

# **GENERAL PROVISIONS**

## **A. JURISDICTION**

The jurisdiction of this ordinance shall include all lands and waters within the Town of Glenmore.

## **B. EXISTING ORDINANCE**

Restriction or requirements with respect to buildings or land or both which appear in other ordinances of the Town of Glenmore or are established by federal, state, or county laws, and which are greater than those set forth herein shall take precedence over those herein. Otherwise the provisions of this ordinance shall apply.

Where a conflict of regulations is found in Glenmore Zoning, the more restrictive regulation shall apply.

## **C. BUILDING AND USES**

1. The use of buildings hereafter erected, enlarged, converted, structurally altered, rebuilt or moved and existing land shall be used only for purposes as specified in this ordinance. Furthermore, land and building uses shall be in compliance with the regulations as established herein for each district.

2. All principal structures shall be located on a lot and only one principal structure shall be located, erected, or moved onto a lot in the Residential Zones.

3. Permitted, permitted accessory uses, and conditional uses are limited to the uses indicated for the respective zone district.

4. Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this ordinance shall provide a lot or parcel of land in accordance with the lot size requirements of the district within which it is located. In any Residential Zone, on a lot of record on the effective date of this ordinance, a single-family dwelling may be established regardless of the size of the lot provided all other requirements of this ordinance are complied with; however, where two (2) or more contiguous substandard recorded lots are in common ownership and are of such size as to constitute at least one (1) conforming "zoning lot", such lots or portions thereof shall be considered as being maintained in common ownership after the effective date of this ordinance for zoning purposes.

5. Where an accessory building is part of the main building or is substantially attached hereto, the side yard and rear yard requirements for the main buildings shall be applied to the accessory buildings.

6. The height and area regulations shall not apply to accessory buildings designated as farm structures. However, the farm structure shall be located on a minimum farm site of ten (10) acres. Farm accessory buildings shall not be closer than twenty-five (25) feet to any lot line with the exception that a newly constructed building of less than 500 sq. ft. need only be five (5) feet from the rear lot line.

7. On reversed corner lots, all accessory buildings shall conform to the existing setback lines on both streets, and on the rear lot line, it shall conform to the side yard requirements of the Zoning District.

No accessory building shall be erected in or encroach upon the required side yard of a corner lot which is adjacent to the street, nor upon the required side yard of a reversed corner lot which is adjacent to the street.

8. The lawful use of a building or premises existing at the time of the adoption or amendment of this zoning ordinance may be continued, although such use does not conform with the provisions of this ordinance. Such non-conforming use may not be extended.

9. When a building containing a non-conforming use is damaged or destroyed by fire, collapse, explosion, or other causes to the extent of more than sixty (60) percent of its current local assessed value, it definitely shall not be restored, except in conformity with the regulations of the district in which it is located. Total structural repairs or alterations in any non-conforming use shall not, during its life, exceed sixty (60) percent of the current local assessed value.

10. Where the Town Zoning Administrator or Building Inspector has issued a building permit, pursuant to the provisions of this ordinance, such permit shall become null and void unless work thereon is completed within two (2) years of the date of the issuance of such permit by the Town Zoning Administrator.

11. Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, the said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may, upon completion, be occupied under certificate of occupancy by the use for which originally designed and subject thereafter to the provisions of **Administration and Enforcement**.

12. A manufactured home Class I or Class II may be permitted for use as a business office only in those zones in which that business is approved.

13. Requirements for single, two-family, and multiple-family residential dwellings.

*a. Minimum Floor Area:* Minimum size of a residential dwelling shall be one thousand (1,000) square feet with at least eight hundred fifty (850) square feet on the main (first) floor, excluding garage or carport area. This regulation has been established to prevent overcrowding, enhance fire safety, and enhance the aesthetic compatibility with the surrounding area and neighborhood.

*b. Roof Pitch and Overhang:* All main buildings shall have a minimum pitch of four (4) inches per twelve (12) inches of run, with a minimum of twelve (12) inch roof overhang on each of the dwelling's perimeter walls, such that the overhang is structurally integrated into the design of the building. A conditional use permit would be granted if it can be proven that the installation of a home with a roof pitch of less than 4:12 and/or a roof overhang of less than twelve (12) inches would not aesthetically impinge upon the surrounding area.

*c. Roofing Materials:* All residential dwellings and attached/detached garages or

carports located on a lot shall have a roof surface of wood shakes, asphalt, composition and wood shingles, clay, concrete, metal tiles, slate, smooth or corrugated sheets of metal, fiberglass, plastic or its equivalent, or build-up gravel materials. This regulation has been established to enhance the aesthetic compatibility with the surrounding area and neighborhood.

*d. Siding Materials:* All residential dwellings and attached/detached garages located on a lot shall have exterior siding material consisting of weatherproof material such as wood, masonry, concrete, stucco, masonite, vinyl, aluminum or metal lap. The exterior siding material shall extend to ground level except that, when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation. This regulation has been established to enhance the aesthetic compatibility with the surrounding area and neighborhood.

*e. Foundation:* All dwellings shall have a properly engineered, permanently attached means of support meeting the applicable installation requirements and all applicable building codes. All foundations will require a minimum of four (4) foot ground cover. This regulation has been established to protect against the elements of snow, ice and frost in the winter and thunderstorms and tornadoes in the summer.

The height of the foundation shall be maintained at eighteen to twenty-four (18-24) inches above roadway or curb unless otherwise approved by the Town Board.

*f. Minimum Width:* The minimum width of the main structure of a dwelling shall be fifteen (15) feet. This regulation has been established to prevent overcrowding, enhance fire safety, and enhance the aesthetic compatibility with the surrounding area and neighborhood.

Any home not meeting the requirements of this section shall be treated as a Manufactured Home Class II and may only be placed in a Manufactured Home Park.

## **D. AREA REGULATIONS**

1. Lot size shall comply with the required regulations of the established district.
2. No building permit shall be issued for a lot that abuts on half a street. Said permit shall be issued only after the entire street right-of-way has been dedicated.

## **E. HEIGHT REGULATIONS**

1. Except as otherwise provided in this ordinance, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.
2. Accessory farm buildings, belfries, windmills, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, silos, scenery lofts, tanks, water towers, ornamental towers, spires, wireless television or broadcasting towers, masts or aerials, public water towers, telephone, telegraph and power transmission poles and lines, microwave radio relay structures and necessary mechanical appurtenances may exceed the maximum height requirements of the respected zoning districts in this ordinance but in no case shall any of these structures exceed two hundred (200) feet in height.

3. Churches, schools, hospitals, sanitariums, and other public and quasi-public buildings may be erected to a height not exceeding sixty (60) feet, provided the front, side and rear yards required in the district in which the building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

4. All towers and structures shall comply with the “Obstruction Marking and Lighting” requirements of the Federal Aviation Administration in cooperation with the Federal Communications Commission. Where “Dual Lighting Systems” are optional, it shall be mandatory that white strobe lighting be used during daylight hours only and the red light shall be utilized at night.

## **F. FRONT, SIDE, AND REAR YARD REGULATIONS**

1. No part of a yard or other open space provided about a building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space required for another building.

2. Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard, provided that the setback requirements on both streets are complied with and further provided that no accessory building shall extend within the setback line on either street.

3. Detached accessory buildings may be located in the rear yard, or the side yard of a main building provided such accessory building will meet district requirements.

## **G. FENCES, WALLS, AND HEDGES**

1. In any district, no fence, wall, hedge, trees or shrubbery shall be erected, constructed, maintained or grown to a height exceeding three (3) feet above the street grade nearest thereto within twenty-five (25) feet of the intersection of any street lines or street lines projected, or to any height of less than three (3) feet if it is determined by the Zoning Administrator that such a height interferes with safe, clear visual distance along any roadway.

2. All hedges, trees, and shrubbery shall be planted a minimum of three (3) feet from the lot line.

## **H. PARKING STANDARDS**

1. Parking areas may be located in any yard space for commercial and industrial uses and in any yard but the front yard for other uses, but shall not be closer than ten (10) feet to any street line. No parking space or area shall be permitted within five (5) feet of a property line in a side yard.

2. Each parking space shall not be less than two hundred (200) square feet, exclusive of the space required for ingress and egress. Minimum width of the parking space shall be ten (10) feet.

3. Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.

4. All off-street parking areas for more than ten (10) vehicles shall be graded and surfaced so as to be dust free and properly drained and shall have the aisles and spaces clearly marked.

5. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.

6. Where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.

7. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor areas, seating capacity or other units of measurement specified herein, the required parking or loading facilities as required herein shall be provided for such increase in intensity to use and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.

8. None of the off-street facilities as required in this ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this ordinance shall apply only to the enlarged portion of the building or use.

## **I. OFF-STREET LOADING**

1. In all districts loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back into or from any public way.

2. All contractors using the roadway will be liable for any damages to the roadway due to loading and/or unloading equipment or materials.

## **J. MOVING OF BUILDINGS**

### **1. Permit**

A permit shall be obtained in order to move a building that is over six hundred (600) square feet. Applicant shall apply for such permit through the Zoning Administrator, and such application shall be brought to a Town Board meeting for Town Board approval. The applicant shall be a qualified building mover. Application for this permit shall include:

- a. photographs of the building
- b. video of the town roads intended to be used, showing the pre- moving conditions
- c. site plan showing lot and house dimensions
- d. any other items deemed necessary by the Town Zoning Administrator.

## 2. Compliance

Buildings or structures moved shall conform to the provisions for new buildings and structures where deemed practical by the Zoning Administrator. No building or structure shall be moved in whole or in part to any location on the same lot or an other lot in the zone district unless every portion of such building or structure which is moved shall conform to the zone district requirements.

## 3. Unsafe or Unfit Buildings

No building or structure shall be moved if deemed structurally unsafe by the Zoning Administrator.

## 4. Irrevocable Letter of Credit

Before a permit to move a building or structure is issued by the Zoning Administrator, the applicant shall provide an Irrevocable Letter of Credit. The amount and terms of such Irrevocable Letter of Credit shall be determined by the Glenmore Town Board members for costs associated with the project.

Applicant shall agree, among other things, that the applicant will save and indemnify judgments, costs and expenses which may in any way accrue against the Town and keep the Town harmless against all liabilities, judgments, costs and expenses in consequence of granting such permit.

## 5. Conditions of Approval

Every permit to move a building or structure shall state all conditions to be complied with, designate the route to be taken and specify the time frame for completion of the moving of the building or structure.

## 6. Regulations For a Building in Transit

If the Zoning Administrator so orders, the removal of a building shall be continuous during all hours of the day and at night until completed with the least possible obstruction to the thoroughfares. Warning lights shall be kept in conspicuous places at each end of the building during the night. The route and time of moving shall be approved in writing by the Town Chairman.

## 7. Damage to Streets and Highways

Every applicant receiving a permit to move a building or structure shall, within one day

after reaching its destination, report that fact to the Zoning Administrator who shall report the same to the Town Chairman who shall inspect the streets and highways over which the building was moved or cause the same to be done to ascertain their condition.

If the moving of the building or structure has caused any damage to the streets or highways over which moved, the applicant shall immediately place them in as good repairs as they were before the move. Upon failure of the applicant to do so within 10 days, to the satisfaction of the Town Chairman, the Town Chairman shall order the repair of the damage done to such streets or highways and shall retrieve payment for the repair through the Irrevocable Letter of Credit.

Restrictions shall follow weight limits on town roads.

No movement of buildings will be allowed on town roads when frost is coming out of the ground.

#### 8. All Utilities/Overhead Obstructions

Every applicant receiving a permit to move a building or structure shall be responsible for all permits required by the utilities involved. Damage done to any utilities shall be reported to that utility. Cost for any utility/overhead obstruction damage shall be the responsibility of the applicant.

### **K. PUBLIC UTILITIES EASEMENT**

1. No individual permits will be issued within subdivisions, new roads or access to roadways until after the roadbed is completed and the right-of-way and utility easements are within six (6) inches of their final grade.

2. Any future service laterals for water and sewer are to extend at least twelve (12) feet beyond the right-of-way onto private property.

### **L. RIGHT OF WAY EXCAVATION / UTILITY LINES**

1. A right of way excavation and utility permit will be required for any excavation conducted in the Town of Glenmore right of way. An annual permit fee of three hundred dollars (\$300) will be required.

2. A map and plans for the project must be presented with the application. Lines may not be laid deeper than forty-two (42) inches, nor less than thirty-six (36) inches.

3. Installation must be in straight lines, close to the right of way in order to leave ample space for sewer or water in the future.

4. No open road cutting will be allowed unless approved by the Glenmore Town Board.

5. At the discretion of the Zoning Administrator, a security deposit of one thousand dollars (\$1000) or a ten thousand dollar ( \$10,000 ) bond will be required at the time of application. Make check payable to the Town of Glenmore. Deposit will be returned after the following conditions are met:

a. Everything is restored to pre-installation condition to the satisfaction of the Town Zoning Administrator.

b. A final map indicating the actual depth and location of lines laid is provided to the Town Zoning Administrator for Town files.

6. Prior to any excavation in the public right of way the contractor/utility shall stake the route of the utility and notify the Town three (3) working days prior to the start of the utility installation. The route location stakes shall not exceed one hundred (100) feet apart.

7. Proof of liability insurance is required. Certificate of Liability Insurance should indicate that the Town of Glenmore is not responsible or liable for any problems arising as a result of the installation.

8. All excavation shall be restored to existing prior conditions. Utility/permittee will be responsible for all restoration for a period of five (5) years.

9. Issuance of this permit is for temporary use of the Town public right of way. In the event future Town improvements conflict with utilities they must be moved to accommodate for the Town's improvements. All cost to remove or relocate shall be at the expense of the permitted utility. All removal or relocation must be completed within forty-five (45) days of notification by the Town of Glenmore.

## **M. OUTDOOR FURNACE REGULATIONS**

1. Permit. No outdoor furnace shall be installed, erected or replaced in the Town of Glenmore without the owner first obtaining a permit from the Building Inspector for such work and paying a fee for the review and inspection of the furnace installation. The permit shall be visibly displayed on the furnace.

2. Definition. For the purposes of this regulation an outdoor furnace is any detached energy system associated with the production of usable heat or energy, which is not located within the primary structure.

3. Only outdoor furnaces that are UL listed and constructed to meet the latest U.S. Environmental Protection Agency standards shall be permitted. The furnaces shall be installed in accordance with the manufacturer's instructions. All electrical and plumbing shall be performed by qualified personnel and conform to the uniform building, electrical and plumbing codes.

4. The furnace shall be placed on a non-combustible, poured concrete slab a minimum of four (4) inches thick with at least four (4) inches of compacted, crushed stone or sand as a base or placed on concrete columns set to a four (4) foot depth inground.

5. The unit must be grounded by the electrical wire connections and an independent ground rod with a proper wire to the furnace for additional safety. Electrical wire must be rated and approved for direct burial if it is to be run underground or in wet conditions.

6. Chimneys shall be minimum of twelve (12) feet high as measured from ground level. If the furnace is located within a three hundred (300) foot radius of any residence not served by the furnace, the stack must be at least two (2) feet higher than the peak of that residence. Any chimney over twelve (12) feet high must have proper supports.

7. Outdoor furnaces shall be located no closer than seventy (70) feet from any property line. No outdoor furnace shall be located in a front yard location.

8. Materials that may not be burned: rubbish or garbage, newspaper, plastic materials, cardboard, recyclable materials, lawn waste, tires, rubber, building materials(excluding lumber), waste oil, rubber products, animal carcasses or feces, food waste, painted materials, furniture, business wastes, office paper.

9. The manufacturers written instructions shall be followed for lighting and refueling the fire.

10. Any outdoor furnace in a state of disrepair, or that is damaged to such an extent it does not operate in full conformance with the manufacturers specifications, is a public nuisance and shall be taken out of service and removed from the property by the owner.