

**Sec. 42-2. Definitions and rules of construction.**

(a) *Rules of construction.* The following rules of construction apply to this chapter:

- (1) Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation at which the distance is specified.
- (2) The term "building" includes the term "structures."
- (3) The term "lot" includes the terms "plot" and "parcel."
- (4) The term "used" shall be deemed also to include the term "erected," "reconstructed," "altered," "placed" or "moved."
- (5) The terms "land use" and "use of land" shall be deemed also to include the terms "building use" and "use of building."

(b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Height of building.* In all zoning districts, the building height shall be calculated as the vertical distance measured from the average elevation of the finished grade adjoining the building at the front wall only to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between the highest eaves and the highest ridge of gambrel, hip and gable roofs.

**Sec. 42-233. CRA-1 Commercial and Residential Annexation District.**

(d) *Lot requirements.*

- (1) Size: 12,000 square feet minimum, exclusive of floodplain and wetlands.
- (2) Width: The minimum lot width measured at the front setback line shall be 80 feet.
- (3) Front yard: Main structures shall be located not less than 25 feet nor more than 40 feet from any street right-of-way, provided that the maximum setback requirement shall not apply to fire, rescue and police stations. Detached private garages shall be setback at least 20 feet from the building line of the main structure.
- (4) Side yards: The minimum total width of the side yards for each main structure shall be 25 feet, with a minimum setback of ten feet. Accessory structures not exceeding 15 feet in height may be located not less than five feet from a side or rear property line.
- (5) Rear yard: Main structures shall have a minimum rear setback of 25 feet. Accessory structures not exceeding 15 feet in height may be located not less than five feet from a side or rear property line.
- (6) Modifications of required yards: Building restriction lines, setbacks and yard requirements may be reduced by the town council in conjunction with a conditional use permit. Such application shall specifically outline the lot size, lot width and yard standards and define the need. Permitted uses, conditionally permitted uses and maximum lot yield or maximum residential density shall not be modified by this provision.
- (7) Length/width ratio: 3.0:1 maximum.

- (8) Minimum open space area: A minimum of 45 percent of the site area shall be provided in open space. For the purpose of calculations, net site area shall be determined as the total site area exclusive of public road dedications, private access easements and alleyways, floodplains, slopes greater than 25 percent and wetlands. Additional open space shall be provided in a sufficient amount that the maximum lot yield or maximum residential density is not exceeded based on the overall area of the parcel(s) to be subdivided or developed, excluding floodplains, public roads dedications and private access and alleyway easements, slopes greater than 25 percent and jurisdictional wetlands. Open space shall be preserved by means of a permanent open space easement or similar legal instrument acceptable to the town council.
- (9) Lot coverage: Lot coverage by all buildings on a lot shall not exceed 30 percent of the total lot area.
- (10) Building height: 35 feet maximum for all main buildings and structures, including buildings and structures accessory thereto. No accessory structure shall exceed the height of the principal structure.
- (11) Maximum lot yield: For any residential subdivision or development involving the construction of single-family detached dwellings, the maximum lot yield within the CRA-1 District shall be one (1) dwelling unit per five (5) acres.

**Sec. 42-234. R-1 Residential District.**

(d) *Lot requirements.*

- (1) Size: 8,000 square feet, minimum, exclusive of floodplain and wetlands.
- (2) Width: The minimum lot width measured at the front setback line shall be 60 feet.
- (3) Front yard: Structures shall be located not less than 20 feet nor more than 40 feet from any street right-of-way. Detached private garages shall be setback at least 20 feet from the building line of the main structure.
- (4) Side yards: The minimum total width of the side yards for the main structure shall be 20 feet, with a minimum side setback of eight feet. Accessory structures not exceeding 15 feet in height may be located not less than five feet from a side or rear property line.
- (5) Rear yard: main structures shall have a minimum rear setback of 25 feet. Accessory structures not exceeding 15 feet in height may be located not less than five feet from a side or rear property line.
- (6) Length/width ratio: 3.0:1 maximum.
- (7) Building height: 35 feet maximum for single-family detached dwellings; 30 feet maximum for all other buildings and structures. No accessory structure shall exceed the height of the principal structure.
- (8) Minimum open space area: A minimum of 35 percent of the net site area shall be provided as open space for all development projects creating more than 20 lots. For the purpose of open space calculations, net site area shall be determined as the total site area exclusive of public road dedications, private access easements and alleyways, floodplain, slopes greater than 25 percent and wetlands.

- (9) Lot coverage: The lot coverage by all buildings on a lot shall not exceed 35 percent of the total lot area.
- (10) Modification of minimum lot size, width and required yards: The lot size, lot width and required yards standards may be reduced by the town council in conjunction with a conditional use permit. Such application shall specifically outline the lot size, lot width and yard standards and define the need. Permitted uses, conditionally permitted uses and unit density shall not be modified by this provision.

**Sec. 42-235. R-2 Residential District.**

(d) *Lot requirements.*

- (1) Size: 7,000 square feet, minimum, exclusive of floodplain.
- (2) Width: The minimum lot width measured at the front setback line shall be 56 feet.
- (3) Front yard: Structures shall be located not less than 20 feet nor more than 40 feet from any street right-of-way. Detached private garages shall be setback at least 20 feet from the building line of the main structure.
- (4) Side yards: The minimum total width of the side yards for the main structure shall be 20 feet, with a minimum side setback of eight feet. Accessory structures not exceeding ten feet in height may be located not less than five feet from a side or rear property line.
- (5) Rear yard: Main structures shall have a minimum rear setback of 25 feet. Accessory structures not exceeding ten feet in height may be located not less than five feet from a side or rear property line.
- (6) Length/width ratio: 3.0:1 maximum.
- (7) Building height: 35 feet maximum for single-family detached dwellings; 30 feet maximum for all other buildings and structures. No accessory structure shall exceed the height of the principal structure.
- (8) Minimum open space area: A minimum of 25 percent of the net site area shall be provided as open space for all development projects creating more than 20 lots. For the purpose of open space calculations, net site area shall be determined as the total site area exclusive of public road dedications, private access easements and alleyways, floodplain, steep slopes and wetlands.
- (9) Lot coverage: Lot coverage by all buildings on a lot shall not exceed 40 percent of the total lot area.
- (10) Modification of minimum lot size, width, and required yards: The lot size, lot width and required yards standards may be reduced by the town council in conjunction with a conditional use permit. Such application shall specifically outline the lot size, lot width and yard standards and define the need. Permitted uses, conditionally permitted uses and unit density shall not be modified by this provision.

**Sec. 42-236. R-3 Residential District.**

(d) *Lot requirements.*

- (1) Size: 6,000 square feet, minimum, exclusive of floodplain and wetlands.

- (2) Width: The minimum lot width measured at the front setback line shall be 50 feet.
- (3) Front yard: Structures shall be located not less than 20 feet nor more than 40 feet from any street right-of-way. Detached private garages shall be setback at least 20 feet from the building line of the main structure.
- (4) Side yards: The minimum total width of the side yards for the main structure shall be 18 feet, with a minimum side setback of eight feet. Accessory structures not exceeding ten feet in height may be located not less than five feet from a side or rear property line.
- (5) Rear yard: Main structures shall have a minimum rear setback of 25 feet. Accessory structures not exceeding ten feet in height may be located not less than five feet from a side or rear property line.
- (6) Length/width ratio: 3.0:1 maximum.
- (7) Building height: 35 feet maximum for single-family detached dwellings; 30 feet maximum for all other buildings and structures. No accessory structure shall exceed the height of the principal structure.
- (8) Minimum open space area: A minimum of 25 percent of the net site area shall be provided as open space for all development projects creating more than 20 lots. For the purpose of open space calculations, net site area shall be determined as the total site area exclusive of public road dedications, private access easements and alleyways, floodplain, slopes in excess of 25 percent and wetlands.
- (9) Lot coverage: The lot coverage by all buildings on a lot shall not exceed 45 percent of the total lot area.
- (10) Modification of minimum lot size, width, and required yards: The lot size, lot width and required yards standards may be reduced by the town council in conjunction with a conditional use permit. Such application shall specifically outline the lot size, lot width and yard standards and define the need. Permitted uses, conditionally permitted uses and unit density may not be modified by this provision.

**Sec. 42-238. T-C Town Center Planned Development District.**

(k) *Lot requirements.*

(5) *Building requirements.*

- a. *Lot coverage.* No requirement within the town center core. Lot coverage within the town center residential area shall not exceed 40 percent of the total lot area. Lot coverage within the town center fringe area shall not exceed 50 percent of the lot area.
- b. *Building height.* Nonresidential buildings may be erected up to 35 feet in height from grade. Residential buildings may be erected up to 35 feet in height from grade except that no accessory structure shall be more than 15 feet in height without a conditional use permit.
- c. *Architectural design.* Building materials and architectural scales are encouraged to be based on historical examples in the town. German architectural design elements are encouraged.

- d. *Maximum building size by right, town center core area.* Except for governmental or other public uses, no building within the town center core shall exceed 6,500 square feet in footprint area unless permitted under subsection (k)(5)f of this section. Governmental or other public uses in the town center core may be established in a building of up to 7,500 square feet or greater with a conditional use permit pursuant to subsection (k)(5)f of this section.
- e. *Maximum building size by right, town center fringe area.* No building within the town center fringe shall exceed 7,500 square feet in footprint area except as permitted under subsection (k)(5)g of this section.
- f. *Maximum building size with a conditional use permit, town center core area.* Buildings with a footprint greater than 7,500 square feet for governmental or other public uses or 6,500 square feet for all other permitted uses. Building footprint shall not exceed 18,500 square feet for any use in the town center core.
- g. *Maximum building size with a conditional use permit, town center fringe area.* Buildings with a footprint area greater than 7,500 square feet and not more than 9,000 square feet.

**Sec. 42-239. PIDD Planned Infill Development District.**

- (j) *Building requirements generally.*
  - (1) *Lot coverage.* The lot coverage by all buildings on a lot shall not exceed 45 percent of the total lot area.
  - (2) *Building height.* 35 feet maximum for single-family detached dwellings; 30 feet maximum for all other buildings and structures, provided that no accessory structure shall exceed 15 feet in height except as approved by conditional use permit.