

AN ORDINANCE PROVIDING FOR MUNICIPAL ZONING

THE TOWN OF MADEIRA BEACH DOTH ORDAIN:

Section 1. Definitions.

For the purpose of this ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" includes the word "premises" and the word "shall" is mandatory and not directory; said definitions being as follows:

(1) Accessory buildings. (a) A subordinate building or a portion of the main building, the use of which is incidental to that of the dominant use of the building or premises. (b) A garage apartment shall be an accessory or subordinate building, not a part of or attached to the principal building, containing living facilities for not more than one family, which living facilities shall not occupy more than fifty per cent of the total floor area of said garage apartment.

(2) Alley. A public thoroughfare which affords only a secondary means of access to abutting property.

(3) Apartment house. See Dwelling, multiple.

(4) Basement. A story having part but not more than one-half its height below grade. A basement is counted as a story for the purpose of height regulations, if subdivided and used for business or dwelling purposes by others than a janitor employed on the premises.

(5) Boarding house. A building other than a hotel, where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three or more persons, but not exceeding twenty persons.

(6) Buildings. See Structure.

(7) Building, height of. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

(8) Cellar. A story having more than one-half of its height below grade.

(9) District. Any section of the town for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

(10) Dwelling. Any building, or portion thereof, which is designed or used exclusively for residential purposes.

(11) Dwelling, single-family. A building designed for or occupied exclusively by one family.

(12). Dwelling, two-family. A building designed for or occupied exclusively by two families.

(13). Dwelling, multiple. A building or portion thereof designed for or occupied by three or more families.

(14). Family. A group of one or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.

(15) Farm. An area which is used for the growing of the usual farm products such as vegetables, fruits and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term "farming" includes the operating of such an area for one or more of the above uses including dairy farms with the necessary accessory uses for treating or storing the produce, provided however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.

(16) Filling stations. Any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any automobile fuel or oils.

(17) Frontage. All the property on one side of a street or place between two intersecting streets or places (crossing or terminating) measured along the line of the street or place, or if the street or place is dead-ended, then all of the property abutting on one side between an intersecting street or place and the dead-end of the street or place.

(18) Garage apartment. See Accessory buildings.

(19) Garage, private. An accessory building designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

(20) Garage, public. A building or portion thereof, other than ^aprivate or storage garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

(21) Garage, storage. A building or portion thereof designed or used exclusively for term storage by pre-arrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

(22) Grade. (a) For buildings having walls adjoining one street only the elevation of the sidewalk at the center of the wall adjoining the street. (b) For buildings having walls adjoining more than one street the average of the elevation of the sidewalk at the centers of all walls adjoining the streets. (c) For buildings having no wall adjoining the street the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street.

(23) Home occupation. Any profession or customary home occupations carried on by a member of a family, residing on the premises, in connection with which there is used no sign other than one non-illuminated name plate attached to the building entrance which is not more than one square foot in area; provided that no commodity is sold upon the premises; provided that no person is employed other than a member of the immediate family residing on the premises; provided, that no mechanical equipment is installed except such that is normally used for purely domestic or household purposes; and provided, that not over twenty-five per cent of the total actual floor area of any story is used for home occupation or professional purposes.

(24) Hotel. A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, and in which ten or more rooms are furnished for the accommodation of such guests.

(25) (a) Lodging or rooming houses. A building where lodging only is provided for compensation to three or more, but not exceeding twenty permanent guests or tenants.

(b) Guest houses. A private residence in which accommodations are provided for compensation to three or more, but not exceeding twelve permanent guests or tenants.

(26) Lot. A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings including the open spaces

required by this ordinance and having its principal frontage upon a street or upon an officially approved place.

(27) Lot, corner. A lot abutting upon two or more streets at their intersection.

(28) Lot, depth of. The mean horizontal distance between the front and rear lot lines.

(29) Lot, double frontage. A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

(30) Lot, interior. A lot other than a corner lot.

(31) Lot lines. The lines bounding a lot.

(32) Lot of record. A lot which is a part of a subdivision, the map of which has been recorded in the office of the Clerk of the Circuit Court of Pinellas County, of a lot described by metes and bounds, the description of which has been recorded in the office of the Clerk of the Circuit Court of Pinellas County.

(33) Minimum standard of improvements. A minimum standard of improvements shall include a road, connection with a water main or a well located upon the lot providing a supply of potable water, connection with a septic tank constructed upon the lot, which septic tank shall meet the requirements of the Florida State Board of Health.

(34) Non-conforming use. Any building or land lawfully occupied by a use at the time of passage of this ordinance or amendments thereto which does not conform after the passage of this ordinance or amendments thereto with the use regulations of the district in which it is situated.

(35) Place. An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

(36) Restorium. Any building and premises used for housing and caring for the aged, convalescents, physically unfit, except persons suffering from mental ailments and persons so ill as to require regular hospitalization.

(37) Stable, private. A stable with a capacity for not more than two horses or mules.

(38) Stable, public. A stable, other than a private stable, with a capacity for more than two horses or mules.

(39) Street. All property dedicated or intended for public or private street purposes or subject to public easements therefor.

(40) Story. That portion of a building, other than a basement,

included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

(41) Story, half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

(42) Street line. A dividing line between a lot, tract or parcel of land and a continuous street.

(43) Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground. When a building is divided into separate parts by unpierced walls, each part shall be deemed a separate building.

(44) Structural alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

(45) Tourist or trailer camps. An area where three or more camp cottages, tent houses or house cars may be located and used as temporary living or sleeping quarters of three or more families and intended primarily for automobile transients. Every camp shall provide an average area of not less than eight hundred square feet for every cottage, tent or house car accommodation.

(46) Yard. An open space, other than a court, on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

(47) Yard, front. A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than steps, unenclosed balconies and unenclosed porches.

(48) Yard, rear. A yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

(49) Yard, side. A yard between the building and the side line of the lot and extending from the front lot line to the rear lot line.

(50) Community service laundry. A building or a portion of a building equipped with washing machines, drying and ironing machines, electric irons and other equipment and supplies used in the washing, drying and ironing of clothes, which are to be rented and used on the premises by the customer to launder his own washing, and not employing more than three persons to supervise the rental and maintenance of such equipment and the sale of supplies.

Section 2. Plats required with applications for building permits; record of applications.

Each application for a building permit shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, the terms of this ordinance on which the board is required to pass upon and such other information as may be necessary to provide for the enforcement of this ordinance. A record of applications and plats shall be kept in the office of the town clerk.

Section 3. Interpretation, purpose and conflict.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance,

or which shall be adopted or issued pursuant to law relating to the use of building or premises, and likewise, not in conflict with this ordinance; nor is it intended by this ordinance to interfere with or abrogate or annul any easement, covenants or other agreements between parties, except that if this ordinance imposes a greater restriction, this chapter shall control.

Section 4. Changes, amendments, etc.

The town council may, from time to time, on its own motion or on petition, amend, supplement, change, modify, or repeal by ordinance the boundaries of districts or regulations or restrictions herein established. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the town planning board for its recommendations and report. If the town planning board makes no report within thirty days, it shall be considered submitted to the council, without recommendation upon upon the proposed amendment, supplement, modification, or change. Upon the filing of the recommendations and report by the town planning board or upon the failure so to do within thirty days with respect to any proposed amendment, supplement, change, modification, or repeal, the town council shall proceed to hold a public hearing in relation thereto, giving at least fifteen days' notice of the time and place of such hearing, which notice shall first be published by posting as provided by law. In case of an adverse report by the town planning board or if a protest against such proposed amendment, supplement, change, modification or repeal shall be presented in writing to the town clerk, duly signed and acknowledged by the owners of twenty per cent or more either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending one hundred feet therefrom, or of those directly opposite thereto extending one hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the town council.

Before any action shall be taken as provided in this section, the party proposing or recommending a change in the district regulations or district boundaries shall deposit with the clerk of the town, the sum of ten dollars to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the town council.

Section 5. Enforcement and violations; penalty.

It shall be unlawful for any building or structure to be erected, constructed, reconstructed, altered, repaired, converted or maintained, or for any building, structure, or land to be used in violation of the regulations of this ordinance or other regulation made under authority conferred hereby.

Any individual violating any of the provisions of this ordinance shall, upon conviction thereof in the municipal court of the town be punished by a fine not to exceed two hundred dollars or by imprisonment in the jail not to exceed thirty days, in the discretion of the municipal judge. When a copartnership or a corporation violates any of the provisions of this ordinance, the members of the copartnership responsible for said violation and the managing officers of the corporation guilty of said violation, or who direct the same to be done, shall be punished in the same manner as the punishment prescribed for an individual in this section. Every person who aids, abets or assists in the violation of the provisions of this ordinance shall be punished as a principal. Each and every day that a violation of this ordinance continues shall constitute a separate and distinct offense.

Section 6. Number and names of district.

In order to classify, regulate and restrict the locations of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the intensity of the use of lots; and to regulate and determine the area of yards, courts and other open spaces within the surrounding buildings, the town is hereby divided into districts of which there shall be five in number known as:

"A" - Single Family Dwelling District; "B" - Two Family Dwelling District; "C" - Multiple Dwelling District; "D" - Business District; and "E" - Trailer Park District.

Section 7. Boundaries established by "district map"; map made part of ordinance.

The boundaries of the districts are shown upon the map and made a part of this ordinance, which map is designated as the "district map". The district map and all the notations, references and other information shown thereon are a part of this ordinance and have the same force and effect as if the district map and all the notations, references and other information shown thereon were all fully set forth or described herein, which district

map is properly attested and is on file with the town clerk.

Section 8. Rules where uncertainty arises as to boundaries of districts. Where uncertainty exists with respect to the boundaries of the various districts as shown on the district map which is made a part of this ordinance, the following rules apply:

(1) The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

(2) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

(3) In unsubdivided property, the district boundary lines on the map shall be determined by use of the scale appearing on the map.

Section 9. Regulations applicable to areas under water.

All areas within the corporate limits of the town which are under water and not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

Section 10. Compliance with district regulations; requirements as to open spaces, etc.; buildings permitted upon one lot.

Except as hereinafter provided, no building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all of the district regulations established by this ordinance for the district in which the building or land is located. The minimum yards and other open spaces, including the intensity of use provisions contained in this ordinance for each and every building existing at the time of passage of this ordinance, or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements or intensity of use

requirements for any other building. Every building hereafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one main building and the customary accessory buildings on one lot.

Section 11. The regulations set forth in this ordinance or set forth elsewhere in this ordinance when referred to in this ordinance, are the district regulations in the "A" - Single Family Dwelling District regulations.

A) Use regulations.

The building or premises shall be used only for the following purposes: 1-Single family dwellings; 2-Guest houses; 3-Municipally owned or operated parks and playgrounds; 4-Churches; 5-Public or private schools; 6-Home occupations; 7-Accessory buildings other than garage apartments and uses customarily incident to the above uses not involving conduct of a business. No garage apartment shall be constructed or used for dwelling purposes in this district.

B) Height regulations.

No building shall exceed two and one-half stories or thirty-five feet in height.

C) Area regulations. FRONT YARD:

(a) Lots having an area of 2500 square feet or less shall have a front yard of not less than 10 feet, a side yard of not less than 5 feet and a rear yard of not less than 10 feet, and the dwelling and accessory buildings to be built on such lot shall not cover more than 40% of the area of such lot.

(b) Lots having an area of more than 2500 square feet and not more than 3500 square feet shall have a front yard of 15 feet, a side yard of 5 feet and a rear yard of 10 feet, and the dwellings and accessory buildings to be constructed thereon shall not exceed more than 40% of the area of the lot.

(c) Lots having an area of more than 3500 square feet and not more than 5000 square feet shall have a front yard of 20 feet, a side yard of 5 feet, and a rear yard of 15 feet, and the dwellings and accessory buildings to be constructed thereon shall not exceed more than 40% of the area of the lot.

(d) Lots having an area of more than 5000 square feet shall have

a front yard of not less than 20 feet and a rear yard of not less than 20 feet and a side yard of not less than 7 feet, and the dwellings and accessory buildings to be constructed thereon shall not exceed more than 40% of the area of the lot.

(e) Every lot shall have an area of not less than 3500 square feet except that if a lot has less area than herein required and the plat thereof was of record at the time of the passing of this ordinance, such lot may be used for a single family dwelling in conformity with the other provisions of this section.

(f) Where more than 40% of the frontage on one side of a street between two intersecting streets is improved with buildings that have observed a front yard line having a variation in depth of not more than 10 feet, then no dwelling shall project beyond the average front yard line so established. This regulation shall not be interpreted to require a front yard of more than 50 feet nor in any case to allow a front yard of less than the front yard lines hereinbefore set out.

~~(g) - Where lots have a double frontage, the required front yard shall be provided on both streets.~~

Section 12. The regulations set forth in this ordinance or set forth elsewhere in this ordinance when referred to in this ordinance, are the district regulations in the "B" - Two Family Dwelling District regulations.

A) Use regulations. A building or premises shall be used only for the following purposes: 1-Any use permitted in "A" - Single Family Dwelling Districts; 2- Two Family Dwelling Districts; 3- Rooming and boarding houses; 4- Accessory buildings and uses customarily incident to any of the above uses and located on the same lot and not involving the conduct of ~~the a~~ business.

B) Height regulations. Height regulations are the same as those in the "A" - Single Family Dwelling District.

C) Area Regulations.

(a) The regulations for front yard, side yard and rear yard applying to "A" - Single Family Dwelling District shall apply to "B" - Two Family Dwelling District.

(b) A lot on which there is erected a single family dwelling shall comply with all of the area regulations provided for "A" - Single Family

Dwelling District.

(c) A lot on which there is erected a two family dwelling shall contain an area of not less than 1500 hundred square feet per family.

Section 13. The regulations set forth in this ordinance or set forth elsewhere in this ordinance when referred to in this ordinance, are the district regulations in the "C" - Multiple Dwelling District regulations.

A) Use regulations.

A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the "g" - ^{Two} ~~Single~~ Family Dwelling District;
- (2) Multiple dwellings; (3) Institution of the usual religious, education or philanthropic nature; (4) Hospitals, restoriums or clinic, excepting animal hospitals and clinics, provided however, that any such structures shall have a minimum side yard of not less than 20 feet; (5) Hotels in which business may be carried on and conducted for the sole convenience of the occupants of the building, provided however, that there shall be no entrance to such place of business except from the inside of the hotel building; (6) Private clubs, fraternities, sororities and lodges excepting those the chief activity of which is a service customarily carried on as a business; (7) Accessory building customarily incident to any of the above uses including storage garage where the lot is occupied by a multiple dwelling, hotel, hospital or institutional building. If a storage garage is not a part of the main building, it shall be located not less than 60 feet from the front line, not less than 5 feet from the side line, and not less than 5 feet from any side street line.

(a) Where a lot is occupied by a multiple dwelling, there shall be provided accessible parking space on the lot, either garage or surfaced area adequate to accommodate one car for every two dwelling units provided in the main building.

B) Height regulations.

No building shall exceed three stories or 45 feet in height at the required front, side and rear yard lines, except that one foot may be added to the height of the building for each one foot that the building or a portion thereof is set back from the required yard lines.

C) Area Regulations.

- 1) There shall be a front yard having a depth of not less than

15 feet;

2) There shall be a side yard of not less than 5 feet;

3) There shall be a rear yard of not less than 15 feet;

4) A lot on which there is erected a multiple dwelling shall contain an area of not less than 500 square feet per family, except that this regulation shall not apply to hotels where no cooking is done in individual rooms or apartments. A lot on which there is erected a single family dwelling shall comply with the area regulations provided for "A" Single Family Dwelling District.

Section 14. The regulations set forth in this ordinance or set forth elsewhere in this ordinance and referred to in this ordinance are the district regulations in the "D" - Business District regulations:

A) Use regulations.

A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the "C" - Multiple Dwelling District;
- (2) Bakeries; (3) Banks; (4) Barber shops or beauty parlors; (5) dyeing and cleaning works or shops for the collection and distribution of garments for dyeing and cleaning establishments; (6) Garages; (7) Filling stations; (8) Offices; (9) Restaurants; (10) Sales or show rooms, stores or shops for the conduct of a retail business, including community service, laundries, studios, theatres, undertaking establishments, machine shops, milk distributive stations other than retail business conducted on the premises;
- (11) bottling works; (12) Woodworking and cabinets; (13) Accessory buildings and uses customarily incident to the above uses, including a sign or a bulletin board having an area not greater than eight per cent of the area of the front of the store for a one-story building and not greater than five per cent of the area of the front of the store for a two-story building; provided however, that all advertising signs shall be attached to the building and shall not project beyond the building for a distance of more than twelve inches. No illuminated sign shall be placed on the side of a building that is within three hundred feet of and facing a dwelling; provided, the said three hundred foot distance shall not extend past a platted street or alley. Not more than one sign shall be placed on the front or side of a building. Any building used primarily for any of the above enumerated purposes may have not more than forty per cent of the floor area devoted to

storage purposes incidental to such primary use.

B) Height regulations.

No building shall exceed two and one-half stories or thirty-five feet in height, except that one foot may be added to the height of the building for each one foot the building or a portion thereof is set back from the required yard lines.

C) Area regulations.

1- Front yard:

(a) No front yard shall be required unless twenty-five per cent or more of the frontage on one side of the street between two intersecting streets is improved with buildings that have observed a front yard line having a variation in depth of not more than ten feet in which case no building shall project beyond the average front yard so established. This regulation shall not be interpreted to require a front yard of more than twenty-five feet.

(b) Where a lot is located at the intersection of two or more streets, the front yard requirements of Subdivision "a" of this paragraph shall apply to each street-side of the corner lot.

2- Side yard:

No side yard shall be required except that there shall be a ten foot side yard on one side of all buildings built in "D" - Business District for business purposes to give access to the rear of said building, provided, however, that such side yard shall not be required where the building built for business purposes is on a corner lot, so that access to the rear of said building may be had from the side street and provided further that when two buildings are built for business purposes in a business district on adjoining lots, the owners of such adjoining lots may provide by private agreement between themselves that said ten-foot side yard shall be obtained by each of said owners, giving an easement for access to the rear of said buildings over five feet of each of said adjoining lots.

3- Rear yard:

There shall be a rear yard of ten feet except that where a lot abuts upon a dwelling district, there shall be a rear yard of not less than fifteen feet.

4- Dwelling purposes:

If any lot is used for dwelling purposes, it shall comply with the area regulations provided for the type of dwelling for which it is used.

5- Where a lot located in the business zone is immediately adjacent to a dwelling zone, any building built thereon shall comply with the front yard requirements for the dwelling zone to which it is adjacent and to the side yard requirements on the side adjacent to the dwelling zone.

Section 15. The regulations set forth in this section of this ordinance or set forth elsewhere in this ordinance and referred to in this ordinance are the district regulations of "E" - Trailer Park District.

A) Use regulations.

Buildings or premises shall be used only for the following purposes:

(1) Trailer parks or motels; (2) Any use permitted under "A" - Single Family Dwelling District; (3) Any use permitted under "B" - Two Family Dwelling District; (4) Any use permitted under "C" - Multiple Dwelling District.

B) Area regulations.

1- FRONT YARD: A front yard of 18 feet shall be required.

2- SIDE YARD: There shall be a side yard of not less than 50 feet.

3- REAR YARD: There shall be a rear yard of not less than 50 feet.

4- Where any dwelling is erected in an area zoned for trailer parks, the area and height regulations provided for such building shall be complied with.

C) Parking:

The owner of any premises used for a trailer park or motel shall provide one off-street parking space for one car for each cottage, tent or house-car accommodation.

D) Business district adjoining trailer park.

Where any property constituting a part of a business district immediately adjoins a trailer park district and such land is owned by the person or persons owning said trailer park, such land may be used for the purposes set out in this section; provided, however, that the area regulations provided for the trailer park district shall be complied with.

Section 16. All lands shown on the "district map" which are not designated as any particular district shall be subject to all the regulations and restrictions of "A" - Single Family Dwelling District until such areas are subdivided and the plat thereof recorded in the office of the Clerk of the Circuit Court of Pinellas County, Florida, and the designation thereof approved by the Town Council by amendment to this ordinance.

Section 17. No building of any kind shall be built in any residential

zone nearer than 30 feet to the mean high-water mark of any of the waters within or adjacent to the town limits; provided, however, that where a lot has a depth of less than 100 feet between the street line and the mean high-water mark, then the building shall be built not nearer to the mean high-water mark than a distance equal to 30% of the depth of such lot; and in no case nearer than 20 feet to the mean high-water mark.

Section 18. Where lots have a double frontage, the required front yard shall be provided on both streets; provided, however, that where in any block there are not more than two lots having a frontage on the same street between two intersecting streets and the building to be built on such lot or lots shall face the narrower dimension of such lot, then only a required side yard for such building shall be provided on the side adjoining the street. In the event such building shall face the long dimension of such lot, then the required front yard shall be provided on both streets.

Section 19. (a) An accessory building which is not part of the main building may occupy not more than 40 per cent of the required rear yard; provided, however, this provision shall not apply to "C" - Multiple Dwelling District, in which district the entire rear yard area may be used in complying with the parking space provisions of Section 13 of this ordinance.

(b) In the "A" - Single Family Dwelling District, an accessory building may contain servants' quarters including sleeping and bathroom facilities, but shall not include any cooking facilities and no cooking or other preparation of food shall be allowed in any such accessory building.

(c) Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in the rear yard and except for the ordinary projections - skylights, sills, belt ~~connects~~^{courses}, cornices and ornamental features projecting not to exceed 12 inches. This requirement shall not prevent construction of fences along the boundary of the lot, which fences shall not exceed 6 feet in height, except on that portion of lots within 30 feet of the intersection of two or more streets or between the front lot line and the main structure, in which instance the fence shall not exceed 3 feet in height.

Section 20. Board of Adjustment.

A) Establishment.

The Mayor, with the advice and approval of the Town Council, shall appoint a board of adjustment, which board of adjustment shall consist of

five members, all of whom shall be freeholders residing in the Town. The members of the board of adjustment shall be appointed for a term of three years and shall be removable for cause by the Town Council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

B) The board shall adopt rules in accordance with the provisions of this ordinance. Meetings of the board shall be held at the call of the chairman and at such times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public and the board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicate such fact, and it shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Section 21.

A) Appeals to the board of adjustment may be taken by any person aggrieved or by any officer or bureau of the town affected by any decision of any administrative officer of the town. Such appeals shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

B) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

C) The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

Section 22. The board of adjustment shall have the following powers and it shall be its duty (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance; (2) To permit the extension of a district where the boundary line of a district divides a lot held in single ownership at the time of the passage of this ordinance; (3) To interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the zoning plan as shown upon the map fixing the several districts and made a part of this ordinance where the street lay-out actually on the ground varies from the street lay-out as shown by the map aforesaid; (4) To authorize, upon appeal in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interests, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done.

In exercising the above mentioned powers, such board may, in conformity with this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in this ordinance.

PASSED on first reading the 15th day of July, 1947.

PASSED on second reading the 12th day of August, 1947.

PASSED on third and final reading the 26 day of August, 1947.

ATTEST:

Richard Maduro
TOWN CLERK

Robert F. McCall
PRESIDENT TOWN COUNCIL

APPROVED this 26 day of Aug., 1947.

Harold J. Regan
MAYOR