

Deletions shown ~~struck through~~, additions shown underlined

41.2: Clearances

~~No building may be located within 25 feet of any boundary or within 50 feet of a public way. However, no front yard need exceed the front yard maintained on any adjoining lot on the same street.~~

No primary building or structure shall be located within 25 feet of any boundary or within 50 feet of a public way. However, if a primary building or structure already exists on an adjoining lot on the same street and is less than 50 feet from a public way, a new primary building or structure may be located at a distance that is the same or greater from the public way.

For accessory use buildings and structures, the clearances are one-half (½) the distances specified for a primary building or structure.

41.2.1 Exceptions to dimensional clearances requirements for accessory buildings or structures

a) The Zoning Board of Appeals may reduce, by Special Permit, the dimensional clearance requirements for front, rear, and side yards related to accessory building or structure setbacks provided that the Zoning Board of Appeals makes a determination that the proposed building or structure is consistent in scale or setback with the structures in abutting parcels and the immediate neighborhood. The Zoning Board of Appeals shall make the following determinations before granting an exception:

1. The Zoning Board of Appeals shall specifically determine that the reduced dimensional clearance requirement for a front, side or rear yard will have no adverse effect on adjacent properties or historic structures.
2. The Zoning Board of Appeals shall specifically determine that the reduced dimensional clearance requirement for a front, side or rear yard will not be a detriment to the public good and will not substantially undermine the intent of the Conway Zoning Bylaws.

b) The applicant shall file, with the application for a Special Permit, a detailed plan drawn to scale of the property that shows the lot lines and dimensions of the property, the clearance setbacks as they currently exist for front, side or rear yards, the proposed location of the structure, and any proposed reduction to the clearance requirements. In addition, the diagram shall include all utility accesses and shall be signed under pains and penalties of perjury. The applicant shall provide an explanation as to why they are requesting a reduction in setbacks from the clearance requirements of the Zoning Bylaws. The Zoning Board of Appeals may grant any setback reduction where the boundary or lot line from which setback relief is requested has been established, by survey or other recognized documentation from which the ZBA can readily determine the location of the lot lines.

Proposed changes to definitions Article 5

9 Feb 2017

Deletions shown ~~strikethrough~~, additions shown underlined

ARTICLE 5: DEFINITIONS

In this Bylaw, the following terms shall have the following meanings, unless a contrary meaning is required by the context or is specifically prescribed:

ACCESSORY USE - Any building or structure whose use is incidental and accessory to the use of the principal building or structure.

BUILDING – A combination of any materials, whether portable or fixed, having a roof and/or exterior walls built to form a structure for the shelter, support, or enclosure of person, animals, chattels, or property of any kind.

BUILDING (PRINCIPAL) - A building in which is conducted the principal use of the lot on which it is situated.

BUILDING LOT – Any lot which complies with the frontage and dimensional requirements of 41.1[b] or the area and access requirements of either 41.1[c] or 41.4. (*Added 11 March 1993*)

CLEARANCES – The horizontal distance measured perpendicular from a property line to the closest point on the ground below any projecting vertical portion of a structure or building (i.e. drip line)

COMMON DRIVEWAY – A driveway which begins at a public way and provides access to more than one building lot. (*Added 11 March 1993*)

DRIVEWAY – That area of land which provides access to a building lot from a public way. (*Added 11 March 1993*)

DWELLING, MULTI-FAMILY – A permanent or temporary building containing more than two dwelling units.

DWELLING, ONE OR TWO FAMILY - A permanent or temporary building containing either one or two dwelling units. (*Amended 11 March 1993*)

DWELLING UNIT – One or more living or sleeping rooms constituting a separate housekeeping establishment and containing independent cooking and sleeping facilities arranged for the use of one or more individuals or a family living together as one housekeeping unit.

LOT – A parcel of land laid out by metes, bounds or boundary lines in the last recorded deed or plan in the Franklin County Registry of Deeds.

PUBLIC WAY – A state highway, a county road or a road which has been accepted by the Town of Conway as a town road.

STRUCTURE – That which is built or constructed, excepting ornamental structures and fencing less than 6 feet tall.

STRUCTURE (PRINCIPAL) – A structure in which is conducted the principal use of the lot on which it is situated.

YARD - A required open space, unobstructed by structure(s) more than 3 feet high, other than fences or other customary yard accessories.

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