

located on an abutting lot when a unity of title, acceptable to the town, is provided under the same ownership.

For single-family uses under this chapter, an accessory use shall be clearly supplementary and incidental and shall not be separated from the principal use of the lot and shall be located on the same lot as the principal use to which it is subordinate or located on a contiguous lot when a unity of title, acceptable to the town, is provided under the same ownership. For the purpose of this section contiguous shall mean directly across a street or public way or abutting the lot on which the principal structure is located and to which the accessory use is subordinate. If the lot on which the accessory use is located does not abut the property on which the principal use is located, said lot shall not be used in the calculation of lot, yard and bulk regulations.

(Ord. No. 2-74, § 6.11, 3-26-74, Ord. No. 1-84, § 4(a), 3-1-84, Ord. No. 1-00, § 7 2-22-00)

Sec. 134-1757 Swimming pools.

A swimming pool, not to be enclosed by a structure other than a fence as required or permitted by this Code, may be constructed within every yard area, except the required front yard as prescribed by this chapter. However, no part of the pool structure may protrude more than six inches above the finished ground level, and the pool walls shall be at least ten feet from the side and rear lot lines and 15 feet from the street side and street rear lot lines. A swimming pool in the required street side or street rear yard shall be screened by a continuous hedge six feet in height at the time of planting, located adjacent to and exterior of a solid wall six feet in height. In the percentage of coverage of a lot by buildings, swimming pools shall not be counted in such computation.

(Ord. No. 2-74, § 6.12, 3-26-74, Ord. No. 5-78, § 5, 3-31-78; Ord. No. 1-96, § 15, 2-5-96)

Sec. 134-1758. Beach houses.

A beach house shall be used only for occupancy of the legitimate nonpaying guests of the owners of the main residence to which it is accessory or bona fide members of the family or servants, and

no kitchen or sleeping rooms shall be constructed or used therein. Sale, rental or use of either the beach house or principal structure, separately from each other, is prohibited.

(Ord. No. 2-74, § 6.14, 3-26-74, Ord. No. 1-84, § 4(b), 3-1-84, Ord. No. 1-88, § 3, 2-8-88)

Sec. 134-1759. Tennis, shuffleboard and racquetball courts.

(a) Tennis courts or shuffleboard courts and similar accessory uses, not to be enclosed by a structure, may be constructed within yard areas, except the required front yard, required street side yard or required street rear yard as prescribed by this chapter. However, any walls or fences shall conform with sections 134-791, 134-792, 134-841, 134-842, 134-891, 134-892, 134-946, 134-947 134-1001, 134-1002, 134-1056, 134-1057 134-1110, 134-1160, 134-1210, 134-1260 134-1305 and 134-1726, and the construction of any facility involving the use of a ball backboard or rebound wall or structure in any district of the town and the construction of any tennis court, shuffleboard court or similar use upon any structure in the town shall be subject to an application for special exception. Racquetball courts shall be considered unenclosed accessory structures and may be constructed, provided the court complies with all open yard requirements for the principal structure to which it is accessory and the racquetball court shall be subject to an application for special exception.

(b) In determining the percentage of coverage of a lot by buildings, tennis, shuffleboard and racquetball courts and similar uses shall not be counted in such computation. Night lighting of outdoor tennis, shuffleboard and racquetball courts and similar uses is prohibited. Every tennis court shall include as an integral part of the construction thereof proper fence or wall enclosures contiguous to the court, such fence or wall enclosures to be at least ten feet in height and not exceeding 12 feet in height. All tennis courts shall be sight screened with plantings at least the same height as the tennis court fence enclosures, where visible from adjacent properties or the public or private street right-of-way. Racquetball courts shall be

sight screened with plantings, where visible from adjacent properties or the public or private street right-of-way.

(c) In determining the percentage of coverage of a lot by buildings, tennis, shuffleboard and racquetball courts and similar uses shall not be counted in such computation. Night lighting of racquetball courts and similar uses is prohibited. The town council may permit, as a special exception with site plan review, minimal state of the art night lighting from 9:00 a.m. to 9:00 p.m. for tennis, shuffleboard and croquet courts, provided that the applicant shall demonstrate to the town council that the light and noise created by the tennis court, shuffleboard or croquet court will be adequately mitigated as it relates to adjacent residential structures and vehicular right-of-way. All tennis, shuffleboard and croquet court lighting shall be equipped with a locked, light timer switch to ensure that the lighting will be controlled to operate only within the hours established in this subsection. In addition, all tennis courts shall include as an integral part of the construction thereof proper fence or wall enclosures contiguous to the courts, such fence or wall enclosures to be at least ten feet in height. All tennis, shuffleboard and croquet courts and their associated lighting shall be sight screened with plantings at least the same height as the fence enclosures and associated lighting, where visible from adjacent properties or the public or private street rights-of-way. Racquetball courts shall be sight screened with plantings, where visible from adjacent properties or public or private street rights-of-way.

(Ord. No. 2-74, § 6.15, 3-26-74, Ord. No. 3-77 § 6, 3-29-77 Ord. No. 6-81, § 4, 3-31-81, Ord. No. 2-83, § 5(a), 2-23-83; Ord. No. 1-84, § 4(c), 3-1-84, Ord. No. 1-90, § 4(a), 2-5-90; Ord. No. 1-97 § 6, 2-17-97)

Secs. 134-1760—134-1785. Reserved.

Subdivision II. Drive-In Facilities

Sec. 134-1786. Permitted as special exception use.

Drive-in facilities may be permitted by the town council as a special exception use only when the provisions of this subdivision are complied with and approved by the town.

(Ord. No. 2-74, § 6.25, 3-26-74, Ord. No. 7 79, § 8, 3-30-79)

Sec. 134-1787 Location and arrangement of exits and entrances.

No drive-in use shall have an entrance or exit for vehicles which is located closer than 30 feet to any intersection. Individual ingress and egress drives extending across public sidewalks and curbs shall be subject to the same standards and approvals as those for off-street parking access contained within sections 134-2172 through 134-2174.

(Ord. No. 2-74, § 6.25(a), 3-26-74, Ord. No. 7 79, § 8, 3-30-79)

Sec. 134-1788. Size and arrangement.

No drive-in use shall project into any front yard or, if applicable, street side yard further than the principal building. A maximum of three drive-in stalls are permitted and shall be so located so as not to restrict pedestrian access to any public entrance of the principal building. Any portion of the drive-in facilities, including access drives,