

DIVISION 4 - GENERAL PROVISIONS**SEC. 15.4-1 INTERPRETATION.**

- A. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements deemed necessary for the promotion of the public health, safety and general welfare.
- B. This Code is not intended to abrogate any easement, covenant, or other private agreement; provided that where the requirements of this Code are more restrictive than such easements, covenants or private agreements, the requirement of the Code shall govern.
- C. To the extent that a building, structure or use not lawfully existing at the time of the adoption of this Code is in conflict with the requirements of the Code, said building, structure or use shall remain unlawful hereunder.
- D. Where the conditions imposed by any provision of this Code are either more or less restrictive than conditions imposed by any other provisions of the Municipal Code or any other law, ordinance, resolution, rule or regulation applicable to property or to the use of property within the Town of Normal, the regulation which is more restrictive or which imposes the higher standard or requirement shall govern.

SEC. 15.4-2 APPLICATION OF CODE. The regulations and requirements for the districts established by this Code are to apply uniformly to each class or kind of use, structure or land. Whenever, in the course of applying and enforcing this Code, it is necessary or desirable to make any administrative decisions, then, unless other standards are provided in this Code, the decision is to be made so that the result will be neither contrary to the spirit, intent, and purpose of this Code nor injurious to the surrounding neighborhood.

- A. No person shall hereafter use or occupy a building, structure or land or establish a use or construct, erect, place, structurally alter or maintain any building, structure or part thereof within the Town of Normal unless such use, building, structure or land is in conformity with all the regulations herein specified for the district in which it is located.
- B. It shall be the duty, obligation and responsibility of the owner of property within the Town of Normal to permit and maintain its use and occupancy only in strict accordance with the requirements of this Code
- C. Unless otherwise permitted, pursuant to a Special Use Permit or approved Final Plan for a planned unit development, no person shall use any part of a lot, yard or other open space or off-street parking or loading space required about or in connection with any use or structure for the purpose of complying with this code.

SEC. 15.4-3 GENERAL PROVISIONS.

- A. Building Under Construction. Where a building permit has been lawfully issued prior to the effective date of this Code, and provided that construction is begun within one hundred twenty (120) days of the effective date of this Code and is diligently pursued, said building may be completed in accordance with approved plans and may be occupied by the use originally intended. Such buildings and uses shall be subject to the provisions of this Code pertaining to non-conforming buildings and uses if the building or use is non-conforming.
- B. Uses and Structures. The following uses are permitted in all districts: light poles, traffic regulatory signs, directional signs, street name signs, utility poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, railroad rights-of-way containing railroad tracks, public rights-of-way, and temporary buildings at construction sites, gas regulator stations with or without a structure to enclose equipment, sewage lift stations, and water wells and pumping stations, when located underground. If a structure is used to enclose a gas regulator station, the site will be landscaped in a manner that screens the structure from public rights-of-way and residential zoning. Telecommunication antennas and telecommunication antenna facilities are not authorized unless placed on public rights-of-way pursuant to an agreement with the Town of Normal. (Amended 6/16/97 by Ord. No. 4456)(Amended 6/21/2010 by Ord. No. 5343)
- C. Height Regulations. The following uses and structures are exempted from the height regulations in this Code: church spires, belfries, cupolas, water tanks, flag poles, public monuments, farm buildings, ventilators, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Heights for signs shall be regulated by Division 13 of this Code. (Amended 6/16/97 by Ord. No. 4456)
- D. Telecommunication Antennas and Telecommunication Antenna facilities shall be permitted, subject to, and governed by Division 15 of this Code and to the extent not inconsistent with Division 15 such antennas and facilities shall comply with all other divisions of this code. (Amended 6/16/97 by Ord. No. 4456)

SEC. 15.4-4 ACCESSORY BUILDINGS AND USES. On a lot devoted to a permitted principal use, customary accessory uses and structures are authorized as provided specifically, or by necessary implication, in this or any Code, ordinance, rule or regulation applicable to the Town of Normal. The following requirements are applicable to all accessory structures and uses, in addition to the requirements for accessory off-street parking facilities. (Amended 11/20/95 by Ord. No. 4356)

- A. Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of a principal use, except as permitted hereafter.

- B. Accessory uses shall not include the raising or keeping of animals or fowl in such a manner as to violate Chapter 17 or Chapter 21 of the Town of Normal Municipal Code.
- C. Any accessory building or structure hereafter constructed, erected, placed, structurally altered or enlarged, except as otherwise permitted in this Code, shall be subject to the following bulk requirements:
1. No accessory building or structure shall be permitted within the required front or side yards or a lot, as set forth in each district.
 2. No accessory building or structure shall be permitted nearer than five (5) feet to a building nor shall it be located nearer than five (5) feet from a side or rear lot line. No principal or accessory structure shall be located or placed on an easement. (Amended 11/20/95 by Ord. No. 4356)
 3. No accessory building or structure in a residential district shall exceed one (1) story or fourteen (14) feet in height (whichever is less). Accessory buildings or structures in all other districts may be constructed to equal the maximum permitted height in that district. The foregoing height limits shall not apply to telecommunication antennas and telecommunication antenna facilities authorized pursuant to Division 15 of this Code. (Amended 6/16/97 by Ord. No. 4456)
 4. In the R-1, R-2 and R-4 zoning districts no detached garage or detached carport shall occupy more than twenty-five (25) percent of the required rear yard, provided that in no instance shall the garage or carport exceed seven hundred twenty (720) square feet in size. No other accessory building or structure in a residential district shall exceed three hundred (300) square feet in size, and in no instance shall there be more than two (2) accessory structures, including garage or carport, in the R-1, R-2 and R-4 zoning districts. (Amended 11/20/95 by Ord. No. 4356)
 5. No mobile home or other portable structure or building shall be used as an accessory building or structure except when used incidentally to and temporarily for construction operations of a principal use; said buildings shall be removed prior to the occupancy of the principal use, provided, however, lawn equipment storage buildings not exceeding one hundred forty-four (144) square feet in area are permitted and having a height of no more than twelve (12) feet to the highest point of the structure. (Amended 11/20/95 by Ord. No. 4356)
 6. Any accessory building which is attached to a principal building shall be considered as a part of the principal building and shall be subject to all regulations governing the location of principal buildings.

7. Antenna and antenna facilities shall be subject to and governed by Division 15 of the Code. (Amended 6/16/97 by Ord. No. 4456)
8. Temporary Construction Management and Sales Office. In the R-1AA, R-1A, R-1B, R-2, R-3A, R-3B, and R-4 zoning classification, a dwelling unit may be used as a temporary construction management and sales office as an accessory use to the subdivision or planned development in which it is located for a period not to exceed two (2) years. Use of a dwelling unit as a temporary office on construction sites will be permitted provided no sleeping or food facilities are established and/or used therein and provided said dwelling is so located as not to be in violation of any of the other Codes and Ordinances of the Town.
9. No incinerator shall be hereafter constructed, erected, placed, structurally altered, or enlarged in or within two thousand (2,000) feet of property zoned R-1AA, R-1A, R-2, R-3A, R-3B, or R-4. (Added 6/19/89)

D. Home Occupations as an Accessory Use. A home occupation or profession shall be permitted as an accessory use in any dwelling unit, where:

1. Such home occupation shall be conducted entirely within a dwelling unit.
2. No special outside entrance shall be provided or used in connection with the home occupation;
3. The total floor area devoted to such use shall not exceed twenty-five (25) percent of the gross floor area of the dwelling unit and not more than twenty-five (25) percent of the gross floor area of any story shall be devoted to such use;
4. There is used no sign, other than a nameplate not more than one (1) square foot in area, no other display and no activity that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than residential purposes;
5. There are no commodities sold or services rendered that require receipt and delivery of merchandise, goods or equipment by other than ordinary mail;
6. There is no person other than members of the family residing in the dwelling unit employed or otherwise engaged in such home occupations; and
7. There are no accessory buildings used in whole or in part.

A professional person may use his dwelling for consultation or performance of religious rites, but not for the general practice of the profession and an instructor of piano lessons in the home shall be permitted to instruct up to, but not more than five

(5) pupils at a time, using not more than two pianos, and instructors of other musical instruments and dance shall be limited to one (1) pupil per lesson in the home. Beauty shops, barbershops and other similar activities are not within the classification of home occupations.

A person may use his dwelling for occasional sales to the public provided such sales occur no more than twelve (12) days per calendar year. (Amended 11/20/95 by Ord. No. 4356)

Garage Sales may be conducted as a Home Occupation, provided no more than three (3) sales are held per year at any one residence, and such sales last no more than twelve days per year. (Amended 11/20/95 by Ord. No. 4356)

SEC. 15.4-5 LOTS AND YARDS.

A. General Lot and Yard Requirements. The following lot and yard regulations shall apply to all lots or tracts of land on which the structure is located.

1. The minimum yard space required for one structure or use shall not be considered as the yard of any other, including an adjoining structure or use.
2. Required yards shall be located on the same lot as the principal building or use.
3. No lot shall be divided, hereafter, into two or more lots and no part of a lot shall be sold unless resultant lots conform to all yard requirements in the district where the lots are located.
4. In the following situations, there shall be maintained in all residential zoning districts, except the R-3B High Density Multiple-Family Residence District, a front yard of the average setback (as hereinafter defined) or the setback required in the district, whichever is greater.
 - a. Where the lot to be developed is a lot of record in a subdivision, which subdivision plat was filed for record prior to January 1, 1975; or
 - b. Where the lot to be developed is a lot of record in a subdivision, which subdivision plat is a re-subdivision, consisting of three (3) lots or less of a prior subdivision, which prior subdivision plat was filed for record prior to January 1, 1975.

Average setback is the total lineal distance of front yard setbacks established by buildings existing on lots having a frontage of fifty (50) percent or more of the total frontage on one side of that portion of a street lying between any of the following intersecting ways or lines: streets, railroad tracts, drainage

ways or zoning district boundary lines, divided by the number of developed lots on the same side of that portion of a street, lying between said intersecting ways or lines.

Structures built in violation of the average setback provision as it existed prior to amendment on November 18, 1985, shall be deemed lawful in respect to the average setback requirement.

5. On corner lots in all districts, except the B-2, General Business District, nothing shall be erected, placed, planted or allowed to grow in the following described triangle area in such a manner as to impede vision between a height of two and one-half (2 ½) feet and ten (10) feet above the centerline grade of the intersecting streets. The triangle area is measured as follows: At the corner intersection property pin, measure back a distance of fifteen (15) feet, parallel with both street rights of way to form the legs of a restrictive triangle. Close the triangle with a line connecting the end point of each leg. (Amended 11/20/95 by Ord. No. 4356)(Amended 1/20/04 by Ord. No. 4926)

B. Transitional Yard Requirements.

1. Front Yards. When the required front yard of a parcel of land, hereafter rezoned to S-1, S-2, C-1, C-2, C-3, B-1, M-1, or M-2 is contiguous to or across the street or alley from property zoned R-1AA, R-1A, R-1B, R-2, R-3A and R-3B such a lot or a lot zoned R-3A or R-3B is contiguous to or across a street or alley from property zoned R-1AA, R-1A, R-1B, or R-2, the following transitional yards shall be provided:
 - a. The owner or developer of such S-1, S-2, C-1, C-2, C-3, B-1, M-1 or M-2 zoned property shall provide along the entire width of such property a front yard equal to or greater than the required front yard for the adjoining R-1AA, R-1A, R-1B, R-2, R-3A or R-3B zoned property.
 - b. The owner or developer of property zoned R-3A or R-3B shall provide along the entire width of such property a front yard equal to or greater than the required front yard in the adjoining R-1AA, R-1A, R-1B or R-2 zoning district.
 - c. Off-street parking in the front yard required by SEC. 15.4-5(B)(1)(a) and (b) shall be prohibited. (Amended 11/20/95 by Ord. No. 4356)
2. Side and Rear Yards. When any portion of any lot zoned S-1, S-2, C-1, C-2, C-3, B-1, M-1, or M-2 is contiguous to or across a street or alley from a lot zoned R-1AA, R-1A, R-1B, R-2, R-3A, or R-3B or when any lot zoned for

R-3A or R-3B is contiguous to or across a street or alley from property zoned R-1AA, R-1A, or R-1B, the following transitional yard requirements shall apply:

- a. If the contiguity is along a side yard, the owner or developer shall provide ten (10) feet in addition to the side yard otherwise required for the applicable zoning district.
- b. If the contiguity is along the rear line, the owner or developer shall provide fifteen (15) feet of additional rear yard beyond what is otherwise required in the applicable zoning district.
- c. Said transitional yard(s) required by SEC. 15.4-5(B)(2)(a) and (b) of this Code shall be screened in accordance with the requirements stated in SEC.15.4-7(C).

3. Building Height Restrictions. Where any lot zoned S-1, S-2, C-2, C-3, B-1, B-2, M-1 or M-2 is contiguous to or across a street or alley from any lot zoned R-1AA, R-1A, R-1B, R-2, R-3A, R-3B or R-4, the height of buildings on said lots shall not exceed the height permitted on such adjoining residentially zoned lots.

- C. Permitted Obstructions in Required Yards. No obstructions shall be allowed in any yard required by this Code. However, the following shall not be considered to be obstructions when located in required yards specified subject to the requirements to maintain visibility at intersections contained in SEC. 15.4-5(A)(6) of this Code.

1. In All Required Yards. Sills, belt cornices, and other architectural features extending eighteen (18) inches or less into the yard; free-standing night lights of not more than one-half (1/2) foot candle power; awnings or canopies projecting into a yard not more than twenty-five (25) percent of the required yard depth; steps, lamps, and fire escapes necessary for access to buildings or lots; chimneys projecting two (2) feet or less into the yard; arbors and trellises; flag poles; trees and shrubs; in the Agriculture District, any agricultural use other than buildings or structures; fences (black vinyl coated chain-link or other decorative fencing material) up to 8 feet in height on properties utilized for gas well heads, electric power stations or substations, telephone switching stations, and other similar utility uses. (Amended 2/15/10 by Ord. No. 5327)
2. In Required Front Yards or Corner Side Yards. Bay windows projecting three (3) feet or less into the yard; unroofed terraces, decks or balconies not projecting over ten (10) feet into the yard; eaves and gutters; fuel, air and water pumps in conjunction with automobile service stations, provided they shall be set back at least thirteen (13) feet back from the front property line; canopy over fuel pumps in accordance with SEC. 15.14-7(A)(7) and SEC.

15.14-7(H)(7) of this code; advertising signs, devices, and nameplates in accordance with Division 13 of this Code; fences and walls not exceeding four (4) feet in height in the required front yard and six (6) feet in the required corner side yard, except that a maximum height of eight (8) feet is allowed in the M-1 and M-2 districts and further except the maximum height of a fence in the corner side yard of a non-manufacturing district shall not exceed four (4) feet where the yard adjoining the corner side yard is a front yard. The maximum fence height shall be measured from the established grade of the fence owner's property. (Amended 1/20/04 by Ord. No. 4926)(Amended 2/21/05 by Ord. No. 4997)

3. In Required Side Yards. Eaves and gutters projecting two (2) feet or less; off street parking spaces in commercial districts; air conditioning equipment; refuse storage areas (dumpsters); fences and walls not to exceed six (6) feet in height in residential districts and eight (8) feet in height in all other districts. The maximum fence height is measured from the established grade of the fence owners property. (Amended 10/16/89)(Amended 11/20/95 by Ord. No. 4356)
 4. In Required Rear Yards. Off street parking spaces; detached residential garages or carports; swimming pools, tennis courts, and other similar recreational facilities; storage buildings containing three hundred (300) square feet or less of floor area; covered decks, screened porches and residential sunroom additions not exceeding three hundred twenty (320) square feet, and extending no more than ten (10) feet into the required rear yard; central air conditioning equipment; refuse storage areas (dumpsters); terraces and decks; bay windows projecting three (3) feet or less into the yard; eaves and gutters, provided that eaves and gutters of accessory buildings are not closer than two (2) feet from a lot line; fences and walls not exceeding six (6) feet in height in residential districts and eight (8) feet in height in all other districts. The maximum fence height shall be measured from the established grade of the fence owners' property. As used herein, sunroom means a structure in which the enclosing walls are composed of not less than seventy-five (75) per cent glazing material. (Amended 11/20/95 by Ord. No. 4356) (Amended 1/21/03 by Ord. No. 4853)
- D. Outdoor Lighting. All outdoor lights shall comply with Division 14. Lighting shall not cause any direct or reflected glare beyond the lot. Light fixtures shall be recessed or shaded to prevent glare beyond the lot. All fixtures shall be shielded and directed away from any residentially zoned lots or public right-of-way, so as to prevent glare beyond the lot. (Amended 1/19/99 by Ord. No. 4576)(Amended 1/20/04 by Ord. No. 4926)
- E. Refuse Storage Areas. For all uses for which a dumpster is required, refuse storage areas (dumpsters) shall be screened with a wood or masonry fence on all sides

except that area which must remain unobstructed in order to allow garbage pick-up. (Amended 11/20/95 by Ord. No. 4356)

SEC. 15.4-6 NON-CONFORMITIES. If within the districts established by this Code or amendments that may later be adopted, there exist lots, structures, uses of land or structures, and characteristics of use which were lawful before this Code was passed or amended but which would be prohibited, regulated, or restricted, it is the intent of this Code to permit these non-conformities to continue until they are removed but not to encourage their survival under the terms of this Code. It is further the intent of this Code that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as provided in subsection G. (Amended 4/15/91)

Non-conforming uses are declared by this Code to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this Code by attachment on a building or by the addition of other uses of a nature which would be prohibited generally in the district involved, except as provided in subsection G. (Amended 4/15/91)

- A. Non-Conforming Lots of Record. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on a lot of record which becomes non-conforming as to lot area or lot width or both by the adoption or subsequent amendment of this Code or in any other residential district a building and customary accessory buildings may be erected on a lot of record which becomes non-conforming as to lot width by the adoption of subsequent amendment of this Code, provided that the building, housing, mechanical, electrical, plumbing and other construction standards and requirements can be met and provided further that if such non-conforming lot of record is at the time of adoption of this code or hereafter vacant and is contiguous with one or more other vacant conforming or non-conforming lots of record which are in common ownership or unified control, then such contiguous lots of record or at least such portion thereof as is necessary to meet or exceed the minimum lot area and width requirements of the district in which they are located shall be used and developed only as a single lot. Any person who conveys property or terminates the unified control of such contiguous lots of record so as to frustrate the purpose of the foregoing proviso shall be deemed to have violated the provisions of this ordinance.
- B. Non-Conforming Uses of Land. Where at the time of passage of this Code or subsequent more restrictive amendment thereto, a lawful use of land exists which would not be permitted by the regulations imposed, the use may be continued so long as it remains otherwise lawful, provided:
 1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code.

2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Code.
3. If any such non-conforming use of land ceases for any reason for a period of more than thirty (30) consecutive days, any subsequent use of such land shall conform to the regulations specified by this Code for the district in which such land is located.
4. No additional structure not conforming to the requirements of this Code shall be erected in connection with such non-conforming use of land.

C. Non-Conforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reasons of restrictions on the area, lot coverage, height, yards, its location on the lot or other zoning requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its fair cash market value prior to the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code.
3. Should such non-conforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. Non-Conforming Uses of Structures. If a lawful use involving individual structures with a fair cash market value cost of \$1,000 or more, or of structure and land in combination, exists at the effective date of adoption or amendment of this Code that would not be allowed in the district under the terms of this Code, the lawful use may be continued as long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered in changing the use of the structure to a use permitted in the district in which it is located.
2. Any non-conforming use may be extended throughout any parts of a building which was manifestly arranged or designed for such use at the time

of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside such building.

3. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period (except when government action impedes access to the premises) the structure, or structure and premise in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
4. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the fair cash market value at the time of destruction.

E. Non-Conforming Off-Street Parking and Loading Areas.

1. In any district where off-street parking or loading areas of four (4) or more spaces are provided, such areas and private drives or access ways from the public right-of-way to or through these parking areas, shall be required to fully comply with the design and construction requirements SEC. 15.7-2 of this Code for off-street parking and loading by August 1, 1984. (Amended 9/19/88)
2. In any residential zoning district, all off-street parking areas of three (3) or fewer spaces and private drives or access ways from the public right-of-way to or through these parking areas, shall be required to fully comply with the design, construction, and maintenance standards provided in SEC. 15.7-2 of this Code, but only in the event a building permit is required for alteration of an existing garage or construction of a new garage accessory to the residential use. This subsection is subject to the common drive exception in SEC. 15.7-2(G)(2)(b)(1) of this Code. (Added 9/19/88)

- F. Repairs and Maintenance. On any non-conforming structure or portion of a structure containing a non-conforming use, ordinary repairs, or repair or replacement of non-bearing walls, fixtures, wiring or plumbing may be made to an extent not exceeding fifty (50) percent of the fair cash market value of the non-conforming structure provided that the cubic content existing when it became non-conforming shall not be expanded.

SEC. 15.4-7 MISCELLANEOUS.

- A. Principal Building on a Lot. Except in the case of the planned developments, special uses and developments that require site plan review, not more than one principal building shall be located on a lot of record or other lot in a zoning district except in

the B-1, S-2, M-1, and M-2 districts. In these districts, more than one principal building is permitted, provided that yards as measured from the closest building, bulk and other requirements of this Code shall be met for each structure as though it were on an individual lot.

B. Access for Buildings. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for rescue and fire protection vehicles.

C. Landscaping Provisions.

1. Screening required in SEC. 15.4-5(B) of this Code shall conform to the following requirements: (Amended 1/20/04 by Ord. No. 4926)

a. All fences shall be decorative solid wood; walls shall be masonry or concrete. All fences and walls shall be six (6) feet in height and form a solid screen.

b. All planting screens required by this Code shall consist of plants at least thirty (30) inches in height when planted and shall be maintained in a healthy condition and so pruned as to provide maximum density from the ground to a height of at least six (6) feet at maturity.

c. All berms shall be at least four (4) feet in height. Such berm shall be landscaped with a variety of planting materials in such a manner so as to be consistent with the intent of required screenings.

d. All plant materials used in required screens may be either evergreen or deciduous varieties. Other materials may be used upon approval of the Council either by specific reference thereto in a Special Use Permit ordinance or resolution approving a planned unit development or ordinance, resolution, motion or other corporate action approving a site plan.

2. Whenever in this Code general landscaping is required, such landscaping shall conform to the following provisions:

a. For all proposed developments, except for land zoned R-1AA, R-1A, R-1B, R-2 and R-4, a landscaping plan shall be submitted at the time an application for a Building Permit is made.

b. The following types of materials are deemed inappropriate for the purposes of this Section and shall not be used in fulfilling this landscaping requirement: permanent pavement surfacing materials

such as concrete and bituminous surfaces; artificial trees, shrubs, grass or flora; and crushed limestone and comparable materials; grass, absent of any other plant materials.

3. All landscaping and screening required by this Code shall conform to the following requirements:
 - a. Materials used in fulfilling landscaping requirements shall conform to the standards and requirements of all applicable Town Codes, ordinances, and regulations, including but not limited to Chapter 8, Division 7 of the Municipal Code.
 - b. Failure to properly maintain any required landscaping or screening in a healthy condition, to replace dead plantings or maintain other screening materials shall be deemed a violation of the requirements of this Code and the owner of the property on which such landscaping or screening is located shall be responsible for the maintenance and replacement and may be punished in accordance with the penalty provisions contained herein for failure to maintain or replace same. In addition to these provisions, the Town, after written notice to the owner responsible, may replace such landscaping or screening materials in a manner and at a time to be specified in the notice at the expense of the Town. The Town shall recover the cost of replacement where the owner responsible fails to do so by bringing suit, in the name of the Town, against the person neglecting to maintain or replace the aforementioned landscaping materials and/or screening.