

COMPREHENSIVE LAND USE PLAN  
AND  
ZONING ORDINANCE

Town of Hartly, Kent County, Delaware

WHEREAS, Chapter 152, Volume 29, of the Laws of Delaware, as amended, and 22 Del. C. Section 301, empowers the Commissioners of Hartly to pass ordinances and rules for the good government of the Town and for all other matters relating to the general welfare of the Town including the adoption of a comprehensive land use plan and zoning ordinance; and

WHEREAS, the regulations set forth represent a comprehensive plan giving reasonable consideration to the character of the various districts and their peculiar suitability for particular uses with a view to conserving the value of building and encouraging the most appropriate use of land throughout the Town.

THEREFORE, BE IT ORDDAINED, by the Commissioners of Hartly, for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the Town of Hartly, that the following be adopted as the Comprehensive Land Use Plan and Zoning Ordinance of the Town of Hartly, Kent County, Delaware, together with the accompanying maps adopted herewith as an integral part of the Ordinance.

ARTICLE 1. TITLE, APPLICATION, PURPOSE, INTERPRETATION

Section 1. Title

This ordinance shall be known as the Comprehensive Land Use Plan and Zoning Ordinance for the Town of Hartly, Kent County, Delaware.

Section 2. Application

This Ordinance shall apply to the corporate limits of the Town of Hartly, vis:

Beginning at a point where the centre of Main Street and the centre of Hayes' Lane intersect, and running in a Northerly direction two hundred feet to a stake on the lands of Frank Rehak, late of W.D. Hawkins; thence in a westerly direction to a point two hundred feet east from the centre of the road running from Hartly to Kenton; thence in a Northerly direction keeping at a distance of two hundred feet Easterly from the centre of said last mentioned road, to the centre of a ditch; thence in a Westerly direction along the centre of said ditch, through the centre of Farrow's Bridge to a stake in Perry's field, two hundred feet West of said bridge; thence in a Southerly direction, keeping at a distance of two hundred feet West-erly from the centre of said road running from Hartly to Kenton and the Templeville road, to the fence at the School House grounds; thence in a Easterly direction, and crossing said last mentioned road, a distance of four hundred feet; thence in a Northerly direction to

Schweitzer's land, formerly Scotten's land; thence in an Easterly direction, keeping at a distance of two hundred feet Southerly from the centre of Main Street, to the centre of Hayes' Lane; and thence thereby Northerly two hundred feet to the place of beginning.

It is the intent of this Ordinance that the extent of its applicability to be automatically changed in accordance with the provisions hereof or provision of State Law which may affect the applicability of this ordinance.

### Section 3. Purpose

The zoning regulations and maps as herein established have been made to promote, in accordance with present and future needs, the health, safety, convenience, order, prosperity, and general welfare of the present and future inhabitants of the Town of Hartly, and to provide for, amongst other things, the lessening of congestion in the streets or roads or reducing of excessive amounts of roads, securing safety from fire and other dangers, providing adequate light and air, preserving the character of the Town, providing for land utilization as will tend to facilitate and provide adequate provisions for public requirements, transportation, water flowage, water supply, drainage, sanitation, educational opportunities, recreation, protection of the tax base, securing economy in governmental expenditures, to prevent destruction of or encroachment upon historic areas, to encourage a good civic design and arrangement to facilitate the creation of a convenient, attractive and harmonious community, by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces, and the density of use. They have been made with reasonable consideration, among other things, for the existing use and character of property, to the character of the particular district involved, and its peculiar suitability for particular uses, to trends of growth or change, and with a view to conserving natural resources and the value of land and buildings and encouraging the most appropriate use of land throughout the corporate limits.

### Section 4. Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, convenience, order, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with, or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, the provisions of this Ordinance shall govern.

## ARTICLE 2. GENERAL PROVISIONS

### Article 1. Conformance With Regulations Required

No building or land shall hereafter be used, and no building or part thereof shall be erected, reconstructed, converted, enlarged, moved,

or structurally altered unless in conformity with the regulations as set forth in this Ordinance.

## Section 2. Location on a Lot Required

Every building hereafter erected, reconstructed, converted, moved, or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided in this Ordinance.

## Section 3. Street Frontage Required

No lot shall be used in whole or in part for dwelling purposes unless such lot abutts upon a street in accordance with the minimum street frontage requirements of this Ordinance.

## Section 4. Encroachment; Reduction of Lot Area

The minimum yards, height limits, parking space, open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of the passage of these regulations or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area or lot dimensions be reduced below the requirements of these regulations.

## Section 5. Accessory Buildings; Use for Dwelling

No accessory building shall be used for dwelling.

## Section 6. Uses Not Permitted are Prohibited

For the purposes of this Ordinance, permitted uses are limited for the various districts. Unless the contrary is clear from the context of the regulations of this Ordinance, uses not specifically listed are prohibited.

## ARTICLE 3. R-S SINGLE-FAMILY RESIDENTIAL DISTRICT

### Section 3.1 Purposes of the District

The purpose of this district is to provide for low-density single-family residential development on smaller lots where water and sewer facilities generally are provided, together with such churches, recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings.

### 3.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Detached single-family dwellings, including detached relocatable or modular homes but not mobile homes.

2. Farm, truck garden, orchard, or nursery for growing or propagation of plants, trees, and shrubs, including temporary stands for seasonal sales of products raised on the premises, but not including the raising of large animals, such as pigs, cows, horses, sheep, or goats, and not including the raising for sale of birds, bees, fish, rabbits, or other animals, to such an extent as to be objectionable to surrounding residences by reason of odor, dust, noise, or other factors, and provided no retail or wholesale business office or store is permanently maintained on the premises.

3. Churches, rectories, parish houses, convents and monestaries, temples, and synagogues, provided that churches, temples and synagogues erected after the date of passage of this Ordinance shall have their means of access from a major street or county road and shall not serve as residences or be used for residential purposes.

4. Facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone or communication service, and pipelines or conduits for electrical, gas, sewer, or water service.

5. Recreational facilities, privately owned, such as swimming pools, tennis courts, or similar facilities.

6. School bus shelter.

### 3.3 Permitted Accessory Uses

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Garden house, tool house, playhouse or greenhouse incidental to residential use.

4. Keeping of small animals, insects, reptiles, fish, or birds, but only for personal enjoyment or household use and not as a business.

5. Radio or television transmission or receiving tower not more than 50 feet in height.

6. Storage of a boat trailer, self-propelled camper, camp trailer or a boat not exceeding 25 feet in length but not in a front yard.

7. Temporary building, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion of abandonment of such construction, or the expiration of a period of two years of the time of erection of such temporary buildings, whichever is sooner.

### 3.4 Uses Permitted as Special Exception

The following uses may be permitted as special exceptions if approved by the Board of Commissioners, after notice and public hearing, upon an application filed for such exception.

1. A private garage for more than four automobiles and floor area of

more than 900 square feet.

2. Clinic, dental or medical office used by no more than two (2) licensed practitioners.
3. Raising for sale of birds, bees, fish, rabbits, and other small animals.
4. Mobile homes.

### 3.5 Lot Size Requirements

		<u>Minimum feet</u>	
	<u>Minimum Lot Area</u> (Square Feet)	<u>Lot Width</u>	<u>Lot Depth</u>
1. Single-family dwelling	12,000	50	100
2. Church, temple or synagogue	1 acre	100	100

Lot width is measured at the building line.

Minimum street frontage is 25 feet.

### 3.6 Yard Requirements

	<u>Minimum in feet</u>			
	<u>Front Yard</u>	<u>Side Yard Minimum</u>	<u>Side Yard Aggregate</u>	<u>Rear Yard</u>
Single-Family dwellings	25	10	20	25

### 3.7 Height Requirements

	<u>Maximum Height</u>
Single-Family dwellings	2-1/2 stories but not to exceed 35 feet

### 3.8 R-S Single-Family Residence

Not more than four (4) unrelated persons shall inhabit or reside in any R-S single-family residence.

## ARTICLE 4. R-M MULTIPLE-FAMILY RESIDENTIAL DISTRICT

### Section 4.1 Purpose of the District

The purpose of this district is to provide for residential densities consisting of no more than two (2) family residential units in any building. The limitation on residential units is based in part on the lack of central water and sewage systems and health and safety concerns regarding existing drinking water wells. The limitation also reflects the objective of maintaining a population density which is consistent with the present character of the Town.

#### 4.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any use permitted in the R-S Single-Family Residential District.
2. Two-Family dwellings.
3. Two-unit town houses.

#### 4.3 Permitted Accessory Uses

1. Any accessory use permitted in the R-S Single-Family Residential District.
2. A laundry room for use of occupants of a multiple-family dwelling.

#### 4.4 Uses Permitted as Special Exceptions

The following uses may be permitted as special exceptions if approved by the Board of Commissioners after notice and public hearing upon application filed for exception.

1. Business or professional offices in one unit only.
2. Raising for sale of birds, bees, fish, rabbits and other small animals.
3. A private garage for more than four automobiles and floor area of more than 900 square feet.

#### 4.5 Lot Size Requirements

	<u>Square Feet</u> <u>Minimum</u> <u>Lot area</u>	<u>Minimum Feet</u> <u>Lot</u> <u>Width</u>	<u>Lot</u> <u>Depth</u>
1. Single-Family or Two-Family dwelling.	15,000	50	100

Lot width is measured at building line.

Minimum street frontage is 25 feet.

	<u>Square Feet</u> <u>Minimum</u> <u>Lot Area</u>	<u>Minimum Feet</u> <u>Lot</u> <u>Width</u>	<u>Lot</u> <u>Depth</u>
2. Town houses	2,000	18	100
3. Church, temple or synagogue	1 acre	100	100

#### 4.6 Yard Requirements

	<u>Front Yard</u>	<u>Side Yard Aggregate</u>	<u>Rear Yard</u>
1. Single-Family and Two-Family dwellings	25	20	25
2. Town House	25	20	25

#### 4.7 Height Requirements

	<u>Maximum Height</u>
1. All structures	three stories but not to exceed 35 feet

#### 4.8 R-M Multiple-Family Dwellings

Not more than four (4) unrelated persons shall inhabit or reside in any single unit in a R-M Multiple-Family Residence.

### ARTICLE 5. NEIGHBORHOOD BUSINESS DISTRICT

#### Section 5.1 Purpose of the District

The purpose of this district is to provide primarily for retail shopping, commercial and personal service uses, to be developed either as a unit or in individual parcels, to serve the needs of the relatively small area comprising the Town of Hartly. To enhance the general character of the area and its compatibility with its residential surroundings, signs are limited to those accessory to businesses conducted on the premises and the number, area, and types of signs are limited.

#### 5.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any use permitted in the R-S Single-Family Residential District except dwellings. A single-family dwelling is permitted in association with a permitted office or business use in the same building or on the same premises for use only by the proprietor or an employee of said business.
2. Banks, drive-in or otherwise, so long as driveway space shall be provided off the street for all vehicles waiting for drive-in service.
3. Bakeries occupying not more than 2500 square feet of floor area and provided all products produced on the premises shall be sold at retail on the premises.
4. Barber shops or beauty parlors.
5. Bicycle sales and repair shops.

6. Catering or delicatessen business.
7. Flower shops and green houses incidental thereto.
8. Nurseries for growing plants, trees and shrubs.
9. Offices, general business or professional.
10. Private club, lodge, or meeting hall.
11. Restaurants.
12. Shoe repairing shops.
13. Shops for the sale, service, or repair of home appliances, office machines, electrical and television and radio equipment.
14. Stores or shops for the conduct of retail business, including sale of accessories, antiques, appliances, beverages, carpets, clothing, drugs, fabrics, food, furniture, garden supplies, groceries, hardware, hobby supplies, office supplies, paint, sporting goods, including small arms ammunition, smokeless powder and primers used in small arms ammunition, as said terms are defined in the National Fire Protection Association Code; and black powder, and stationery, and similar stores and shops.
15. Studios for artists, photographers, teachers, sculptors or musicians.
16. Undertaking businesses or establishments or funeral homes.

### 5.3 Permitted Accessory Uses

1. Any accessory use permitted in the R-S Single-Family Residential District.
2. Storage of office supplies or merchandise normally carried in stock in connection with a permitted office or business use subject to applicable district regulations.

### 5.4 Permitted Signs

Accessory nonilluminated or indirectly illuminated signs are allowed as follows:

1. Flat signs, with total aggregate sign area not more than ten percent of the area of walls fronting on a street and no one sign with sign area of more than 60 square feet. Illuminated signs inside of show windows and within five feet of such windows shall be included in the computation of sign area.
2. Projecting signs, if there are no marquee or detached signs, one for each business on the premises, with sign area limited to 24 square feet.

3. Detached signs, if there are no projecting signs, limited in area to 60 square feet and limited in height to 20 feet, one for each business on the premises. A group of three or more contiguous stores such as form a shopping center, may combine permitted detached sign area to provide a single detached sign advertising the group if there are no other detached signs and if the combined sign area does not exceed 120 square feet.

4. Marquee signs, if there are no projecting or roof signs, one for each business on the premises, with sign area limited to 50 square feet.

5. Roof signs, if there are no marquee signs, one for each business on premises, with sign area limited to 50 square feet.

6. Temporary, non-illuminated paper signs.

7. Directional signs limited in area to eight square feet, giving directions to motorists regarding the location of parking areas and access drives, shall be permitted as accessory signs and not included in any computation of sign area.

#### 5.5 Uses Permitted as Special Exception

The following uses may be permitted as special exceptions if approved by the Board of Commissioners, after notice and public hearing, upon application filed for such exception.

1. Any special exception permitted in the R-S Single-Family Residential Area.

2. Filling Stations.

#### 5.6 Lot Size Requirements

1. For permitted dwellings and other uses permitted in the R-S Single-Family Residential District the lot size requirements are the same as in the R-S Single-Family Residential District.

2. For other permitted uses there are no minimum lot size requirements except as may be required to meet sanitary standards.

#### 5.7 Yard Requirements

	Minimum in Feet			
	<u>Front Yard</u>	<u>Side Yard Minimum</u>	<u>Side Yard Aggregate</u>	<u>Rear Yard</u>
1. Dwellings and other structures permitted in the N-B District.	50	10	25	25

## 5.8 Height Requirements

	<u>Minimum Height</u>
1. Dwellings, business buildings and all other structures.	2-1/2 stores but not to exceed 35 feet

## 5.9 B-N Neighborhood Dwellings

Any permitted single family dwelling in the B-N Neighborhood Business District shall not have more than four (4) unrelated persons as inhabitants or residents.

## ARTICLE 6. SEVERABILITY, CONFLICT, EFFECTIVE DATE

### Section 1. Severability

If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

### Section 2. Effective Date

This Ordinance shall become effective upon adoption by the Board of Commissioners of the Town of Hartly.

## ARTICLE 7. NONCONFORMING USES

### Section 1. Nonconforming Use May be Continued

Except as otherwise provided herein, the lawful use of a building or structure, or the lawful use of any land as existing and lawful at the effective date of this Ordinance, may be continued although such use does not conform to the provisions hereof. Such nonconforming use may not be enlarged, extended, reconstructed or structurally altered except in compliance with the provisions of this Ordinance.

### Section 2. Discontinuance of Nonconforming Use in a Residential District

No building or portion thereof used in whole or in part for a nonconforming use in a residential district which remains idle or unused for a continuous period of two years, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located.

### Section 3. Destruction of a Nonconforming Use

No building which has been damaged by any cause whatsoever to the extent of more than 50 percent of the fair market value of the building, immediately prior to damage, shall not be restored except in conformity with the regulation of this Ordinance and all rights as a nonconforming use are terminated.

#### Section 4. Existence of a Nonconforming Use

When evidence available to the Board of Commissioners is deemed by them inconclusive as to whether a nonconforming use exists, this question shall be decided by the Board after public notice and hearing and in all accordance with the rules of the Board. The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use in the entire lot or tract.

#### Section 5. Nonconforming Uses Not Validated

A nonconforming use in violation of a provision of the Ordinance which this Ordinance amends or replaces shall not be validated by adoption of this Ordinance unless such use complies with the terms of this Ordinance.

### ARTICLE 8. DEFINITIONS

#### Section 1. General Rules of Construction

The following general rules of construction shall apply to the regulations of this Ordinance:

1. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
2. Words used in the present tense include the past and future tenses, and the future the present.
3. The word "shall" is always mandatory. The word "may" is permissive.
4. The word "building or "structure" includes any part thereof, and the word "building" includes the word "structure".
5. Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.

#### Section 2. Definition

For the purpose of this Ordinance, certain terms and words are hereby defined:

Accessory Building. An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Ordinance) located on the same lot as the main building or principal use of the land. Any building that is customarily incidental to agricultural use shall be deemed to be an accessory building, whether situated on the same lot with a principal building or not.

Accessory Use. An accessory use is one which is clearly incidental to or customarily found in connection with, and (except or otherwise provided in this Ordinance) is located on the same lot as the principal use of the premises. When the term "accessory" is used in this Ordinance, it shall have the same meaning as "Accessory Use".

Automobile Service Station (or Filling Station). Any place of business with pumps and underground storage tanks, having as its purpose the servicing, at retail, of motor vehicles fuels and lubricants, and including minor repairs, and inspection incidental thereto but not including a general repair shop, paint or body shop, machine shop, vulcanizing shop or any operation requiring the removal or installation of radiator, engine, cylinder head, crankcase, transmission, differential, fenders, doors, bumpers, grills, glass or other body parts or any body repairing or painting.

Building. Any structure having a roof supported by columns or walls, for the housing or enclosure of person, animals or chattels.

Building, Completely Enclosed. Any building having no outside openings other than ordinary doors, windows, and ventilators.

Building, Height of. The vertical distance from the average finished grade at the front building line to the highest point of the coping or parapet of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, shed, and gambrel roofs. When the highest wall of a building with a shed roof is within 35 feet of a street, the height of such building shall be measured to the highest point of coping or parapet.

Building Line. A line parallel to the street line and distant from it at least the minimum depth of the required front yard.

Clinic. An establishment where patients who are not lodged overnight are admitted for examination or treatment by physicians or dentists.

Club, Private. Buildings and facilities owned or operated by a corporation, association, person or persons for a social educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

Dwelling. A building or portion thereof, designed or used exclusively for residential occupancy, but not including trailers, mobile homes, hotels, motels, motor lodges, boarding and lodging houses, tourist courts, or tourists homes.

Dwelling, Single-Family. A building designed for or occupied exclusively by one family.

Dwelling, Two-Family. A building designed for or occupied exclusively by two families living independently of each other.

Dwelling Unit. A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other groups of unrelated persons not exceeding four (4) in number.

Family. An individual or two or more persons who are related by blood or marriage living together and occupying a single housekeeping unit with single culinary facilities, or a group of not more than four persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a non-profit cost-sharing basis.

Filling Station. (See Automobile Service Station.)

Frontage.

- (a) Street Frontage: all the property on one side of a street between two intersecting streets (crossing and terminating), measured along the line of the street, or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead-end of the street.
- (b) Lot Frontage: the distance for which the front boundary line of the lot and the street line are coincident.

Lot. A parcel of land occupied or to be occupied by a main building group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot areas as are required by this Ordinance, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

Lot, Corner. A lot bordering on two streets which intersect at an angle not greater than 135 degrees.

Lot, Depth of. The average horizontal distance between the front and rear lot lines.

Lot, Double Frontage. A lot, other than a corner lot, which has a frontage on two streets.

Lot, Interior. Any lot other than a corner lot.

Lot Line, Front. The line separating the lot from a street on which it fronts. On a corner lot, the front shall be deemed to be along the shorter dimension of the lot; and where the dimensions are equal, the front shall be on that street on which a predominance of the other lots in the block front.

Lot Line, Rear. The lot line opposite and most distant from the front lot line.

Lot Line, Side. Any lot line other than front or rear lot line.

Lot Width. The shortest horizontal distance between the points where the front yard line intersects the side lot lines measured along the building line.

Nonconforming Use. The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this Ordinance for the area in which it is located at the effective date of this Ordinance.

Nonconforming Lot. An otherwise legally platted lot that does not conform to the minimum area or width requirements of this Ordinance for the district in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments of the Ordinance.

Nonconforming Structure. An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this Ordinance, or is designed or intended for a use that does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to this Ordinance.

Premises. A lot, together with all buildings and structures thereon.

Regulations. The whole body of regulations, text, charts, tables, diagrams, maps, notations, references, and symbols, contained or referred to in this Ordinance.

Setback Line. (see Building Line).

Site Plan. A drawing illustrating a proposed development.

Special Exception. A use listed as such in this Ordinance and which may be permitted in a specified district, or in any district if so specified, under certain conditions, such conditions to be determined in each case by the terms of this Ordinance and by the Board of Commissioners and after public hearing in accordance with the procedure specified by this Ordinance and applicable state law.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. A basement shall be counted as a story for the purpose of height measurement if its ceiling is over five feet above the level from which the height of the building is measured or if it is used for business purposes other than storage, or if it is used as a separate dwelling unit by other than a janitor or other employee and his family.

Story Half. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior sides are not more than two feet above the floor of such story used as a separate dwelling unit, by other than a janitor or other employee and his family, shall be counted as a full story.

Street (Road). A public or private thoroughfare which affords the principal means of access to abutting properties, whether designated as a freeway, expressway, highway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.

Street, Centerline. The center line of a street shall mean the centerline thereof as shown in any of the official records of the County, or any municipality therein, or as established by the city

engineer of any adjoining city, or by the State Department of Highways. If no such centerline has been established, the centerline of a street shall be a line lying midway between the side lines of the right-of-way thereof.

Street Line. The line between a lot, tract or parcel of land and a contiguous street.

Structural Alteration. Any change in the supporting members of a building or structure. Including bearing wall, partitions, columns, beams, girders or similar parts of a building or structure, and any substantial change in the roof of a building.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, mobile homes, signs, swimming pools, backstops for tennis courts, and pergolas.

Swimming Pools. Any portable pool or permanent structure containing a body of water 18 inches or more in depth and 250 square feet or more of water surface area, intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or other type of pool, located and designed so as not to create a hazard or be used for swimming or wading.

Town House. A single-family dwelling designed to be sold as a unit but forming one of a group or series of two attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one of the dwelling units to another.

Yard. An open space other than a court, on a lot, and unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

Yard Front. A yard lying between the front lot line and the nearest part of the building or use not hereinafter excepted and extending across the full width of the lot. The front yard depth shall mean the distance, measured horizontally, between any part of the building or use not specifically excepted and the front lot line.

Yard Measurement. In measuring a yard, the building line shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or the point of a group of buildings nearest to such lot line, and the measurement shall be taken at right angles from the building line to the nearest lot line.

Yard Rear. A yard lying between the rear lot line and the nearest part of the building not hereinafter excepted, and extending across the full width of the lot. The rear yard depth shall mean the distance measured horizontally, between any part of the building not specifically excepted and the rear lot line.

Yard, Side. A yard lying between a side lot line and the nearest part of the building or use not hereinafter excepted, and extending from the front yard to the rear yard. Side yard width shall mean the shortest distance, measured horizontally, between any part of the building or use not specifically excepted and the nearest side lot line.

## ARTICLE 9. ADMINISTRATION AND ENFORCEMENT

### Section 1.

This Ordinance shall be administered and enforced by the Commissioners of the Town of Hartly in accordance with any rules and procedures that may be adopted by the Board of Commissioners for such purposes.