

## ARTICLE XII

### DENSITY AND DIMENSIONAL REGULATIONS

#### Section 181 Minimum Lot Size.

(a) Subject to the provisions of Sections 187 (Cluster Subdivisions) and 188 (Architecturally Integrated Subdivisions), all lots in the following zones shall have at least the amount of square footage indicated in the following table:

| <b>Zone</b> | <b>Minimum Square Feet</b>  |
|-------------|---|
| RA          | 5 Acres   |
| R-40        | 40,000 ( <i>Amended 5/12/92</i> )   |
| R-20        | 20,000  |
| R-14        | 14,000  |
| R-10        | 10,000  |
| R-5         | 5,000   |
| CD          | No Minimum  |
| CH          | 30,000 ( <i>Amended 3/99</i> )  |
| CN          | No Minimum  |
| MA          | No Minimum<br>(Except for residential uses; 20,000 sq. ft. min.)<br>(Amended 2/12/91) |
| IW          | No Minimum  |
| OS          | No Minimum  |
| SC          | 5-acres ( <i>Amended 3/99</i> )   |

(b) The minimum lot sizes set forth in this section are permissible only if and to the extent that adequate water and sewer facilities are or can be made available to serve every lot in accordance with the provisions of Article XV of this ordinance. For example, in some areas zoned R-20 that are not served by public sewer, lots may have to exceed the 20,000 square feet minimum required below in order to accommodate septic tanks. In such cases and in cases where lots of less than 15,000 square feet are proposed and such lots do not have access to sewage treatment facility or county sewer lines, the Health Department - Environmental Health Division shall review and approve proposed plans as provided in Sections 238 and 239.

#### Section 182 Residential Density.

(a) Subject to subsection (b) and the provisions of Sections 187 (Cluster Subdivisions) and 188 (Architecturally Integrated Subdivisions), every lot developed for residential purposes shall have the number of square feet per dwelling unit indicated in the following table. In determining the number of dwelling units permissible on a tract of land, fractions shall be rounded to the nearest whole number.

**Zone Minimum Square Feet**

|      |  |
|------|--|
| RA   | 5 acres  |
| R-40 | 40,000 plus 40,000 for the 2nd unit and 40,000 for each additional unit after 2 units ( <i>Amended 5/12/92</i> ) |
| R-20 | 20,000   |
| R-14 | 14,000 plus 7,000 for the 2nd unit and 3,000 for each additional unit after 2 units                              |
| R-10 | 10,000 plus 5,000 for the 2nd unit and 3,000 for each additional unit after 2 units                              |
| R-5  | 5,000 plus 2,500 for the 2nd unit and 3,000 for each additional unit after 2 units                               |
| CD   | Same as R-5  |
| CH   | Same as R-5  |
| CN   | Same as R-5  |
| MA   | Same as R-5  |
| OS   | Same as R-5  |

(b) In districts permitting two-family or multi-family dwellings, where the area of the property is such that a portion remains after full requirements have been met for other dwelling units on the same property, the following rules shall apply in determining density, and no relaxation of these rules shall be permitted by a variance. If otherwise permitted by the regulations of a district:

- (1) A total of two units shall be permitted on a lot containing area for one unit and 95% of the area for the second.
- (2) A total of three units shall be permitted on a lot containing area for two units and 90% of the area required for a third.
- (3) A total of four units shall be permitted on a lot containing area for three units and 85% of the area for a fourth.
- (4) One additional unit shall be permitted on a lot containing area for four or more units and 80% of the area required for the additional unit.

**Section 183 Minimum Lot Widths.**

(a) No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

- (1) Could be used for purposes that are permissible in that zoning district; and
- (2) Could satisfy any applicable setback requirements for that district.

(b) Without limiting the generality of the foregoing standard, the following minimum lot widths are recommended and are deemed presumptively to satisfy the standard set forth in subsection (a). The lot width shall be measured along a straight line connecting the points at which a line that demarcates the required setback from the street intersects with lot boundary lines at opposite sides of the lot.

| <b>Zone</b> | <b>Lot Width</b>   |
|-------------|--|
| RA          | 250'   |
| R-40        | 150' plus 150' for each additional unit (except on curve or cul-de-sac 75') <i>(Amended 5/12/92)</i> |
| R-20        | 100'   |
| R-14        | 90' plus 10' for each additional unit  |
| R-10        | 80' plus 20' for 2nd unit and 10' for each additional unit   |
| R-5         | 50' plus 30' for 2nd unit and 10' for each additional unit   |
| CD          | Same as R-5 for residential units  |
| CH          | 100' <i>(Amended 3/99)</i>   |
| CN          | Same as R-5 for residential units  |
| MA          | Same as R-20 <i>(Amended 2/09/93)</i>  |
| IW          | Same as R-5 for residential units  |
| OS          | Same as R-5 for residential units  |
| SC          | 200' <i>(Amended 3/99)</i>   |

(c) No lot created after the effective date of this chapter that is less than the recommended width shall be entitled to a variance from any building setback requirement.

**Section 184 Building Setback Requirements.**

(a) Subject to Sections 185 and 188 and the other provisions of this section, no portion of any building may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the table set forth below.

- (1) If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline.
- (2) As used in this section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.
- (3) As used in this section, the term "building" includes any substantial structure which, by nature of its size, scale, dimensions, bulk, or use tends to constitute a

visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:

- a. Gas pumps and overhead canopies or roofs.
- b. Fences running along lot boundaries adjacent to public street rights-of-way if such fences exceed six feet in height and are substantially opaque.

| Zone | Minimum Distance From Street Right-of-Way | Minimum Distance From Street Centerline | Minimum Distance From Lot Side Boundary Line | Minimum Distance From Rear Boundary Line |
|------|---|---|--|--|
| RA   | 30'                                       | 60'                                     | 20'  | 30'                                      |
| R-40 | 30'                                       | 60'                                     | 20'  | 30'                                      |
| R-20 | 25'                                       | 55'                                     | 12'  | 20'                                      |
| R-14 | 20'                                       | 50'                                     | 10'  | 15'                                      |
| R-10 | 15'                                       | 45'                                     | 10'  | 10'                                      |
| R-5  | 10'                                       | 40'                                     | 10'  | 10'                                      |
| CD   | --  | --                                      | --   | --                                       |
| CH   | 10'                                       | 40'                                     | 12'*   | 20'                                      |
| CN   | 10'                                       | 40'                                     | 12'  | 20'                                      |
| MA   | 15'                                       | 45'                                     | 10'  | 10'                                      |
| IW   | 40'                                       | 70'                                     | 12'  | 20'                                      |
| OS   | 15'                                       | 45'                                     | 10'  | 10'                                      |
| SC   | 10'                                       | 40'                                     | 40'*   | 40'                                      |

(Amended 08/09/2005)

- the side building setback shall be increased 12 feet for each building story over one. (Amendment 3/99)

(b) Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, then the lot in the nonresidential district shall be required to observe the property line setback requirement applicable to the adjoining residential lot.

(c) Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.).

(d) Whenever a private road that serves more than three lots or more than three dwelling units or that serves any nonresidential use tending to generate traffic equivalent to more than three dwelling units is located along a lot boundary, then:

- (1) If the lot is not also bordered by a public street, buildings and freestanding signs shall be set back from the centerline of the private road just as if such road were a public street.
- (2) If the lot is also bordered by a public street, then the setback distance on lots used for residential purposes (as set forth above in the column labeled "Minimum Distance from Lot Boundary Line") shall be measured from the inside boundary of the traveled portion of the private road.

(e) Encroachments in Required Setbacks.

(1) Encroachments Permitted in Required Setback: The following are permitted in required setbacks provided there is no interference with any sight area or utility easement:

- (a) Landscaping features, including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
- (b) At grade patios, play equipment or outdoor furniture, ornamental entry columns and gates, flag poles, lamp posts, address posts, HVAC equipment, mailboxes, outdoor fire places, public utility wires and poles, pumps or wells, and fences or retaining walls;
- (c) Handicapped ramps
- (d) Water-dependent structures

(2) Structures Permitted in Required Setbacks: The following structures may encroach into any required setback:

- (a) Cornices, steps, overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fireplaces, fire escapes, and fire balconies may project not more than two and one-half feet into any required setback, but in no case shall be closer than three feet to any property line; and
- (b) Porches and decks may encroach into the required street and rear setbacks as follows:

| <u>Porch or Deck Type</u>   | <u>Setback</u> | <u>Maximum Encroachment</u> | <u>Maximum Area</u>   |
|-----------------------------|----------------|-----------------------------|-----------------------|
| <u>Covered or Uncovered</u> | <u>Street</u>  | <u>3 feet</u>               | <u>35 square feet</u> |
| <u>Uncovered Only</u>       | <u>Rear</u>    | <u>50% of setback</u>       | <u>n/a</u>            |

(3) Canopy Projections: Gas station and convenience store pump island canopies may be located in the street setback provided that no equipment or part of a canopy is located closer than 12 feet to a street right-of-way.

(f) Easement and Right-of-Way Encroachments

(1) Utility Easements: In addition to the lines, boxes, structures, and substation buildings for which utility easements are intended, fences without foundations may be located within utility easements.

(2) Drainage Maintenance and Utility Easements: Water-related improvements such as boat docks, may be placed or constructed within drainage maintenance and utility easements with the approval of the utility provider having jurisdiction over the easement.

(3) The repair and replacement of an encroachment structure damaged by the utility provider is the responsibility of the person (s) owning the encroachment structure.

(4) Public Street Rights-of-Way: No structure or landscaping plantings may be placed within a public street right-of-way without the express approval of the public entity having jurisdiction over the right-of-way.

**Section 185 Accessory Building Setback Requirements/Maximum Lot Coverage.**

All accessory buildings in residential, commercial, and industrial districts (i.e., those established by Sections 135 through 137) must comply with the street right-of-way setbacks and side lot boundary setbacks set forth in Section 184.

(1) Where the high point of the roof or any appurtenance of an accessory building exceeds twelve feet in height, the accessory building shall be set back from rear lot boundary lines an additional two feet for every foot of height exceeding twelve feet.

(2) Side and Rear Setbacks: If the gross floor area (GFA) of the accessory structure or building is less than six hundred square feet, the structure or building (except swimming pools) may be located no less than five feet from a side or rear lot boundary line. If the GFA of the accessory structure is six hundred square feet or greater, it must meet the setback requirements of the principal building (s) as

outlined in Section 184. Above-ground and in-ground swimming pools shall comply with the setback requirements of the principal building (s) as delineated in Section 184.

- (3) Utility Easements: No accessory structure or building except utility substations and similar appurtenances shall be erected in any utility easements.
- (4) Where the high point of the roof or any appurtenance of an accessory building exceeds twelve feet in height, the accessory building shall be set back from side and rear lot boundary lines an additional two feet for every foot of height exceeding twelve feet.
- (5) The maximum lot coverage by principal and accessory structures and other impervious structures, including parking areas, drive aisles and loading zone access ways (but excluding the primary access to the parcel) shall be sixty (60) percent. *(Amended 09/26/2005)*

### **Section 186 Building Height Limitations.**

- (a) For purposes of this section:
  - (1) The height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.
  - (2) A point of access to a roof shall be the top of any parapet wall or the lowest point of a roof's surface, whichever is greater. Roofs with slopes greater than seventy-five percent are regarded as walls.
- (b) Subject to the remaining provisions of this section, building height limitations in all residential zoning districts shall be thirty-five (35) feet and fifty (50) feet in all non-residential zoning districts.
- (c) Subject to subsection (d), the following features are exempt from the district height limitations set forth in subsection (b):
  - (1) Chimneys, antennas, church spires, water tanks, elevator shafts, scenery lofts, and similar structural appendages not intended as places of occupancy or storage;
  - (2) Flagpoles and similar devices;
  - (3) Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices.
- (d) The features listed in subsection (c) are exempt from the height limitations set forth in subsection (b) if they conform to the following requirements:

- (1) Not more than one-third of the total roof area may be consumed by such features.
- (2) The features described in subdivision (c)(3) above must be set back from the edge of the roof a minimum distance of one foot for every foot by which such features extend above the roof surface of the principal building to which they are attached.
- (3) The permit issuing authority may authorize or require that parapet walls be constructed (up to a height not exceeding that of the features screened) to shield the features listed in subdivisions (c)(1) and (3) from view.

(e) Notwithstanding subsection (b), in any zoning district the vertical distance from the ground to a point of access to a roof surface of any nonresidential building or any multi-family residential building containing four or more dwelling units may not exceed thirty-five feet unless the fire chief certifies to the permit-issuing authority that such building is designed to provide adequate access for fire fighting personnel or the building inspector certifies that the building is otherwise designed or equipped to provide adequate protection against the dangers of fire.

**Section 187 Cluster Subdivisions.**

(a) In any single-family residential subdivision in the zones indicated below, a developer may create lots that are smaller than those required by Section 181 if such developer complies with the provisions of this section and if the lots so created are not smaller than the minimums set forth in the following table:

| <b>Zone</b> | <b>Minimum Square Feet</b> |
|-------------|----------------------------|
| R-20        | 15,000                     |
| R-14        | 10,000                     |
| R-10        | 7,500                      |
| R-5         | 5,000                      |

(b) The intent of this section is to authorize the developer to decrease lot sizes and leave the land "saved" by so doing as usable open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of lots required by Section 181.

(c) The amount of usable open space that must be set aside shall be determined by:

- (1) Subtracting from the standard square footage requirement set forth in Section 181 the amount of square footage of each lot that is smaller than that standard;
- (2) Adding together the results obtained in (1) for each lot.

(d) The provisions of this section may only be used if the usable open space set aside in a subdivision comprises at least 10,000 square feet of space that satisfies the definition of usable open space set forth in Section 198 and if such usable open space is otherwise in compliance with the provisions of Article XIII.

(e) The setback requirements of Sections 184 and 185 shall apply in cluster subdivisions.

### **Section 188 Architecturally Integrated Subdivisions.**

(a) In any architecturally integrated subdivision, the developer may create lots and construct buildings without regard to any minimum lot size, lot width, or setback restrictions except that:

- (1) Lot boundary setback requirements shall apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision; and
- (2) Each lot must be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this chapter.

(b) The number of dwelling units in an architecturally integrated subdivision may not exceed the maximum density authorized for the tract under Section 182.

(c) To the extent reasonably practicable, in residential subdivisions the amount of land "saved" by creating lots that are smaller than the standards set forth in Section 181 shall be set aside as usable open space.

(d) The purpose of this section is to provide flexibility, consistent with the public health and safety and without increasing overall density, to the developer who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan of development.

### **Section 189 Density on Lots Where Portion Dedicated to Town.**

(a) Subject to the other provisions of this section, if (i) any portion of a tract lies within an area designated on any officially adopted town plan as part of a proposed public park, gateway, or

bikeway, and (ii) before the tract is developed, the owner of the tract, with the concurrence of the town, dedicates to the town that portion of the tract so designated, then, when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated in accordance with the provisions of this section.

(b) If the proposed use of the remainder is a single family detached residential subdivision, then the lots in such subdivision may be reduced in accordance with the provisions of Sections 187 and 188 except that the developer need not set aside usable open space to the extent that an equivalent amount of land has previously been dedicated to the town in accordance with subsection (a).

(c) If the proposed use of the remainder is a two-family or multifamily project, then the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.

(d) If the portion of the tract that remains after dedication as provided in subsection (a) is divided in such a way that the resultant parcels are intended for future subdivision or development, then each of the resultant parcels shall be entitled to its pro rata share of the "density bonus" provided for in subsections (b) and (c).

**Sections 190 through 195 Reserved.**

