

SECTION 4: APPLICATION OF REGULATIONS, MODIFICATIONS AND EXCEPTIONS

- 4.1 No building or structure shall be constructed or used, and no land shall be used unless in conformity with the regulations of this Bylaw. All other buildings or structures and all other uses of land or of buildings or structures are hereby expressly prohibited, except those already lawfully existing which by the provisions of this Bylaw become non-conforming uses.
- 4.2 When a lot is situated in part in the TOWN OF LENOX and in part in the adjacent municipality, the provisions of this Bylaw shall be applied to the portion of such lot in the TOWN OF LENOX in the same manner as if the entire lot were situated in LENOX.
- 4.3 When a lot is transected by a zoning district boundary, the regulations of the Bylaw applicable to the larger part of the area of such lot may also at the option of the lot owner be deemed to govern in the smaller part beyond such zoning district boundary but not to exceed thirty (30) linear feet beyond such zoning district boundary, if the smaller part has frontage on an accepted way.
- 4.4 No buildings or structures except those of an accessory nature shall be constructed except on a lot fronting on a street.
- 4.5 Land within the lines of a street on which a lot abuts shall not be counted as part of such lot for the purpose of meeting the area requirements of this Bylaw even though the fee to such land may be in the owners of abutting lots.
- 4.6 Any increase in area, frontage, width, yard or depth requirements of this bylaw shall not apply to a lot for single and two-family residential use which at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed requirement but at least five thousand square feet of area and fifty feet of frontage. The provisions of this paragraph shall not be construed to prohibit a lot being built upon, if at the time of the building, building upon such lot is not prohibited by the zoning bylaw. (A.T.M. 5/6/77)

4.7 Any land taken by eminent domain, or conveyed for a public purpose for which the land could have been taken or was taken by eminent domain, shall not be deemed to be transferred in violation of the land area, width, setback, or frontage provisions of the Bylaw. (S.T.M. 11/22/74)

4.8 Any person desiring to divide a lot which existed at the time the subdivision control law became effective on January 1, 1967, which does not have sufficient frontage to be divided may submit a plan suitable for recording to the Planning Board for its approval.

The Planning Board may, after a public hearing, approve said plan provided that:

- (a) One lot meets the frontage requirements at the time of the division and the second lot has at least fifty (50) feet of frontage.
- (b) The access area to the second lot shall be owned by the owner of the lot with insufficient frontage.
- (c) The access area shall be at least fifty (50) feet wide.
- (d) The area of each lot shall meet the zoning acreage requirements exclusive of the access area.
- (e) The access driveway shall be built and maintained in such fashion that adequate and safe access for delivery vehicles and fire engines is provided for.
- (f) No detriment to the public good would result from such approval.

The Planning Board shall, if it approves such a plan, endorse upon the second lot the words "No more than one dwelling and customary accessory buildings may be built upon this lot. Any further division shall require submission of a subdivision plan". The approval shall become effective upon the recording of the plan in the Berkshire Middle District Registry of Deeds. (A.T.M. 5/6/77)