

C. If (A) cannot be met but (B) has been accomplished, then the applicant can request an Area Variance from the Zoning Board of Appeals (see Variances – Section 904).

SECTION 506 **Visibility**

On a corner lot in any residential district no fence, wall, hedge, or other structure or planting more than three (3) feet in height shall be erected, placed, or maintained within the triangular area formed by the intersecting lines and a straight line joining the center lines at points measured fifty (50) feet along each center line from their point of intersection. The requirements of this section shall not be deemed to prohibit the construction of any necessary retaining wall.

SECTION 507 **Interpretation of Permitted Uses**

When a use is not specifically listed as a “Use by Right” or a “Use by Special Exception” within any zoning district, it shall be assumed to be a prohibited use unless it is determined in a written decision by the Board of Appeals that said use is similar to permitted uses and not inherently a nuisance, menace, or danger to the health, safety or welfare of the residents of the Town.

SECTION 508 **Fences & Walls**

Except as otherwise provided in this ordinance, fences or walls shall be permitted in any district, but not to exceed the following heights: seven (7) feet where located in the back of the front wall of the principal building and three (3) feet in front of the front wall, subject to conformance with the “visibility” provision (Section 506). All fences, hedges, and walls shall be located no closer than two (2) feet to adjacent property lines. Any fence or wall which may cause a fire hazard or a dangerous condition shall be prohibited. This does not include customary farm fencing used for confining livestock.

SECTION 509 **Topsoil**

A person, firm, or corporation shall not strip, excavate, or otherwise remove topsoil for use other than on the premises unless it is replenished or sufficient amount are left to support future development needs and shall be replaced or replenished within six (6) months of completion of the project. No stripping, excavation, or other removal of topsoil shall be such that steep slopes are created, groundwater runoff is trapped, or caused to flow onto adjacent properties or erosion is caused.

SECTION 510 **Maintaining Lot Areas**

A. Maintenance of yards, courts, and other open spaces - The maintenance of yards, courts, and other open spaces and the minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally