

## **ARTICLE VI-M - RESIDENTIAL DISTRICT R-1M<sup>46</sup>**

### **6-1M STATEMENT OF INTENT**

The R-1M residential district is intended to encourage the comprehensive preservation, protection, and enhancement of structures and streets which are of historical and architectural significance. The intent is also to allow reasonable flexibility with respect to uses within the district and reasonable flexibility with respect to new construction in the event of a catastrophic destruction of a structure of historical or architectural significance. The intent is to also allow flexibility with respect to development and/or new construction or alteration and follow good planning practices which are compatible with the existing size and character of the surrounding properties and structures in the neighborhood. The intent is also to encourage the rehabilitation and upgrading of significant structures and properties within the district and encourage their continued use rather than allowing their demolition.

### **6-2M USE REGULATIONS**

In Residential District R-1M, structures to be erected or land to be used shall be for one or more of the following uses:

6-2.1M Single-family dwellings. Dwellings shall be of conventional site-built construction or modular (industrialized building) construction with permanent conventional foundations according to the Uniform Statewide Building Code (USBC). "On-frame" modulars or "on-frame" industrialized building units are not permitted. Any on-frame modular that existed in an R-1M Residential District prior to March 10, 2008, is hereby deemed compliant.<sup>70</sup>

6-2.2M Public and semi-public uses, such as schools, churches and libraries.

- 6-2.3M Public or community operated playgrounds, parks and similar recreational facilities.
- 6-2.4M Public utilities: poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities.
- 6-2.5M Accessory buildings, structures, and/or apparatus permitted as defined; however, garages, carports or other accessory structures attached to the main building shall be considered part of the main building. No accessory building may be closer to any property line as provided hereinafter, with exception that this shall not apply to an alley line. Accessory buildings are permitted in rear yards only. The total ground area occupied by accessory buildings may not exceed twenty-five (25) percent of the rear yard area. Accessory buildings on corner lots may not be closer to the street line than the minimum side yard for a dwelling on such lots.<sup>40</sup> Satellite dish antennas larger than three (3) feet in diameter shall be considered accessory structures and shall be setback at least five (5) feet from the property line.<sup>49</sup>
- 6-2.5MA Semi-trailers which are licensed shall be permitted as defined in the Definitions section of this ordinance.<sup>57</sup>
- 6-2.5MB Shipping containers shall be permitted as defined in the Definitions section of this ordinance.<sup>57</sup>
- 6-2.6M Signs permitted under Chapter 21 of this Ordinance regulating outdoor advertising.<sup>24</sup>
- 6-2.7M Existing “accessory structures” or existing fully contained dwelling units on the same lot as a single-family dwelling may be utilized as dwellings for rental

purposes following the special exception permit process and as described in Section XVI, General Provisions, of this Zoning Ordinance if the proposed dwellings meet the criteria established herein.

Existing accessory structures to be utilized as dwellings or rental property shall conform to the following criteria:

- 1. Revisions or changes in exterior appearance shall be reviewed and approved by the Zoning Administrator and determined to be in character with the property and the surrounding neighborhood.<sup>88</sup>
- 2. On-site parking shall be provided as required herein.
- 3. Building and fire codes shall be met as determined by the building inspector and fire marshal.

6-2.8M Off-street parking as required by this ordinance.

6-2.9M Home Occupations - Internet Based as defined herein.<sup>83</sup>

6-2.10M Temporary Family Health Care Structure.<sup>100</sup>

6-3M AREA REGULATIONS

6-3.1M For residential lots containing or intended to contain a single-family dwelling. The minimum lot area shall be ten thousand (10,000) square feet.

6-4M SETBACK REGULATIONS

In the R-1M Residential District, no building shall be erected, reconstructed or altered nearer to the street line on which it faces than the average setback observed by the buildings on the same side of the street and fronting thereon, but in no case less than twenty (20) feet. The setback measurements within the same block shall be determined from the street line to the front wall of the building, provided there is no front porch, or if the front

porch does not extend beyond the front wall. If the front porch extends beyond the front wall, or if there are future plans for a front porch, the depth of such porch must be added to the setback measurements.

6-4.1M The side line of a building on a corner lot shall not be a factor in establishing the setback line.

6-4.2M Where there is no building on either side of the street, the setback shall not be less than thirty-five (35) feet provided that on a hillside street if the natural slope of the ground on either side of a street and within a block is such that the average difference in elevation between the sidewalk grade and the lot grade at the setback line provided for herein is greater than five (5) feet, the setback line shall be established at a distance back where such difference in elevation is five (5) feet, provided further that no such line shall be less than twenty (20) feet from the street line.

6-4.3M In no case shall the required setback be more than forty (40) feet.

#### 6-5M FRONTAGE REGULATIONS

For single-family dwellings, the minimum lot width at the setback line shall be ninety (90) feet.

#### 6-6M YARD REGULATIONS

6-6.1M Side--The minimum side yard shall be fifteen (15) feet, and the total width of the two required side yards shall be thirty (30) feet.<sup>7,102</sup>

6-6.2M Rear--Each main dwelling shall have a rear yard with a minimum depth of twenty-five (25) feet.

6-7M HEIGHT REGULATIONS

Buildings may be erected up to thirty-five (35) feet in height from grade except that:

6-7.1M The height limit for dwellings may be increased up to ten (10) feet provided there are two (2) side yards, each of which is fifteen (15) feet or more.

6-7.2M A public or semi-public building, such as a school or church, may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over forty-two (42) feet.

6-7.3M Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest. Television and radio aerials shall not be for commercial use and shall be for receiving only, except for amateur or ham radio aerials.<sup>49</sup>

6-7.4M Accessory buildings with an eave height of twelve (12) feet or more shall be located not less than ten (10) feet from any party lot line; accessory buildings with an eave height of eight feet six inches (8'6") but less than twelve (12) feet shall be located not less than five (5) feet from any party lot line; accessory buildings with an eave height of less than eight feet six inches (8'6") shall be located not less than three (3) feet from any party lot line; eave height is measured from the ground to the eave of the roof.<sup>32</sup>

6-8M SPECIAL PROVISIONS FOR CORNER LOTS

6-8.1M Of the two sides of a corner lot the front may be deemed to be either of the two sides fronting on streets.<sup>15</sup>

6-8.2M For subdivisions platted after the enactment of this Ordinance, each corner lot shall have a minimum width at the setback line of one hundred (100) feet or more.

6-9M SPECIAL PROVISIONS FOR RESIDENCES

6-9.1M Each residence shall have at least two (2) rooms, one of which shall be a full bath.

6-9.2M Each residence shall have a floor area, outside the walls, excluding porches, carports and terraces, of not less than one thousand four hundred (1,400) square feet.

6-9.3M Each residence shall occupy a ground area, figured to outside of foundation walls, excluding porches, carports and terraces, of not less than nine hundred (900) square feet.

6-9.4M Each residence shall be equipped with a central heating system or the equivalent capable of adequately heating all rooms.

6-9.5M Each residence shall be connected to the Town water and sewer systems.

6-9.6M Swimming pools, both semi-permanent and permanent, shall be constructed only in a rear yard.

6-9.7M No fence or wall more than fifty percent solid or more than four (4) feet high shall be erected in any front or side yard. No solid fence more than eight (8) feet high shall be erected in any rear yard. For the purposes of this section, a side yard will be deemed to extend to the rearmost portion of the main structure or dwelling. Also, the term "solid" shall mean that when the fence is viewed perpendicular to its length from one side, no break or opening may be seen. The percentage of solidity must be uniform along the length of the

fence. Fences shall not obscure sight lines on the right of way. Fences shall be set back from the right of way line or terminated so that sight lines are not obstructed.<sup>52</sup>

6-9.8M If an existing dwelling or accessory structure is nonconforming due to lot size, rear, side, or front yard dimensions, floor area of the dwelling, occupied ground area of the dwelling, size, area, or distance from the property line of an accessory structure, and if the dwelling, structure or accessory structure is destroyed by flood, fire, or act of God to 75 percent or more of its value, and if this building or accessory structure is determined to be a “certified historic structure,”<sup>55</sup> the existing building or accessory structure may be rebuilt to its original size and configuration providing that the original architectural appearance and character is replicated in the reconstruction. The Zoning Administrator shall review and approve proposed reconstructions prior to the issuance of a building permit. The Zoning Administrator will require that the architectural drawings be submitted providing proof of conformance with the original design. The conformance shall be confined to the exterior of the proposed reconstruction.<sup>88</sup>

6-9.9M Deleted.<sup>95</sup>

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