

ARTICLE 5
GENERAL REQUIREMENTS

Section 5.1 Uses

No building or land shall hereafter be used or occupied and no building or structure shall be erected, expanded or moved except in conformity with the regulations of this ordinance.

Section 5.2 Bona-Fide Farms Exempt

This Ordinance shall in no way regulate, restrict, prohibit, or otherwise deter any bona fide farm and its related uses within the Town of New London or its Extraterritorial Area except that any such use of property for non-farm purposes shall be subject to this Ordinance.

Section 5.3 Fences or Walls Permitted

Except as otherwise noted, fences or walls are permitted in the various districts subject to the following regulations:

5.3.1 In Residential (R) districts:

- (A) Within the required rear and side yard areas, the maximum height of a fence or wall shall be six (6) feet.
- (B) Within the required front yard area, the maximum height of a fence or wall shall be four (4) feet.
- (C) No electrical or barbed wire fence is permitted in any R-20 district.

5.3.2 In Business or Industrial districts:

- (A) Within all required yard areas the maximum height of a fence or wall shall be eight (8) feet.

Section 5.4 Lot to Abut a Public Street

No building or structure shall be erected or located, nor shall any principal use be instituted on a lot which does not have public street access unless an easement, at least 12 feet in width is provided which permits access to the lot from the public street. Said easement shall be maintained in a condition passable for service and emergency vehicles.

Section 5.5 One Principal Building

No more than one single-family dwelling shall be permitted on a lot. More than one principal non-residential building may be located on a lot so long as an access road at least 12 feet wide is maintained from a public street to each building for use by service or emergency vehicles. A minimum separation of 20 feet is required between separate principal buildings on the same lot.

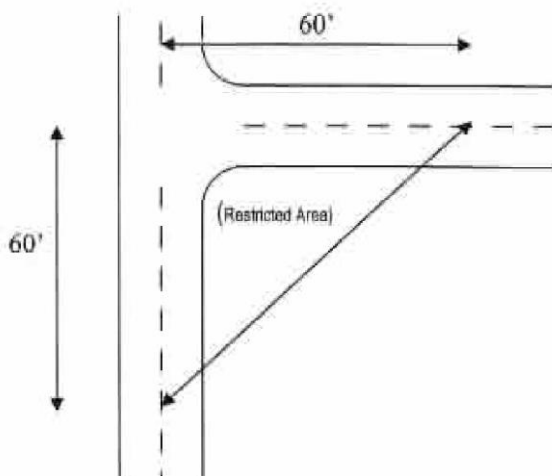
Section 5.6 Fractional Requirements

When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered the next higher whole unit and a fraction of less than one-half shall be disregarded. For

instance, if the Ordinance calls for a use to have three and one-half parking spaces, four parking spaces shall be required.

Section 5.7 Visibility at Intersections

On corner lots in the R-20, R-10, R-A, and Neighborhood Business districts, within the triangular areas formed by joining points (with a straight line) on the centerlines of intersecting or intercepting streets 60 feet from their intersection (see drawing below), there shall be no obstruction to vision by structures, grade or foliage other than power or utility poles at a height of more than three (3) feet, measured above the average elevation of the existing surface of each street at the centerlines thereof. A variance may be obtained from the Board of Adjustment in situations where it is found that existing foliage does not significantly obstruct views in low-traffic areas.



Corner lot development and planting is restricted in the triangular area formed by the sight-line between points in the two street centerlines, 60 feet from the center of the intersection

Section 5.8 Temporary Structures and Uses

Temporary structures and uses, when in compliance with all applicable provisions of this ordinance and all other ordinances of the Town of New London, shall be allowed. The following temporary structures and uses shall be permitted:

- 5.8.1 Construction trailers are permitted provided that the following conditions are met:
 - (A) Such trailers shall be located upon a building site upon receipt of a valid building permit for the construction project.
 - (B) Such trailers may remain upon a construction site as long as there is a valid building permit for the construction project.
 - (C) All construction trailers homes shall be located at least 20 feet from all street rights-of-way.
- 5.8.2 Carnivals, circuses, sales of Christmas trees, 4-H shows, and other commercial and charitable uses of a limited nature and for a limited time are allowed only after having received a permit

from the Town Board. The permit shall be for a period of time as determined by the Town Board.

- 5.8.3. Structures, whether temporary or permanent, located in a subdivision, and used as sales offices for the subdivision development are permitted. At the completion of the sales in a tract, or within two (2) years of the date the office begins operation, whichever comes first, the temporary structure shall be removed, and the permanent structure, temporarily used as a sales office, shall be used only for the purpose for which it was constructed.

Section 5.9 Height Exemption

The maximum heights as indicated in the various districts may be exceeded for specific uses as provided in the following:

- 5.9.1. Roof structures not intended for human occupancy, such as skylights, transmission or television towers, housing for elevators, stairways, water tanks, ventilating fans, air conditioning equipment or similar equipment, steeples, spires, belfries, cupolas or chimneys, may exceed the maximum allowable heights as provided in any of the zoning districts.

Section 5.10 Accessory Uses and Structures

Minor uses or structures which are necessary to the operation or the enjoyment of a permitted principal use, and are appropriate, incidental and subordinate to any such uses, shall be permitted in all districts. The following provisions apply to all accessory uses.

- 5.10.1. Accessory uses shall be located on the same lot as the principal use except in instances when an adjoining lot is owned by the same property owner. In such instances, an accessory use may be located on the adjoining lot subject to all required yard restrictions.
- 5.10.2. No portion of any accessory structure shall be located within ten (10) feet of any side or rear lot line. Additional side yard setbacks may be required as indicated in Article 4.5. Accessory structures, with the exception of garages used primarily to house automobiles, shall be located in the rear yard only. Detached automobile garages may be located in any non-required yard. On corner lots, accessory structures shall be set back at least twenty-five (25) feet from any side street right-of-way line.
- 5.10.3. On any lot containing a principal residential use, no accessory use or structure shall be permitted that involves or requires any construction features which are commercial or industrial in nature or character.
- 5.10.4. All accessory structures shall be one (1) story in height unless a special use permit is issued by the Town Board. Accessory buildings, including garages, swimming pools, and other accessory structures shall not cover more than 30% of any rear yard.
- 5.10.5. An accessory building or structure, attached to, or which is part of, a principal structure, shall comply with all the yard requirements of the principal structure.

Section 5.11 Outdoor Lighting

Outdoor lighting shall be so located as not to reflect on adjacent property, or on public streets in such manner as to adversely affect the enjoyment of adjacent property, or endanger the motorist travelling such streets.

Section 5.12 Construction Begun Prior to Adoption of Ordinance

Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designed use of any building upon which a building permit has been issued and remains valid.

Section 5.13 Use of Manufactured Homes and Similar Structures

Manufactured homes shall be used for residential purposes only, as prescribed by this Ordinance, except where permitted on a temporary basis in compliance with Section 5.8 of this Ordinance or when serving as a mobile home sales lot office.

Section 5.14 Location of Required Yards on Irregular Lots

The location of required front, side and rear yards on irregularly shaped lots will be determined by the Administrator. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing and location of buildings on individual lots.

Section 5.15 Vibration

No use in any district may operate in such a fashion that any inherent or recurring ground vibrations can be felt or detected at the property line without the use of instruments.

Section 5.16 Noise

Every use of land must be operated in such a way that regularly recurring noises are not disturbing or unreasonably loud and do not cause injury, detriment, or nuisance to any person of ordinary sensitivities. Every use in a Business (B) or Industrial (M) district which adjoins a Residential (R) district must be operated in such a way that any noise which may be detected by the human senses without instruments at the district boundary line is no louder than the noise which could be expected from uses permitted in that district.

Section 5.17 Reduction of Lot and Yard Areas Prohibited

No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein, except as a result of street widening. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance. This prohibition shall also not be construed to prevent the condemnation of narrow strips of land for public purposes.

Section 5.18 Swimming Pools

Swimming Pools located on any site, including single-family residential sites, shall be:

- 5.18.1 Located in a side or rear yard only.
- 5.18.2 Located a minimum of 20 feet from any property line.
- 5.18.3 Completely enclosed by a fence or wall no less than four (4) feet and no more than eight (8) feet in height above grade as measured on the side of the fence or wall which faces away from the swimming pool. This fence or wall shall enclose the pool itself and may include any other additional portions of the lot. All fence or wall openings into the pool area shall be equipped with a gate that opens outward away from the pool and be self-closing and have a self-latching device.