

Sec. 5.7. Uses permitted by right.

The following uses shall be permitted in the RC resource conservation district, subject to all other provisions of this ordinance:

5.7.1. Game preserves and conservation areas.

5.7.2. Fish hatcheries and fish ponds; wildlife/waterfowl ponds.

5.7.3. Drainage, erosion and flood control devices.

5.7.4. Wells, water reservoirs and water control structures.

~~5.7.5. Accessory structures.~~

~~5.7.5. Seafood and shellfish landing and receiving areas. storage and shipping facilities.~~

~~5.7.6. Aquaculture and mariculture facilities and activities.~~

~~5.7.8. Commercial kayak and boat rental facilities.~~

~~5.7.7. Public parks and recreational areas. marinas and other public buildings.~~

~~5.7.10. Lodges, hunting clubs, boating clubs.~~

5.7.8. Fences.

- (1) All fences to be located from a point even with the rear of the main structure (excluding open decks and open porches) extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90-degree angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. A fence previously in compliance with this section may remain in place if a new addition is constructed to an existing residence.
- (2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90degree angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.
- (3) Fully enclosed containment fences of solid construction may be erected to enclose aboveground sewage disposal systems and fuel storage tanks. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of six feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.

5.7.12. Public utilities.

Sec. 5.8. Special exceptions; special use permits; conditional use.

5.8.1. Public utilities generating, booster or relay stations, transformer substations, transmission and distribution lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewage facilities.

5.8.2. Such other temporary or permanent use of land, buildings, or structures as may be permitted by the town council as a conditional use in accordance with article IX of this appendix.

Sec. 5.9. Area regulations.

5.9.1. Lot size.

- (1) ~~The minimum lot size for permitted residential dwellings shall be five acres, or a minimum individual lot size of one acre as long as the allowable gross density does not exceed one unit per five acres on any given parcel of land.~~

~~5.9.2. Setback. Structures excluding steps, and a landing not greater than five feet by five feet shall be located a minimum of 50 feet from the edge of any street right of way. This distance shall be known as the setback line. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots or new subdivisions after enactment of this ordinance.~~

5.9.3. Open space.

- (1) ~~The minimum side yard setback for each main structure shall be 50 feet, and the total width of the two required side yards shall be 100 feet or more.~~
- (2) ~~The minimum side yard for accessory structures shall be 30 feet or more.~~

5.9.4. Height regulations.

- (1) ~~Buildings and other structures may be erected up to 36 feet in height in accordance with section 2.24 (definition of building and structure height). No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.~~
- (2) ~~No accessory building or structure shall be more than 25 feet in height.~~
- (3) ~~Roof area extending above the maximum three-story building height shall not be constructed or converted for human occupancy or use. Exception: HVAC equipment if visually screened from view, elevator bulkheads or stair structures for roof access.~~
- (4) ~~Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.~~
- (5) ~~Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).~~
- (6) ~~Parapet walls shall not extend more than four feet above the maximum building height for nonresidential structures.~~

~~5.9.5. Corner lots.~~

- ~~(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.~~

(Ord. of 2-5-2001; Amended 4-2-2012, 5-4-2015, 12-5-2016, 8-7-23)