

Section 101. Front Yard for Dwellings.

The front yard requirements of this Ordinance for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or in part within 100 feet on either side of the proposed dwelling and on the same side of the street in the same block and use district as such lot is less than the minimum required front yard depth. In such case, the setback on such lots may be less than the required setback but not less than the average of the existing setbacks on the aforementioned lots, or a distance of 10 feet from the street right-of-way, whichever is greater.

Section 102. Height Limitation.

a) The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, radio towers, television towers, masts, aerials and similar structures, except as otherwise noted in the vicinity of airports.

b) Communication towers, including but not limited to, radio, television and cellular transmission towers, masts, aerials and similar structures shall be permitted in Light Industrial (L-I) and Heavy Industrial (H-I) and any public property in any district as a special use upon approval by the Board of Commissioners and subject to a finding by the Board that all other requirements for permitted or special uses within the district will be met. Towers must also meet the following requirements:

C. Monopole towers designed with a self-collapsing system may have setback requirements reduced upon approval from the Board of Commissioners.

1. Towers less than 50 feet in height shall have setbacks equal to the height of the proposed structure plus five (5) feet. Towers exceeding 50 feet in height shall increase the setbacks by one (1) foot for each four feet, or fraction thereof, of tower height in excess of 50 feet. The tower shall not exceed 200 feet.
2. The site must be large enough to contain, on-site, all ice-fall or debris from tower failure. If engineering specifications indicate that the minimum required setbacks are too small to contain debris from the proposed tower, the Town may require increased setbacks.
3. Suitable anti-climb fencing with a minimum height of six (6) feet and a landscaped planting screen shall be required and maintained around the structure and accessory attachments. Additionally, a continuous screen of evergreen plants - with an initial height of six (6) feet within a two-year period - must be planted and maintained. Existing on-site vegetation shall be preserved to the maximum extend possible.
4. Distance of any guy anchorage or similar device shall be at least thirty (30) feet from any property line.

5. The applicant shall present documentation of the possession of any required license by any federal, state and local agency.
6. Application for the permit must include construction drawings showing the proposed method of installation, structural engineering analysis, and site plan depicting structures and plantings on the property and all adjacent properties.
7. The owner of such a structure shall assume complete liability in the case of personal property damage.
8. Communication towers shall be shared with other communication providers when feasible.
9. Towers shall in no way be used for advertising purposes.
10. At such time when, due to technological changes and/or advancements, the tower(s) no longer becomes necessary for telecommunications, the tower will be removed by the operating company.

Section 103. Visibility of Intersections.

On a corner lot in any residential district, no planting, structure, sign fence, wall or obstruction to vision more than three feet in height measured from the centerline of the street or road shall be placed or maintained within the triangular area formed by the intersecting street or road right-of-way lines and a straight line connecting points on said street or road right-of-way line each of which is 35 feet distance from the point of intersection.

Section 104. Relationship of Building to Lot.

Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one principal building and its customary accessory buildings on any lot, except in the case of Conditional Use Permits issued for Planned Unit Developments in an appropriate zoning district.

Section 105. Planned Unit Development.

The planned unit development concept offers developers the possibility of more efficient and flexible methods for developing property, and provides residents of the project with larger open spaces for recreation and other activities properly related to residential uses. The Board of Adjustment may approve this form of development in the districts that allow it as a conditional use, provided: