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301 APPLICABILITY

This section shall apply to all properties in all zones. Unless another provision of these Regulations expressly provides otherwise, no building or structure shall be erected, reconstructed, structurally altered, or enlarged without a Zoning Permit, nor shall any building, structure or land be used or be designed for any use other than is permitted in the zone in which such building, structure or land is located. Applications for a Zoning Permit shall be accompanied by a plot plan or site plan containing adequate information to allow the Zoning Enforcement Officer (ZEO) to determine compliance with all relevant provisions of these Regulations. The ZEO may require that such plans be certified or otherwise verified by a licensed surveyor, engineer, or other qualified professional when necessary to determine such compliance.

302 AIRCRAFT LANDING AREAS

Aircraft landing areas are not authorized as a principal use of property under these Regulations. However, a Special Permit may be issued for an aircraft landing area as an accessory use in an R80 Zoning District or any Commercial or Industrial Zoning District provided that all the applicable provisions of Chapter 13 are satisfied, and further provided:

- A. Such facilities must be located on lots containing at least 10 acres of land and shall be for the use of only the owner or lessee of the property or the guests or invitees of such owner.
- B. No compensation may be required of guests or invitees for the use of the landing area.
- C. Tie-down and maintenance accommodations shall not be made available for more than five aircraft at one time.
- D. No landing area or aircraft parking shall be closer than 100 feet to a property line.
- E. Such landing fields shall not be used for:
 - 1. the carrying of products or passengers for hire;
 - 2. student instruction;
 - 3. rental of aircraft or storage space; or
 - 4. air meets or exhibitions.

303 ALCOHOLIC BEVERAGES (SALE OF)

Alcoholic beverages of all types may be sold in packaged form at licensed package stores and retail establishments. Beer and wine may be sold in grocery stores. Except as permitted elsewhere in these Regulations, alcoholic beverages of all types may be sold in restaurants and other hospitality uses only for consumption on the premises, and only if the restaurant or other hospitality use is the primary use and the sale or consumption of alcohol an accessory use.

304 CEMETERY PRESERVATION

If, during its review of any Site Plan or Special Permit application, the Commission finds that the lot or parcel that is the subject of the application contains a burial ground, graveyard, or cemetery, the Commission may condition any approval of the application on modifying or limiting the proposed activities in a manner that will prevent disturbance of, limit inappropriate access to, or facilitate maintenance of the burial ground, graveyard or cemetery.

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305 NON-CONFORMING USES, STRUCTURES, AND LOTS

305.1 Non-conforming Uses

- A. A non-conforming use shall not be enlarged or expanded except as may be expressly allowed elsewhere in these Regulations. No non-conforming use of an existing building shall be extended to occupy land outside such building or space in another building.
- B. A non-conforming use of land shall not be moved to another part of a lot or to an adjoining lot. No non-conforming use of a building shall be moved or extended to any part of the building not manifestly arranged and designed for such use at the time the use became non-conforming. A building containing a non-conforming use shall not be moved unless the use is changed to a conforming use and all zoning requirements are met.
- C. Except as may be expressly allowed elsewhere in these Regulations, a non-conforming use of land or of a building shall not be changed to any other non-conforming use. A non-conforming use once changed to a conforming use shall not thereafter be changed to a non-conforming use.
- D. Normal upkeep, maintenance, and repair in a building occupied by a non-conforming use is permitted provided that such work does not increase or expand the non-conforming use or the building that houses the non-conforming use.
- E. See §305.3.D of these Regulations regarding the division of lots that have more than one residence, which is a nonconforming use of a single lot under these Regulations.

305.2 Non-Conforming Buildings and Structures

- A. Any nonconforming structure lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming structure.
- B. Any non-conforming building or structure that contains a conforming use and that is damaged by fire, collapse, explosion, neglect, casualty, or act of nature, may be reconstructed, repaired, or rebuilt in the same location, but only to its previous floor area and cubical content, and only if (1) such work does not increase the non-conforming aspect of the structure or complies with other applicable parts of these Regulations for the specific use and zone; and (2) any such reconstruction or rebuilding process is commenced within one year of the date of damage.
- C. A structure that is non-conforming because it does not comply with current yard or setback requirements may not be expanded in such a way as to increase the total volume of the building that does not comply with such requirements; e.g., the structure may not be expanded vertically or horizontally within a required yard or setback area.
- D. Normal maintenance and repair to a non-conforming building or structure are permitted provided such work does not further violate the requirements of these Regulations.

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305.3 Non-Conforming Lots

- A. Except as regulated in the SUOA (§704), nothing in these Regulations shall prevent the construction of a permitted building or structure, or the establishment of a permitted use in the relevant zoning district, on a lawfully existing parcel that does not contain the required minimum area, minimum buildable area, or minimum lot frontage on a street, provided that: (1) as of the date of initial adoption of these Regulations, or any amendments hereto, and continuously thereafter, the parcel was owned separately from an adjoining lot, as evidenced by deed(s) recorded in the land records; and (2) a previously existing lot that does not have frontage on an accepted street must have access to an accepted street over a permanent right-of-way or easement.
- B. Where two or more nonconforming lots are contiguous, and in one ownership, and where at least one of the parcels is undeveloped, such parcels shall be combined or merged to create a conforming lot or a more conforming lot to the extent possible.
- C. A non-conforming lot shall not be altered in such a way as to increase the degree of non-conformity.
- D. Any lot that contained more than one residential building at the time of adoption of these Regulations, or any amendments hereto, may be divided and sold as separate lots, provided that (1) each such lot or lots conforms to the bulk and area requirements of the district in which it or they are situated, and (2) each resulting lot contains at least one of the previously existing residence buildings.

305.4 Exceptions

- A. Additions may be made to single-family detached or duplex residential dwellings that have become non-conforming solely as a result of a zone or text amendment change that eliminated residential uses in the zone in which the relevant lot is now located. However, all such additions (1) shall be solely for the use of the house as a residence or for a lawfully permitted Home Occupation (see §504.2), and (2) must comply with current yard, setback, height and other geometrical requirements of the relevant zone. For purposes of this §305.4, single-story, accessory attached and/or detached garages shall be considered residential additions.
- B. Where two houses exist on one residential lot, each unit will be considered non-conforming and each may be expanded in conformance with §305.4.A above.
- C. Where two houses exist on one residential lot, only one existing unit shall be permitted an Accessory Apartment, pursuant to the provisions of Section 1002.1.

305.5 Abandonment of Non-Conforming Uses and Characteristics

- A. When a non-conforming use of property, or of a building or other structure, has been abandoned, that use may not subsequently be reestablished except as may be expressly authorized by these Regulations. The abandonment of a use may be inferred from the circumstances of its discontinuance or from later circumstances, such as, but not limited to, the removal of characteristic equipment and/or furnishings involved in the use, without its replacement by similar equipment or furnishings for an extended period of time, or the replacement of a non-conforming use or structure by a conforming use or structure.

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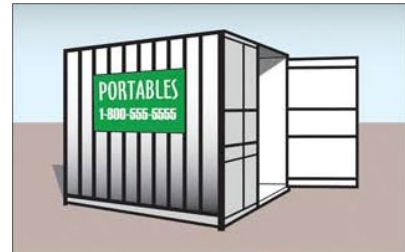
- B. When a non-conforming characteristic of a building or other structure has been abandoned, all subsequent modifications of the structure or property shall be required to conform to these Regulations.
- C. When a non-conforming use has ceased for a continuous period of one year, the use shall be deemed to be abandoned unless, before the end of the one-year period, the person or persons who were making or carrying out such use record a written notice in the land records of the Town of North Stonington stating their intention to maintain and preserve that use and describing, with specificity, the nature of the non-conforming use they intend to preserve. If the use is not re-established for a continuous period of one year after any such notice is recorded, the use shall be deemed to be abandoned unless, before the end of such one-year period, a new notice is recorded on the land records. The failure to file any such notice as required herein shall be deemed to be incontrovertible proof of an intention to abandon a non-conforming use.

306 **PORTABLE STORAGE CONTAINERS**

306.1 **Definitions.** A portable storage container is any box-like container transported by truck or trailer to a desired location. Units are designed for the outdoor storage of personal property of household goods **for temporary use only**.

For the purposes of this §306, dumpsters, roll-off containers, the trailer portion of a tractor-trailer, or prefabricated sheds, are not included in the definition of portable storage container.

306.2 No more than one large portable storage container unit (8' x 8' x 20'), or multiple small portable storage containers, shall be allowed on any lot. The containers may not exceed 20 feet in actual or combined length. The applicant must obtain preapproval of the location by the Zoning Enforcement Officer. Screening shall be required if the container is readily visible from any dwelling located within a distance of 500 feet from the container or unit.



306.3 Portable storage containers that are not fully enclosed in a building shall be allowed on a lot for no longer than three months, except as provided in subsections A, B and C below. Portable storage containers may remain on any site permanently if fully enclosed in an approved accessory building.

- A. Portable storage containers may be placed outside a building on a lot in any district during the construction and/or repair of a dwelling on the lot for a period not to exceed 12 months, and only if all necessary permits and approvals for such construction or repair have been issued. Portable storage containers may be used during construction, site modification, and/or property renovation in all non-residential districts only after any required Site Plan or Special Permit, as well as all other permits and approvals necessary for the proposed use to be lawfully commenced on the property, have been issued. Storage containers shall not be vertically stacked, and shall not be placed between the principal structure and any street adjoining the relevant lot. All portable storage containers shall be placed, to the extent feasible, in locations that minimize their visibility from nearby residences.

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- B. **Extension of time.** The Commission may approve the placement of a portable storage container in any district for more than three months, provided the property owner has demonstrated that extenuating circumstances exist to justify the extension. Extenuating circumstances shall include, but are not limited to, natural disasters, fire or acts of God.
- C. **Agricultural Exemption.** Portable storage containers may be used outside of a building, with no limitation on time or duration, for the storage of materials used or generated by an agricultural operation.

306.4 Any portable storage container that is not fully enclosed within a building shall be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, at all times.

306.5 No portable storage container shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, or commercial or other goods for property other than the property at which the portable storage container is located. A portable storage container may not be used for business inventory or for retail sales. No portable storage container shall be used to store illegal or hazardous substances. Upon reasonable notice to the applicant, the ZEO may inspect the contents of any portable storage container at any reasonable time to ensure that it is not being used to store materials in violation of these Regulations.

306.6 Required Permit

- A. Prior to the initial delivery of any portable storage container, the applicant or the supplier shall file an application with the Land Use Office.
- B. The application shall contain the name of the applicant to whom the portable storage container is supplied; an indication whether the person owns, rents, occupies or controls the property; the address at which the portable storage container will be placed; the delivery date and anticipated removal date; the active Building Permit number, if applicable; and a sketch depicting the location and the placement of the portable storage container.
- C. **Validity.** Permits under this section shall be valid only for the period specified on the permit and only for the approved location.

307 SPECIAL FLOOD HAZARD AREA REQUIREMENTS

307.1 AREAS TO WHICH THIS REGULATION APPLIES

This regulation shall apply to all Special Flood Hazard Areas (SFHA) within the Town of North Stonington.

A. Basis for Establishing the Special Flood Hazard Areas (SFHA):

The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London county, Connecticut, dated August 1, 2023, and accompanying Flood Insurance Rate Maps (FIRM), dated July 18, 2011 (Panels 09011C0 377G, 379G, 387G), April 3, 2020 (panels 09011C0 270H, 383H, 384H, 391H, 392H, 401H, 402H, 403H, 404H, 406H, 408H, 411H, 412H, 416H), August 1, 2023 (panels 09011C0 239H, 243H, 244H, 263H, 264J, 381H, 382J) and other supporting data applicable to the Town of North Stonington, and any subsequent revisions thereto, are adopted by reference and

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declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The SFHA includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Also included are areas of potential, demonstrable or historical flooding, including any area contiguous with but outside the SFHA identified by FEMA, and where the land surface elevation is lower than the base flood elevation (BFE) as shown in the FIS, and the area is not protected from flooding by a natural or man-made feature. The FIRM and FIS are on file in the Planning and Zoning Department, Town Hall, Town of North Stonington.

- B. **Structures Already in Compliance:** A structure or development already in compliance with this regulation shall not be made non-compliant by any alteration, modification, repair, reconstruction or improvement and must also comply with other applicable local, state, and federal regulations. No structure or land shall hereafter be located, extended, converted, modified or structurally altered without full compliance with the terms of this regulation and other applicable regulations.
- C. **Abrogation and Greater Restrictions:** This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- D. **Interpretation:** In the interpretation and application of this regulation, all provisions shall be: 1) considered as minimum requirements; 2) liberally construed in favor of the governing body, and; 3) deemed neither to limit nor repeal any other powers granted under State statutes.
- E. **Warning and Disclaimer of Liability:** The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of North Stonington or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The Town of North Stonington, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of North Stonington.

307.2 ADMINISTRATION

- A. **Designation of the local administrator:** The Planning and Zoning Commission or its designee is hereby appointed to administer, implement and enforce the provisions of

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this regulation.

- B. Certification:** Where required under this regulation, a registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this regulation. Such certification must be provided to the Planning and Zoning Commission or its designee.
- C. Development Permit:** The flood management section of the Development Permit must be completed in conformance with the provisions of this regulation prior to the commencement of any development activities. Permits issued under this regulation shall expire if actual construction of a permitted structure does not commence within one hundred and eighty (180) days of the permit approval date.
- D. Permit Application Procedures:** A development permit is hereby established for all construction and other development to be undertaken in Special Flood Hazard Areas in this community. Prior to any development activities, application for a development permit shall be made to the Planning and Zoning Commission on forms provided and may include, but not be limited to, plans in duplicate drawn to scale showing, at a minimum, the property lines and location of the parcel; the nature, location, dimensions, and elevations of the area in question; limit and extent of the 100-year floodplain and/or floodway boundary and base flood elevation(s); existing and proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required to be submitted to the Planning and Zoning Commission:

- 1. Application Stage:**

The applicant shall provide at least the following information, where applicable. Additional information may be required on the permit application form.

- a.** Base flood elevation (BFE) for the site in question as determined in the FEMA Flood Insurance Study (FIS) or Flood Insurance Rate Map (FIRM). The FIS flood profiles provide more accurate BFE data than the FIRM. The extent of the 100- year floodplain and floodway must be depicted with a boundary line on any site plans and shown in relation to existing and proposed structures or development;
- b.** Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all new construction, substantial improvements or repairs to structures that have sustained substantial damage;
- c.** Elevation in relation to mean sea level to which any non-residential new construction, substantial improvements or repair to structures that have sustained substantial damage will be dry flood-proofed;
- d.** Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. Computations by a registered professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other materials required by the Federal Emergency Management Agency (FEMA) in order to officially amend or revise the Flood Insurance Rate Map. The

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applicant must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained;

- e. A statement and supporting documentation (all costs of project, market value of structure, etc.) verifying that the proposed alterations to an existing structure meets or does not meet the criteria of the substantial improvement and/or substantial damage definition. If a development meets the definition of substantial improvement and/or substantial damage, the structure must be brought into compliance with all floodplain regulations as if it was new construction
- f. Where applicable the following certifications by a registered professional engineer or architect are required, and must be provided to the Planning and Zoning Commission. The design and methods of construction must be certified to be in accordance with accepted standards of practice and with the provisions of §307.6.
 - (1) Non-residential flood-proofing must meet the provisions of §307.6(B);
 - (2) Fully enclosed areas below the base flood elevation (BFE) must meet the minimum design criteria in §307.6(C);
 - (3) No (0.00) increase in floodway water surface elevations are allowed. Any development in a floodway must meet the provisions of §307.6(E).

2. Construction Stage

Upon completion of the applicable portion of construction, the applicant shall provide verification to the Planning and Zoning Commission of the following as is applicable:

- 1. Lowest floor elevation shall be verified for:
 - (a) A structure in Zones A and AE is the top of the lowest floor (including basement);
 - (b) A non-residential structure which has been dry flood-proofed is the elevation to which the flood-proofing is effective (Note: For insurance purposes, a dry flood-proofed, non-residential structure is rated based on the elevation of its lowest floor unless it is flood-proofed to one foot above the BFE.
- 2. Deficiencies detected by the review of the above listed shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

307.3 Duties and Responsibilities of the Local Administrator

Duties of the Planning and Zoning Commission or its designee shall include, but not be limited to:

- A. Review all permit applications for completeness, particularly with the requirements of §307.2.
- B. Review all permit applications to determine whether the proposed development and

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building sites will be reasonably safe from flooding.

- C. Review all development permits to assure that the permit requirements of this regulation have been satisfied.
- D. Review all permit applications to assure that all necessary federal or state permits have been received. Require that copies of such permits be provided and maintained on file with the permit application. Such permits include, but are not limited to, Water Diversion Permit, Dam Safety Permit, and Army Corps of Engineers 401 and 404 Permits.
- E. Notify the regional planning agency and affected municipality at least thirty-five (35) days prior to a public hearing if any change of regulation or use of a flood zone will affect an area within five hundred (500) feet of another municipality.
- F. Notify the adjacent communities and the Department of Energy and Environmental Protection (DEEP), Inland Water Resources Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- G. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- H. Obtain, record and maintain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction, substantial improvements or repair to a structure that has sustained substantial damage.
- I. Obtain, record and maintain the elevation (in relation to mean sea level) to which the new construction, substantial improvement or repair to a structure that has sustain substantial damage has been flood-proofed.
- J. When flood-proofing is utilized for a particular structure, the Planning and Zoning Commission or its designee shall obtain certification from a registered professional engineer or architect, in accordance with §307.6(B).
- K. Where interpretation is needed as to the exact location of boundaries of the area of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Planning and Zoning Commission or its designee shall make necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this regulation.
- L. Require the applicant to provide base flood elevation data for all proposed development, including manufactured home parks and subdivisions.
- M. When base flood elevation data or floodway data have not been provided in accordance with §307.1, Subpart A and §307.2, Subpart D, the Planning and Zoning Commission or its designee shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of §307.4.
- N. All records pertaining to the provisions of this regulation shall be obtained and maintained in the office of the Planning and Zoning Department.

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- O. Upon completion of the permitted development and prior to issuance of a Certificate of Occupancy (CO), necessary as-built surveys (prepared by a Connecticut Licensed Professional as per Connecticut State Statutes) and engineering and architectural certifications shall be provided to the Planning and Zoning Commission or its designee demonstrating compliance with the approved plans and standards set forth in §307.2, Subpart D.

307.4 Provisions for Flood Hazard Reduction

307.4.1 General Standards. In all Special Flood Hazard Areas (SFHAs) the following provisions are required:

- A. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed using methods and practices that minimize flood damage.
- B. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed with materials and utility equipment resistant to flood damage.
- C. New construction, substantial improvements, and repairs to structures that have sustained substantial damage shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- D. New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless they are a functionally dependent use or facility.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and other service facilities, or any machinery or utility equipment or connections servicing a structure shall be elevated to or above the base flood elevation (BFE) to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

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- I. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated one (1) foot above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.
- J. In any portion of a watercourse that is altered or relocated, the flood carrying capacity must be maintained. Notify adjacent communities and the Connecticut Department of Energy and Environmental Protection (CTDEEP), Inland Water Resources Division (IWRD) prior to any alteration or relocation of a watercourse.
- K. If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
- L. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., Structure must be built one (1) foot above highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)
- M. **Compensatory Storage.** The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

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- N. **Equal Conveyance.** Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

307.5 Standards for Watercourses without Established Base Flood Elevations (un-numbered A Zones), Adopted Floodways and/or Flood Mapping

- A. The Planning and Zoning Commission or its designee shall require base flood elevation (BFE) data be provided with any application for new construction, substantial improvement, repair to structures which have sustained substantial damage or other development in Zone A without a FEMA-published BFE (un-numbered A Zone). The Planning and Zoning Commission or its designee shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, including data developed for subdivision proposals, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in un-numbered A Zones on the community's Flood Insurance Rate Map (FIRM) meet the standards in §307.2(D) and §307.6. If no BFE can be determined, the lowest floor, including basement, must be elevated to two (2) feet above the highest adjacent grade next to the structure.
- B. When BFEs have been determined within Zones AE on the community's FIRM but a regulatory floodway has not been designated, the Planning and Zoning Commission or its designee must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.
- C. The Planning and Zoning Commission or its designee may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1.0) foot at any point within the community.
- D. The Planning and Zoning Commission or its designee shall obtain, review and reasonably utilize any BFE and Floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in any area of potential, demonstrable or historical flooding within the community meet the

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standards in §307.2, Subpart D and 307.6.

- E. Under the provisions of 44 CFR Chapter 1, §65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones AE and AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one (1.0) foot, provided that the community first completes all of the provisions required by §65.12.

307.6 Specific Standards: Construction Standards in Special Flood Hazard Areas (SFHA) - Zones A and AE.

- A. **Residential Construction.** All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are residential structures shall have the bottom of the lowest floor, including basement, elevated one foot (1') above the base flood elevation (BFE). Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one foot (1') above the BFE.
- B. **Non-Residential Construction.** All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are commercial, industrial or non-residential structures shall:
 - 1. Have the bottom of the lowest floor, including basement, elevated one (1) foot above the base flood elevation (BFE); or
 - 2. In lieu of being elevated, non-residential structures may be dry flood-proofed to one (1) foot above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this section. Such certification shall be provided to the Planning and Zoning Commission on the FEMA Flood proofing Certificate, Form 81-65.
 - 3. Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1) foot above the BFE.
- C. **Fully Enclosed Areas Below The Base Flood Elevation of Elevated Buildings.** All new construction, substantial improvements, or repair of substantial damage to residential or non-residential structures that include fully enclosed areas formed by a foundation and other exterior walls below the lowest floor (below base flood elevation) of an elevated building, shall be designed to preclude finished living space and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect, or meet the following minimum criteria listed in sections (1)-(7) below:
 - 1. Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area

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subject to flooding. These hydraulic openings must be located on at least two different walls. Only the area (square footage) that lies below the BFE can be used in the calculation of net area of vents required. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;

2. The bottom of all openings shall be no higher than one (1) foot above grade. At least one side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab of a crawlspace, must be set equal to the outside finished grade on at least one side of the building;
3. The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. Other coverings may be designed and certified by a registered professional engineer or approved by the Planning and Zoning Commission;
4. The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation or partitioned into separate rooms;
5. All interior walls, floor, and ceiling materials located below the BFE shall be unfinished and resistant to flood damage;
6. Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washers, dryers, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE. Utilities or service equipment located in this enclosed area, even if elevated above the BFE in the space, will subject the structure to increased flood insurance rates.

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7. A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of sections (1)-(6) listed above. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. The human intervention necessary to open garage doors when flooding occurs is not an acceptable means of meeting the openings requirements. In addition to the automatic entry of floodwaters, the areas of the garage below BFE must be constructed with flood resistant materials. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry flood proofed as per the requirements of §307.6(B).

D. Manufactured (Mobile) Homes and Recreational Vehicles (RVs). In all Special Flood Hazard Areas (SFHA), any manufactured (mobile) homes to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is one (1) foot above the base flood elevation (BFE). The manufactured home must also meet all the construction standards per §307.6. This includes SFHAs outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.

1. All manufactured (mobile) homes within a SFHA shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.
2. All manufactured (mobile) homes within a SFHA shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.
3. Recreational vehicles placed on sites within a SFHA shall either (i) be on the site for fewer than 180 consecutive days, and (ii) be fully licensed and ready for highway use, OR (iii) meet all the general standards of §307.4.1 and the elevation and anchoring requirement listed above for a manufactured home in §307.6(D). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

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- E. Floodways Located within Special Flood Hazard Areas (SFHA) are areas designated as floodways on the community's Flood Insurance Rate Maps (FIRM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design. A permit may be given which allows encroachments resulting in increases in base flood elevations provided the community first obtains a conditional floodway revision by meeting the requirements of C.F.R. 44, Chapter 1, §§65.12.

308 TEMPORARY METEOROLOGICAL TOWER

- 308.1** Temporary wind monitoring or meteorological towers shall be permitted in all zoning districts for a period of no more than 180 consecutive days, subject to issuance of a Zoning Permit by the Zoning Enforcement Officer.
- 308.2** The standards applicable to such towers shall be the same as those for towers associated with small wind energy facilities pursuant to §1019.2 of these Regulations.

309 TRAILER (CONSTRUCTION OFFICE/ CONSTRUCTION TRAILER)

One or more mobile office/storage trailers may be parked on a construction site temporarily (as set forth below) provided the location of the trailers are shown on a Site Plan or Plot Plan approved by the Commission, and the trailers are used exclusively for temporary office or storage space related directly to construction activities on the same site. Under no condition shall a temporary construction trailer be used as a residence, or remain on-site as a permanent structure for storage or office use. A temporary construction trailer must be:

- A. maintained in good, safe and secure condition;
- B. removed from the site within 90 days if construction work on the site has not begun;
- C. removed from the site within 30 days after construction work at the site is discontinued; or
- D. removed from the site within 30 days after completion of all work on the site.

The Commission may grant up to a 60-day extension for extenuating circumstances, for any deadline specified above.

310 UNREGISTERED MOTOR VEHICLE STORAGE AND OUTDOOR STORAGE OF JUNK AND DEBRIS

310.1 Temporary storage of unregistered motor vehicles shall be allowed as follows:

- A. On all properties used for single-family or two-family residential purposes, one or two unregistered or inoperable motor vehicles may be stored outside a building provided that:
 - 1. unregistered vehicles are stored in the side or rear yard and must not be visible from the street;

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2. the vehicles must be capable of being restored to running condition (i.e., a condition suitable for use on public highways) within six months of the date on which they were placed outside of a building on the lot; and
3. such storage shall be for a period of no longer than 180 days.

B. In all non-residential zones, storage of unregistered vehicles shall be allowed as an accessory use only to businesses having the appropriate Department of Motor Vehicles license.

310.2 Junk and Debris. Except as provided above, no waste or scrap material, debris, motor vehicles that are partially or wholly dismantled, motor vehicle parts, abandoned machinery, junk or similar unsightly material (see definition of junk in Chapter 16) shall be stored or allowed to accumulate in any open space or in anything other than a completely enclosed building on any lot in any district other than as may be permitted in an Industrial district. This provision shall not apply to the temporary storage of waste material from a construction operation being legally executed on the same premises.

311 YARD SALES

Yard Sales, garage sales, tag sales, and the like are permitted in any district provided there are no more than three on the same lot in any calendar year and provided each such sale lasts no longer than three consecutive days.

312 SIGNS

312.1 Purposes. These Sign Regulations are intended to:

- A. preserve the public health and public safety by controlling the size, location and height of signs so they will not confuse, distract, mislead or obstruct the vision necessary for traffic safety; and
- B. preserve the general welfare by controlling the physical condition of signs in order to protect the character of each zone; mitigate any negative impacts on adjoining properties; assist in achieving a more desirable environment in order to maintain property values; encourage economic growth; and avoid negatively altering the essential characteristics of the area.

312.2 Sign Area Measurement. The sign area shall be the smallest area that encompasses all letters, designs, symbols, and logos, including the advertising surface. The sign area shall include any background material if such material is designed to be an integral part of the sign because of its texture, color or building material.

- A. For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background of a color different from the natural color or finish material of the building.
- B. For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle, triangle or circle that encompasses all the letters and symbols.
- C. The area of any supporting framework (for example, brackets, posts, etc.) shall not be included in the area, provided such framework is incidental to the display and contains no advertising material or informational material other than a street name and number.

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- D. When a sign has two or more faces, the cumulative area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two feet from each other. In that case, the sign area shall be taken as the area of the larger of the two faces, or of one face if the two faces are equal in area.
- E. The height of a sign shall be measured from the ground surface directly below the sign up to the highest point of the display area of the sign or the supporting structure of the sign. If the top of the sign and the top of the supporting structure are of unequal height, the higher measurement shall determine the height.

312.3 Sign Illumination. Signs may be illuminated either externally or internally provided they comply with the outdoor illumination standards in Chapter 11 and the limitations set forth below.

- A. Signs may not have flashing or intermittent lights, lighting of varying intensity, or exposed neon lights. Internally lit LED and/or digital change copy signs are permitted only in commercial and industrial zones, or for non-residential uses legally existing in a residential zone.
- B. No illuminated sign shall have exposed electrical wires.
- C. No sign shall be illuminated between the hours of 11 p.m. and 6 a.m. unless the premises on which it is located is open for business at that time. This prohibition does not apply if the illumination occurs as a consequence of lighting provided for public safety purposes.

312.4 Sign Motion. No sign or any part thereof shall be moving, whether by mechanical or other means.

312.5 Sign Location. The following general conditions apply to sign location:

- A. no sign shall extend into a vehicular public way (unless associated with a drive-through use) or be lower than eight feet above a pedestrian way;
- B. no sign shall obstruct free entrance or exit from a required door, window, or fire escape; or be located or constructed in a manner that interferes with access by fire or emergency personnel;
- C. no sign shall be constructed or located in a manner that obstructs light or air into a building or otherwise interferes with the proper functioning of a building; and
- D. no sign shall be placed in such a location as to confuse or obstruct the view or effectiveness of any traffic sign or signal or in any way result in a hazard to the safe and efficient flow of vehicular traffic.

312.6 Prohibited Signs

The following signs are prohibited in all zoning districts.

- A. **Roof signs** are prohibited.
- B. **Signs containing moving parts** are prohibited.
- C. **Signs containing reflective elements** that sparkle or twinkle in sunlight or artificial light, or use the words "stop," "caution," or "danger," or incorporate red, amber, or green lights resembling traffic signals, or resemble "stop" or "yield" signs in shape or

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color are prohibited. Excepted from this prohibition are traffic, regulatory, or informational signs required and approved by governmental agencies.

- D. **Portable or wheeled signs are prohibited.** This is not intended to prohibit bumper stickers or lettering on registered motor vehicles; however, vehicles or trailers having such advertising shall not be used primarily for advertising, as opposed to transportation. Portable signs of any type judged by the Commission to circumvent these regulations are prohibited. For the purposes of these Regulations Portable Signs do not include “Sandwich Board” or “A-frame” Signs.
- E. **Non-weatherproof signs**, including signs made of cardboard, paper, or other impermanent material, except for temporary signs not to exceed two days.
- F. **Beacons**, used with the intent to advertise, announce, or call attention to any business, product, service, or other commercial activity, are prohibited.
- G. **Billboard Signs, Bag Signs, “life-like” plastic or inflatable decorations (or similar moving, fluttering devices), Banner Signs, Flag Signs, Bunting Signs, Streamer Signs, Pennant Signs, Ribbon Signs, Spinner Signs**, or other similar device shall not be constructed, posted, or erected in any district except as provided for in Section ____ above.
- H. **Mailbox Signs** are prohibited.
- I. **Off-Site Advertising.** No sign shall advertise a product, service, or activity other than one that is offered on the premises upon which the sign is situated. Off-site signage includes, but is not limited to, signs on telephone poles, light poles or other similar utility structures, traffic sign posts or any other location within the right-of-way of any street.

312.7 Signs Allowed Without a Permit. The following signs are authorized without a zoning permit, provided there is no illumination and that all such signs are set back at least ten feet from any property line.

- A. Signs lawfully installed on public property.
- B. Signs designating land having restricted or prohibited access (e.g., “No Trespassing” signs). Such signs shall be no more than two square feet in area and shall be spaced a minimum of 50 feet apart.
- C. One sign in the nature of a bulletin board on any lot containing a use allowing public assembly (e.g., church, museum, library, school). Such signs shall not exceed 20 square feet in area.
- D. Temporary signs not exceeding a total of 32 square feet in Residential districts and 65 square feet in other districts. A temporary sign may not be displayed on any lot for a period of more than 90 days in any calendar year. The height of such sign shall not exceed six feet in Residential districts and ten feet in other districts.
- E. Signs used to guide traffic to or from a use or destination. No such sign shall be greater than two square feet in area. No more than two such signs are allowed on any one lot, and no more than four such signs are allowed with regard to any particular use or destination.

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- F. Temporary signs located on property on which building construction is occurring. The total area of such signs shall not be more than six square feet in Residential districts and 32 square feet in other districts. The height of a construction sign shall not exceed four feet in Residential districts and eight feet in other districts, except that, in residential subdivisions under construction, the height of the construction sign for the subdivision as a whole may be up to eight feet in height. Such signs must be removed within 30 days after the completion of the construction.
- G. One or two temporary signs located on property for sale or lease. This provision shall not apply to premises upon which the principal use is the sale, rent, or lease of units or space within the structure(s) located upon the premises (e.g., hotels, motels, condominiums, boarding houses, etc). The total area of such signs on any one lot shall not be more than six square feet in Residential districts and 32 square feet in other districts. The height of such signs shall not exceed four feet in Residential districts and ten feet in other districts. In residential subdivisions in which building lots are for sale, in addition to individual lot signs, one sign not exceeding an area of 32 square feet and a height of six feet shall be permitted for the subdivision as a whole. Such signs must be removed within 30 days after the sale or lease.
- H. One flag sign, not exceeding 15 square feet in area.
- I. Flags, bunting, streamers, and ribbons that contain no advertising are permitted during the period of seven days before to seven days after the following holidays: Independence Day, Memorial Day, Veteran's Day, Flag Day, and President's Day.
- J. Temporary banners used in connection with charitable or civic events lasting no more than 30 days may be installed up to 30 days before the beginning of the event and must be removed within seven days following the termination of the event. No more than four such banners may be placed on any one lot.

312.8 Signs Requiring a Zoning Permit. In addition to the signs allowed under § 312.7, the following signs are authorized upon the issuance of a zoning permit.

- A. One wall sign, not to exceed three square feet.
- B. Signs temporarily attached or temporarily painted on a door, or to the inside of a window, provided they do not exceed ten percent of the area of the door or window. Such signs may be permitted for a period of not more than 30 days.
- C. Up to two freestanding or banner signs may be installed on property on which a temporary event (an event lasting no more than 30 days), such as a business "grand opening," will be held. Such signs shall not be erected earlier than 15 days before the event and shall be removed within seven days following the event. The total area of all such signs shall not exceed 24 square feet in Residential districts and 48 square feet in other districts. The height of such signs shall not exceed six feet in Residential districts and ten feet in other districts. Such signs shall not be illuminated.
- D. Flags of nations, states, or local governments, mounted on a flag pole, may be located in all zoning districts. Flag poles shall be located at least 15 feet from the front property line or within the side or rear setback. No more than three flag poles are permitted per premises. The maximum height for a flag pole is 30 feet, and the maximum size of the flag shall be 24 square feet.

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E. One freestanding sign may be installed on nature preserves. No illumination of such signs is allowed. All such signs must be located at least ten feet from any road.

F. Freestanding signs in accordance with the following table. All such signs must be located at least ten feet from any road.

Zoning District	Maximum Number ^{1,2}	Area (SqFt) ^{2,3}	Height (Ft)	Internal Illumination ³
R40, R60, R80	1	3	10	N
C	1	45	10	Y
HC	1	60	15	Y
VC	1	45	10	Y
ED	1	48	10	Y
RC	1	90	10	Y
I	1	60	10	Y

¹For buildings on lots fronting two roads, and for developments with more than one principal business, an additional freestanding sign is permitted provided the total area for both signs does not exceed 1.5x the maximum sign area.

³For legally existing non-residential uses within the Residential zones (e.g., bed and breakfasts, country inns, churches, day care, farm winery, kennel, etc.), the maximum area may be increased to nine square feet and the signs may be illuminated with gallery lighting; provided, however, that the use of any such sign shall be in lieu of the use of any sign otherwise permitted under § 312.7.I.

G. Additional signs in accordance with the following table:

Zoning District	Total Area of all additional signs (SqFt)	Clearance over pedestrian walkway (Ft)	Clearance over Roadway/Alley (Ft)
R40, R60, R80	N/A	N/A	N/A
C	45	8	13
HC	60	8	20
VC	16	8	13
ED	48	8	13
RC	90	8	20
I	60	8	20

1. Wall Signs

2. Awning Signs

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Such signs shall be painted on or attached flat against the surface of the awning, and shall not extend beyond the valence or be attached to the underside;

3. Canopy Signs (e.g., Gas Canopy)

The canopy cannot be attached to the primary structure;

4. Suspended Sign and/or Projecting Sign

5. Window Sign.

Window signs shall not:

- a. exceed, in combined total area, 10% of the area of any window in which they are located;
- b. exceed 20 square feet in combined total area for all window signs located in all windows of any principal use and all accessory uses associated with such principal use; or
- c. be included in the measurement of the total sign area permitted on any premises.

6. Portable “Sandwich Board” or “A-Frame” Signs. These signs are permitted in all Commercial districts (C, HC, RC, VC and ED) and shall not exceed three feet in width and four feet in height. The total Sign Area of said Sign shall not exceed 12 square feet. Said Sign may be double-faced and, for the purpose of area computation, only one Sign Face shall be counted in determining conformity with the area requirements of this paragraph.

- a. Only one Portable “Sandwich Board” or “A-Frame” Sign shall be allowed per Lot, except that if the Lot has more than 400 feet of Street frontage in the District, then one (1) additional Portable Sign shall be permitted. In the case of a Planned Business Development or a multiple Use Commercial Development, where two (2) portable “sandwich” or “A-frame” signs may be permitted, the development association (if applicable) or business owners involved shall determine the rotation schedule for participating businesses.
- b. Sign shall not be attached to the ground and shall not extend into the Street Line or sidewalk. The Sign shall be located so as to not impede sight lines or ingress and egress to the Lot.
- c. Portable “Sandwich Board” or “A-Frame” Signs must be removed at the close of each business day.
- d. The area of such sign shall not be included in the measurement of the total sign area permitted on the premises.

313 DRIVEWAYS

313.1 Residential Driveways. The following residential driveway design standards shall apply to all driveways used for access to single-family and two-family homes. Driveways to residential buildings containing three or more dwelling units must comply with the Town’s standards for road construction.

A. Spacing of Driveways. Driveway openings shall be separated by at least 30 feet, as measured from curve return to curve return.

B. Shared Driveways

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1. No more than two parcels shall share a residential driveway. A driveway serving more than two single-family, duplex, or multi-family residences (or any combination thereof) must comply with the Town's standards for road construction.
 2. The boundaries of the shared driveway must be defined by, and the rights and duties of the respective users must be set forth in, a proper document or documents (for example, an easement) filed in the Town land records. Such document(s) must provide, at a minimum, a clear allocation of responsibility for maintenance and repair of the driveway between or among the respective users.
 3. The shared portion of any driveway must be an undivided part of one of the lots it services.
- C. **Driveway Location.** The proposed frontage must be capable of accommodating a driveway for access to the main part of the lot (i.e., the portion of the lot containing the principal use or structure) and meeting these Regulations' minimum driveway standards. A right-of-way and/or a portion of a right-of-way shall not be considered part of the required frontage. The land on which the driveway is proposed to be located to access the parcel must be an undivided part of the parcel being developed (i.e., it must be owned in fee by the same person or persons who owns the remainder of the lot) unless a shared driveway meeting the standards of §313.1.B is used.
- D. **Driveway Width.** The dimensions of driveway widths, openings, and centerline curve radii shall be as shown in the following table:

Driveway Widths				
Type of Residential Use	Minimum Driveway Width	Opening Width (including flares)		Minimum Centerline Radius of Curvature
		Minimum	Maximum	
Serving Residential, Single-family				
200 feet or less in length	12 feet	18 feet	24 feet	N/A
More than 200 feet in length	14 feet	18 feet	24 feet	40 feet
Serving more than one Residential Unit				
200 feet or less in length	14 feet	20 feet	24 feet	N/A
More than 200 feet in length	14 feet	20 feet	24 feet	40 feet

- F. **Turnarounds and Turnouts.** All driveways shall be designed with a vehicle turnaround to avoid vehicles having to back onto the roadway when exiting the relevant parcels. Turnouts shall also be provided as follows:

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Turnout Spacing	
Length	Turnouts
Less than 400 feet	None
400-800 feet	One turnout within 150 feet of the dwelling unit.
More than 800 feet	Every 400 feet

- G. **Driveway Grades.** Driveways shall have a maximum grade of 12 percent for single-family and duplex residences. When any portion of a driveway has a grade exceeding 8 percent, all abutting portions of the driveway having a grade greater than 6 percent shall be paved. Driveways shall provide a reasonable transition in terms of grade between the driveway and the gutter line.
- H. **Surface.** Driveways serving single-family residences shall have an all-weather surface capable of vehicle loading to an AASHTO H-20 rating of 32,000 lbs. (14,500kgs.) per axle. A driveway detail shall be provided on Site Plan/Plot Plan demonstrating compliance with this provision.
- I. **Drainage.** Driveway design shall make adequate provision for drainage and prevention of erosion. Drainage from driveways shall be diverted to roadside swales or other appropriate drainage ways. Drainage from driveways shall not flow onto roads. When necessary to handle roadside drainage, driveways shall use culverts, drainage swales or other devices suitable for the conveyance of roadside drainage. The design, composition, and installation of any proposed culverts must be approved by the Town Engineer.
- J. **Sightline Distance.** Driveways shall be designed and located to provide, at all points fifteen feet back from the edge of the paved surface of the intersecting road, a minimum sight distance clear of all obstructions, natural or man-made, for at least 250 feet in either direction on Secondary Roads, 325 feet on Primary Roads, and 375 feet on Primary and Secondary arterial roads (or as otherwise specified by the DOT where applicable). It is responsibility of the property owner to maintain this sight line triangle.
- K. **Snowstack Space.** Snow storage for any driveway shall be provided on the lot(s) on which the driveway is located.
- L. **Connection to Roads.** The portion of any driveway through the road right-of-way connecting the property with the physical roadway shall be the shortest perpendicular distance possible. Any grading, filling, or drainage design in the right-of-way shall require the approval of the Town.

313.2 Driveways for Non-Residential Uses

Driveways for non-residential uses shall comply with the provisions of §1105 of these Regulations (Access Management).

