall the limbs or foliage of any tree obstruct vision or line of sight or be permitted to grow nearer to the ground than eight (8) feet, where such limbs or foliage overhang or are over or upon land within the triangular area as shown

in Sketch A.



3. Side and rear yard exceptions.

- A. An unroofed terrace or patio which is not more than one (1) foot above ground level or an arbor, open trellis or flagpole is permitted in a required setback. An open fire escape, deck or unroofed porch or terrace, which is more than one (1) foot above ground level, may project not more than six (6) feet into a required rear setback.

- B. An awning or movable canopy may project not more than ten (10) feet into a required setback; cornices or eaves may project not more than eighteen (18) inches into a required setback.

- C. A fence or wall not more than four (4) feet in height above average existing grade is permitted along any lot line and no more than six (6) feet in height above

average existing grade along that part of any lot line behind the required front yard. A fence or wall over the six foot height is permitted, provided that it is set back from the lot line a distance equal to two-thirds (2/3) its height. All fences shall be constructed with the outer face thereof located a minimum of one (1) foot from the property line, except that a common fence may be constructed on the property line with the written consent of both abutting owners. The finished side of the fence shall face the lot line. (Amended July 18, 2002)

- D. Accessory buildings constructed on adjacent lots with the written consent of all abutting owners may be located along the common side lot line or rear lot line, provided that the accessory building has a floor area of less than one hundred forty-four (144) square feet and an exterior height of no more than eight (8) feet.

- E. The Planning Board may modify all side and rear yard and/or setback requirements for nonresidential uses in the PO, PI and LO Districts, except where abutting a residential district. All such uses shall conform to

the buffer requirements of this local law. In the case of a planned building development in a PI or LO District, which development is intended or designed to be served by means of an industrial service road, the Planning Board may also modify the lot area, lot width, front yard, street frontage and all setback requirements but to an extent no greater than fifty percent (50%) of the minimum requirements. In such instances, the following requirements shall apply:

- (1) The front yard and setback depth shall be established from a street line designated as such on an approved site development plan or subdivision plat.
- (2) Buildings shall be so located and arranged that all have adequate access for emergency vehicles.
- (3) Restrictive covenants may be imposed on the site based on the approved site development plan or subdivision plat enforceable by all tenants, owners or lessees of such development.

4. Measurement of front yards and setbacks.

All required front yard and front setback depths shall be measured from the designated street line, front lot line or

existing street line, whichever is a greater distance from the center line of the public street abutting the lot in question. Where lots are subdivided on other than a public street, the designated street line, for purposes of front yard and setback measurement, shall be parallel to and twenty-five (25) feet distant from the center line of any access easement or right-of-way.

5. Corner lots.

A front yard and front setback shall be required on a corner lot from each street line. There shall be designated on the site plan or subdivision plat which of the remaining yards or setbacks shall be the side and rear yard or setback, respectively.