

- 3) That adequate parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations (with an approved alternative parking plan); and
 - 4) That the operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
- D) *Conditions of Approval.* In approving temporary use requests, the Community Development Director shall be authorized to impose such conditions upon the premises benefited by the Zoning Permit as may be necessary to reduce or minimize any potential adverse impact upon nearby property, so long as the condition relates to a situation created or aggravated by the proposed use and is roughly proportional to its impact. For example, the Community Development Director shall be authorized to require:
- 1) Provision of temporary parking facilities, including vehicular access and egress;
 - 2) Control of nuisance factors such as, but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, or heat;
 - 3) Limits on temporary buildings, structures, and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
 - 4) Provision of sanitary and medical facilities;
 - 5) Provision of solid waste collection and disposal;
 - 6) Provision of security and safety measures;
 - 7) Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested or specified in this section;
 - 8) Submission of a performance bond or other financial guarantee to ensure that any temporary facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition; and
 - 9) Establishment of acceptable noise levels.

3.4 Density and dimensional standards.

3.4.1 Measurements and Exceptions.

- A) *Definitions.* All measurements listed in Table 3.4.2 are defined in Article II.
- B) *Exceptions to Lot Area.* No building permit or development approval shall be issued for a lot that does not meet the minimum area requirements of this Land Use Code except in the following cases:
 - 1) *Utilities.* Utilities using land or an unoccupied building covering less than 1,000 square feet of site area are exempt from minimum lot area standards.
 - 2) *Detached dwelling unit exemption.* The minimum lot area standards of this Land Use Code shall not prohibit the construction of a detached dwelling unit on a lot

that was legally platted or recorded before the adoption of this Land Use Code, provided that the dwelling unit is constructed in compliance with all applicable dimensional standards.

C) *Exceptions and Permitted Encroachments to Setbacks.* Setbacks must be unobstructed from the ground to the sky except that the following features may encroach into required front and/or rear setbacks:

- 1) Landscaping;
- 2) Bay windows, not to exceed three feet;
- 3) Chimneys, not to exceed two feet;
- 4) Driveways, curbs, and sidewalks;
- 5) Flagpoles;
- 6) Heating and cooling units, (rear setback only);
- 7) Mailboxes;
- 8) Overhanging roof, eave, gutter, cornice, or other architectural features and awnings, not to exceed three feet;
- 9) Septic systems, well, and underground utilities;
- 10) On-site basins for storm drainage;
- 11) Steps, stairs, or fire escapes (non-enclosed), not to exceed five feet;
- 12) Uncovered, unenclosed terraces or porches not to exceed five feet;
- 13) Accessory buildings, within required rear setbacks only;
- 14) Fences or walls six feet or less in height, if otherwise allowed by Town regulations;
- 15) Yard and service lighting fixtures, and poles; and
- 16) Approved accessory uses as outlined in Section 3.3.2(E).

3.4.2 Density and Dimensional Standards. Development in the respective zone districts shall conform to the requirements denoted in Table 3.4.2 and accompanying standards stated in subsections (A) Special Cases, (B) large lot overlay zones and (C) street setback overlay zones. Residential density and non-residential intensity standards are maximum standards that may not be achieved due to site constraints, parking requirements, or other factors. Other regulations of this Land Use Code or site-specific conditions may further limit development on a site.