
ARTICLE 5: DIMENSIONAL AND DENSITY REGULATIONS

SECTION 5.00 APPLICABILITY

- A. All residential structures shall conform to the dimensional regulations set forth in Table 5-1.
- B. All non-residential structures shall conform to the dimensional regulations set forth in Table 5-2.
- C. Only one dwelling structure shall be located on a lot, unless otherwise expressly permitted in these By-Laws.
- D. Two or more non-residential buildings may be located on a lot, provided that each building conforms to the dimensional and density requirements of these By-Laws. The lot shall meet minimum frontage requirements. *(Art. 18, 11/26/90 STM)*

SECTION 5.01 REQUIRED YARDS

- A. Accessory buildings or structures may occupy not more than twenty-five (25) percent of the rear yard in any Residential District and not more than forty (40) percent of the rear yard in non-Residential District.
 - 1. A swimming pool, as an accessory use to a single or two family dwelling may be located to within fifteen (15) feet of a side or rear lot line. *(Art. 17, 05/11/92 ATM)*
 - 2. Accessory structures to existing multi-family structures shall only be allowed by Special Use Permit (SUP). However, if the structure is shown on a Special Permit application to construct a multi-family structure, it may be approved as a part of that application. *(Art. 17, 05/11/92 ATM)*
- B. In the case of a corner lot, no detached accessory building shall be erected closer to any street than the principal building on the lot.
- C. At the intersection of two or more streets, no hedge, fence or wall higher than three (3) feet, nor any obstruction to vision shall be permitted on any lot within the triangular area formed by two intersecting street lines bounding the lot, and by a line connecting a point on each street line located twenty-five (25) feet from the point of intersection with the street lines.
- D. A garage or carport attached to any side of a dwelling and constructed as a part of the dwelling shall be considered as a part of the dwelling and shall meet all requirements for front, side, or rear yards, and height of structure which apply to the dwelling.
- E. A residential storage structure may be located to within five (5) feet of a side or rear lot line, while a detached residential garage shall be located a minimum of fifteen (15) feet from a side yard and thirty (30) feet from the rear lot line. *(Art 24, 5/11/98 ATM)*
- F. Corner Lots - On corner lots, yards abutting upon streets shall be considered front yards.
- G. No structure for the shelter of swine shall be located within one hundred (100) feet of any property line nor shall any structure for the shelter of any other farm livestock be located within fifty (50) feet of any property line.

H. No gasoline or oil facility shall be located within fifty (50) feet of any lot line.

SECTION 5.02 DIMENSIONAL TABLES

**TABLE 5-1*
DIMENSIONAL REGULATIONS FOR RESIDENTIAL USES**

DISTRICT/ USE	AREA	FRONTAGE	YARDS			BUILDING HEIGHT		MIN.LOT WIDTH	
	square feet	in feet	front	side	rear	stories	feet	dist. from street	width dimen.
<u>R-15 & GB</u>									
Single & Two family	15,000	100	25	15	30	2.5	35	50	67
Multi-family 3 units add'l unit	32,250 6,125	100	50	25	75	2.5	35	100	67
Non-residential Uses	32,250	125	50	50	75	2.5	35	100	67 <i>(Art. 19, 11/26/90 STM)</i>
<u>R-40 & NB</u>									
Single family	40,000	200	35	15	30	2.5	35	100	134
RC	See Section 9.05								
OSRD	See Section 9.06								
PD-H1	See Section 9.07								
Non-Residential Uses	40,000	200	50	50	75	2.5	35	100	134 <i>(Art. 19, 11/26/90 STM)</i>

*** NOTES**

1. When the side yard of a multi-family structure abuts a single or two-family structure, or vacant land, the minimum side yard shall be 50 feet and the minimum frontage shall be 125 feet.
2. No more than eight dwelling units are allowed on a lot.
3. The total height of a structure shall not exceed either 35 feet or 2.5 stories, which ever is greater.
4. All yard requirements shall be measured from the property line of the parcel

TABLE 5-2*
DIMENSIONAL REGULATIONS FOR NON-RESIDENTIAL USES

DISTRICT	FRONTAGE	YARDS			BUILDING HEIGHT		LOT COVERAGE	MIN.LOT WIDTH	
	in feet	front	side	rear	stories	feet	maximum	dist from street	width dimen.
GB	0	15	0	20	2.5	35	85%	0	0
NB	25	50	10	35	2.5	35	75%	100	17
HB	100	50	25	50	3.0	40	70%	100	67
LI	50	50	25	50	3.0	40	70%	100	34
GI	50	50	25	50	3.0	40	70%	100	34
S-1	300	75	75	50	3.0	40	70%	150	200

*** NOTES**

1. When any front yard abuts a Residential District, it shall be a minimum of 100 feet except for non-residential uses in the General Business district. *(Art. 10,10/5/01 STM)*
2. When a non-residential use abuts a residential district, no off-street parking, storage of materials, or the display of goods is allowed within the required front yard except for non-residential uses in the General Business District. *(Art. 10,10/5/01 STM)*
3. When any side or rear yard abuts a Residential District, it shall be a minimum of 50 feet.
4. When the side yard of a lot within the General Business (GB) District abuts a Residential District, the yard shall be the minimum width required in that Residential District.
5. Height requirements can be increased pursuant to Article 5 of these By-Laws.
6. Minimum lot size within the S-1 District is 80,000 s.f.
7. Lots located in the S-1 District with frontage on streets other than Route One shall have a minimum of 200 feet of frontage.
8. Please see Section 9.00 for specific regulations pertaining to Planned Developments (PD S-1), and the creation of lots with 100 feet of frontage by Special Permit in the S-1 district. *(Art. 5,2/07/94 STM)*
9. All yard requirements shall be measured from the property line of the parcel.
10. Insofar as there may be inconsistencies between this Table 5-2 and the provisions of Section 9.13, the provisions of Section 9.13 shall govern. *(Art. 3, 12/6/99 STM)*

SECTION 5.03 ACCESS REQUIREMENT

- A. Access to all lots shall only be through or across its legal frontage except access shall be allowed through either frontage on a corner lot. No "common driveways" are allowed unless otherwise provided for within these By-Laws. *(Art. 11, 11/5/01 STM)*
- B. Where the frontage of a lot is not contiguous, the Site Plan or Special Permit granting authority can allow access through or across either portion of the frontage. *(Art. 20, 11/26/90 STM)*
- C. During the subdivision control process, the Planning Board has the discretion to allow access to a lot where that portion of the street comprising the frontage of the lot will not be fully constructed due to the granting of a waiver of construction. *(Art. 20, 11/26/90 STM)*

- D. In those situations where access roads are allowed by Special Permit, the SPGA may place limitations on the time, frequency and type of vehicles using said access road to diminish the impact on abutting residential uses. It may also require specific design and construction standards be maintained to ensure the safety of the users. (The provisions of this paragraph D, shall only be valid through July 30, 1994.) *(Art. 14, 05/09/94 ATM)*

SECTION 5.04 BUILDING HEIGHT

- A. The height limitations of these By-Laws shall not apply to structures not used for human occupancy such as church spires, cupolas, chimneys, ventilators, skylights, water tanks, silos, necessary mechanical appurtenances usually carried above the roof level, such as elevator housings, nor to radio and television antennas.
- B. Upon the granting of a Special Use Permit pursuant to the requirements set forth in Section 11.06, any principal structure, in any non-residential district, may be erected to a height in excess of that specified in Table 5-2 but shall not exceed sixty (60) feet, nor more than four stories.
- C. Except as otherwise permitted in Paragraph B above, no structure shall exceed either the number of stories or the height in feet as stated in Tables 5-1 and 5-2., whichever is greater.
- D. Insofar as the provisions of this Section 5.04 are in conflict with or are inconsistent with the provisions of Section 9.13, the provisions of Section 9.13 shall govern. *(Art. 3, 12/6/99 STM)*

SECTION 5.05 EXEMPTIONS

- A. The following structures, which in the opinion of the Building Commissioner, are obviously intended to be located in the public interest, and are not incongruous with the aesthetic standards of the surrounding area, shall be exempt from the minimum yard requirements: telephone booths and pedestals, underground utility equipment, mailboxes, bus shelters, flagpoles, fences, retaining walls, trash disposal units, or any similar structures.
- B. Every part of a required yard shall be open except for permitted accessory buildings or structures and the ordinary projection of sills, chimneys, ornamental features, and eaves, provided that no such projection shall extend into the minimum side yards more than twenty-four (24) inches. Unroofed entrance porches or terraces which do not rise above the height of the floor level of the ground floor may extend into a required yard space provided the area shall not exceed two hundred (200) square feet.
- C. Where the Town or other governmental agency acquires an interest in land by eminent domain or otherwise, which is adjacent to an existing public way for the purpose of constructing or widening of the public way or sidewalks, then the following provisions shall apply to lots or buildings affected by any such street widening or sidewalk acquisition: *(Art. 29, 05/09/05 ATM)*
1. If the area of the lot, which prior to such acquisition conformed to this By-Law, is reduced to an area less than is required by Article 5, then the area of such lot remaining after such acquisition shall be deemed in conformity with this By-Law.

2. If a yard setback of a building, which prior to such acquisition conformed to this By-Law, is reduced to a distance less than is required by Article 5, then the yard setbacks remaining after such acquisition shall be deemed to be in conformity with this By-Law.
3. If the frontage of the lot, which prior to such acquisition conformed to this By-Law, is reduced to a frontage less than is required by Article 5, then the frontage of such lot remaining after such acquisition shall be deemed in conformity with this By-Law. *(Art. 22, 05/14/01 ATM)*