Section 5. Conformity Required

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted. All lots created shall be in conformity with all regulations herein specified for the district in which it is located. See Creating Rear Lots, Section 6E following. NEW

Section 6. Non-conformance

E. Creating Rear Lots

Rear lots without the required road frontage may be created if they meet the following requirements:

- Must meet lot size and dimension requirements (see Article II, Section 5), except road frontage

- Must have an access at least 50’ wide as part of the property, or a deeded right of way at least 50’ wide from a state, town or private road. If deeded right of way, the deed must state that the rear lot owner has the right to construct an access way at least to the standards the town requires.

- Access road quality – If serving up to two outbuildings or a single residence with up to two outbuildings, the access road must meet the construction requirements for a driveway (Article II, Section 6, S 2, pg 39). If serving a business or more than one residence, the access road must meet the construction requirements of road construction (see Article II, Section 6, N, pg 27). More than one residence or two outbuildings would require a Site Plan Review. The access road must be maintained year round once any buildings are constructed on the parcel.

- No building can be erected in the access way. NEW

- Any business use of a new rear lot, other than a home business, requires a site plan review.

- A turn around for emergency vehicles must be available. Either a cul-de-sac, constructed to subdivision standards (Property line setback: same as building setback; outer edge of pavement: 50 feet; inner edge of pavement: 30 feet.) or an area to back into that is least 25’ along the road by 50’ deep and perpendicular to the road on flat ground, maintained year-round once any buildings are constructed, must be available within 75’ of all residences or out buildings.

- Setbacks from all boundaries must meet the rear setback requirement for a lot in the same zone (ie – any buildings on a rear lot in the rural residential zone must be 50’ from all boundaries, the rear setback requirement).

- The use of the access road to access multiple lots, whether developed or not, will require a Site Plan Review.

- A lot created under this section will be classified as a rear lot unless the access road becomes a public road. NEW

- All rear lots must be recorded in the York County Registry of Deeds within 90 days of creation in a format provided by the Town. NEW

F. Exceptions for Utilities