

DIVISION 3.0800 MODIFICATIONS

SECTION 3.0801 HEIGHT

The district height limitations stipulated elsewhere in the Ordinance may be exceeded, but such modification shall be in accord with the following:

- A. Architectural Projections. Architectural projections such as spires, steeples, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this Ordinance.
- B. Special Structures. Special structures such as elevator penthouses, gas tanks, grain elevators, observation towers, and scenery lofts, barns, necessary appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this Ordinance.
- C. Essential Services, Utilities, Water Towers, and Electric Power and Communication Transmission Lines. Essential services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this Ordinance.
- D. Communication Structures and Satellite Antennas.
 - 1. Communications structure, such as radio and television antennas and/or antenna structures in the A-4, A-5, R-1, R-2, R-3, R-4, and A-1 (“Open Space Subdivision” only) Districts shall not exceed fifty (50) feet in height.
 - 2. Communications structures, such as radio and television antennas and/or antenna structures in the B-1, M-1, SG, I-1, P-1, A-1, A-2, and A-3 Districts shall not exceed two hundred (200) feet in height and shall be regulated as a conditional use under the provisions of Division 3.0600 of this Ordinance.
 - 3. All ground-mounted satellite antennas shall not exceed a maximum height of twelve (12) feet above grade. All building-mounted satellite antennas less than eighteen (18) inches in diameter shall not exceed the maximum building height allowed in the zoning district.
- E. Public or Semipublic Facilities. Public and semipublic facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, and governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district’s maximum height requirement.
- F. Modification of Other Ordinance3s and Regulations Not Permitted Under this Division. Modifications permitted under this Division of this Ordinance do not modify any requirements of federal, state, or local building codes relating to the elements addressed in the Division of the Ordinance.

SECTION 3.0802 YARDS

The yard requirements stipulated elsewhere in the Ordinance may be modifies as shown in Table 3.0802 and as follows:

- A. Architectural Projections. Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard; but such projections shall not exceed two (2) feet.

- B. Essential Services, Utilities, and Electric Power and Communication Transmission Lines. Essential services, utilities, and electric power and communication transmission lines not elsewhere regulated in this Ordinance are exempt from the yard and distance requirements of this Ordinance.
- C. Landscape Bufferyards, Landscaping, Vegetation, and Areas of Natural Resource Features Mitigation Except from yard and Setback Requirements. Landscape bufferyards, landscaping, vegetation, and natural resource features mitigation areas are exempt from the yard and setback requirements of this Ordinance. Landscape plantings (except Town-approved street trees) exceeding eighteen (18) inches in height (such as shrubs) shall not be permitted in the street right-of-way unless approved by the Plan Commission.

Table 3.0802				
PERMITTED OBSTRUCTIONS IN MINIMUM REQUIRED SETBACKS				
PROJECTION, OBSTRUCTION, OR ACCESSORY USE	YARD TYPE			
	FRONT YARD	REAR YARD	SIDE YARD	CORNER SIDE YARD
Air-conditioning units, window only (not to exceed 2 feet)	P	P	P	P
Air-conditioning equipment shelters (not less than 5 feet from any property line)	N	P	P	P
Arbors and trellises	P	P	P	P
Awning and canopies project into 10% or less of yard depth (for windows only and when attached to a principal structure)	P	P	P	P
Awnings and canopies (for rear yard decks and patios only and when attached to a principal structure)	N	P	N	N
Balconies, open	P	P	P	P
Bay windows (see "Windows, Bay Cantilevered" below)	P	P	P	P
Chimneys (not to exceed 2 feet)	P	P	P	P
Clotheslines	P	P	P	P
Dish antennas	N	P	N	N
Dog runs, enclosed	N	P	N	N
Eaves, overhanging (not to exceed 3 feet)	P	P	P	P
Equipment shelters (not less than 5 feet from any property line)	N	P	P	N
Fences	P	P	P	P

Flagpoles	P	P	P	P
Gardens, vegetable (on lots less than 40,000 square feet in area)	P	P	P	P
Greenhouses (not less than 5 feet from any property line)	N	P	P	N
Gutters (not to exceed 3 feet)	P	P	P	P
Hedges	P	P	P	P
Landscape bufferyards	P	P	P	P
Laundry drying equipment	P	P	P	P
Lawn furniture	P	P	P	P
Light standards, ornamental	P	P	P	P
Loading, off-street, open	N	P	P	N
Parking, off-street, open (not less than 5 feet from any property line)	P	P	P	P
Patios and terraces, open without roof (not less than 5 feet from any property line)	N	P	P	P
Ramps for use by persons with disabilities	P	P	P	P
Recreational equipment (not less than 5 feet from any property line)	P	P	P	P
Recreational vehicle parking or storage (not less than 5 feet from any property line)	N	P	P	N
Retaining walls	P	P	P	P
Statuary	P	P	P	P
Trees, shrubs, and flowers	P	P	P	P
Walls and retaining walls	P	P	P	P
Windows, bay cantilevered (not to exceed 3 feet)	P	P	P	P
Other accessory uses (as may be permitted elsewhere in this Ordinance)	N	P	N	N

P = Permitted N = Not Permitted

- D. Front and/or Corner Lot Street Yard Setbacks for Additional Right-of-Way Dedication. For existing lots of record only within existing Subdivisions or Certified Survey Maps, when additional public street right-of-way dedication is required by the Town or other governmental unit, the front and/or corner street yard setback requirements of the Ordinance may be reduced by the same distance as that required for public street right-of-way dedication. However, such front and/or corner lot street yard setbacks shall not be reduced to less than twenty (20) feet.

SECTION 3.0803 ADDITIONS AND AVERAGE STREET YARDS

Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

SECTION 3.0804 CORNER LOTS

Structures shall provide a street yard as required by this Ordinance on the street that the structure faces. A second street yard shall be provided on the side of the structure abutting a second public or private street. The setbacks on each street shall be specified in this Ordinance.

SECTION 3.0805 DOUBLE FRONTAGE LOTS

Lots abutting two (2) opposite streets shall be provided with the street yard setback required by the district in which the lot is located from each street upon which the lot abuts.

**SECTION 3.0806 FW, FF, GFP, AND SW LANDS ELIGIBLE FOR MEETING
AREA REQUIREMENTS**

Where a lot is located partially within the FW, FF, GFP, and/or SW Districts and a minimum of fifty (50) percent of the lot is located within any other one (1) adjoining zoning district, that portion of the lot in the FW, FF, GFP, and/or SW Districts may be used to meet the lot area requirements of the adjoining zoning district. In no case, however, shall the FW, FF, GFP, and/or SW Districts be used to increase the maximum permitted net floor area ratio (NFAR) or maximum net density (ND) of any parcel of land or lot that exceeds those levels as determined by the site intensity calculations and capacity calculations of Division 3.0400 of this Ordinance.

**SECTION 3.0807 DEED RESTRICTED AND PRESERVED NATURAL
RESOURCE PROTECTION LANDS AND OPEN SPACE
LANDS ELIGIBLE FOR MEETING AREA REQUIREMENTS**

Where a lot is located partially within a deed restricted and preserved natural resource protection area or open space area (see Divisions 3.0400 and 4.1000) that portion of the lot is such an area may be used to meet the lot area requirements of the zoning district. In no case, however, shall such eligibility be used to increase the maximum permitted net floor area ratio (NFAR) or maximum net density (ND) of any parcel of land or lot that exceeds those levels as determined by the site intensity calculations and capacity calculations of Division 3.0400 of this Ordinance.

SECTION 3.0808 NOISE

Sirens, whistle, and bells maintained and used solely to serve a public purpose are exempt from the sound level standards of the Ordinance. (Also see Section 3.1007(B).)