

SECTION 04. GENERAL REQUIREMENTS

04.01.

No building or structure shall be erected, reconstructed, structurally altered, enlarged, moved or maintained, nor shall any building, structure or land be used or be designed for any use other than is permitted in the district in which such building, structure or land is located, except in conformity with these regulations.

04.02.

There shall be a minimum lot size per family unit with a minimum frontage, minimum depth, and minimum width at designated depth for all new dwellings as follows:

<u>04.02.01.</u>	Requirement A Main St. Residential	Requirement B Farm-Residential
Minimum Depth:	100 feet	200 feet
Minimum Width at Minimum Depth:	100 feet	200 feet
Minimum Total Area:	20,000 square feet	87,120 square feet
Minimum Width at Minimum Front Yard	100 feet	200 feet

04.02.01.01.

- (1) Any vacant parcel of land located in the Farm Residential District, consisting of at least 1.84 acres which legally existed on January 1, 2003, may be divided or subdivided into one or a maximum of two lots with each lot having a minimum depth of 150 feet and a minimum total area of 40,000 square feet subject to compliance with the provisions of subparagraphs (3) and (4) hereof;
- (2) Any parcel of land located in the Farm Residential District, consisting of at least 1.84 acres with a house located thereon, which legally existed on January 1, 2003, may be subdivided into a maximum of three lots (including the house lot) with each lot having a minimum depth of 150 feet and a minimum total area of 40,000 square feet subject to compliance with the provisions of subparagraphs (3) and (4) hereof;
- (3) Provided in each instance that the owners of said parcels shall, on or before April 1, 2003, register with the Zoning Enforcement Officer, on forms prescribed by him, a written notice of their intent to divide or subdivide their property, on or before October 1, 2003, pursuant to the provisions of the exceptions to the zoning regulations set forth in subparagraphs (1) and (2) hereof. Failure to file the required notice will require the

owners of said parcels to divide or subdivide their property in conformity with the requirements of the zoning regulations existing at the time of proposed division of subdivision; and

- (4) Further provided in each instance that the owners of said parcels shall, on or before October 1, 2003, file an application with the Zoning Enforcement Officer, on forms prescribed by him, for a zoning permit to divide their property, on or before October 1, 2003, or an application with the Durham Planning and Zoning Commission for approval of a subdivision or resubdivision, as the case may be, on or before October 1, 2003, pursuant to the provisions of the exceptions to the zoning regulations set forth in subparagraphs (1) and (2) hereof. Failure to file the required application will require the owners of said parcels to divide or subdivide their property in conformity with the requirements of the zoning regulations existing at the time of proposed division or subdivision.

04.02.02.

The erection of a single family dwelling, however, shall not be prohibited on a lot in ownership recorded in the office of the Town Clerk prior to the effective date of these regulations or revision thereof, which is smaller than required, providing that the same owner or owners of any smaller lot did not own sufficient adjoining land at the time of the adoption or revision of this ordinance to conform herewith, and provided further that all buildings on the lots are so designed and erected as to conform with the district requirements in which such a lot is situated.

04.03. Regulation Provisions:

These regulations do not repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law, ordinance or regulation or covenants, or with any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of buildings or premises; provided, however, that where these regulations impose a greater restriction upon the use of buildings or premises or upon heights of buildings, or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance or covenants, or by such rules, regulations or permits, the provisions of these regulations shall control.

04.04. Reduction of Lot Areas:

04.04.01.

No lot shall be so reduced in size that the total area or the dimension of any of the yards or open spaces shall be smaller than herein prescribed.

04.04.02.

No part of a yard, court or other open space provided in connection with any building for the purpose of complying with the provisions of these regulations shall be included as a part of a

yard, court or other open space required by these regulations for another building.

04.04.03.

If a new lot is formed by the division of a lot already occupied by a building, no permit shall be granted for the erection of a new building, or structure upon the new lot thus created unless both lots and the uses thereon comply with these regulations.

04.05.

Within the Town of Durham, no building shall be erected, or used, and no lot shall be used or occupied for a junkyard.

04.06.

Any proposed subdivision lot or site plan which meets the definition of "Forest Land" shall show the limits of clearing.

Prior to the issuance of a zoning permit for an approved subdivision lot or site plan, the design professional surveyor or engineer for the project shall provide a written statement that the area of tree clearing is in compliance with the area on the plan approved by the Commission. Any site where tree clearing is in excess of the approved plan shall be referred back to the Commission with a proposed remediation plan for consideration and approval.

04.07.

Outdoor wood-burning furnaces as defined in Public Act 05-227 (as may be amended) are permitted in all zones by a zoning permit providing the proposed unit complies with all the requirements of Public Act 05-277 (as may be amended) and is located a minimum of 225 feet from any property line and the chimney does not exceed the maximum height of structures permitted in the zone. Only outdoor wood-burning furnaces which have been certified (orange tag) under the voluntary partnership agreement with E.P.A., as may be amended, are approved.