

## ZONING

surrounding properties or to their owners and occupants; or any other process or use which is prejudicial to health, safety or the general welfare.

- (2) Junkyards.
  - (3) Trailer camps or mobile home parks.
  - (4) Manufacture or storage of ammunition, explosives or fireworks.
  - (5) No land in any district may be used for the disposal of materials which have radioactive levels which could present a danger to health. No such materials shall be stored or handled except in accordance with regulations of all relevant federal, state and city agencies.
- D. Professional offices in residences. Professional offices in residences, where permitted, shall comply with the following:
- (1) Said office shall be conducted by a professional residing on the premises. Not more than two nonresident assistants shall be employed by any such professional resident.
  - (2) Said office shall be incidental and subordinate to the residential use of the building and shall not occupy more than 50% of the area of the ground floor of the principal building. No office shall be conducted in an accessory building.
  - (3) In no manner shall the appearance of the building be altered or shall the office within the residence be conducted in a manner that would cause the premises to differ from its residential character, either by the use of colors, materials, construction, lighting, size or the emission of sounds, noises or vibrations.
- E. Buffer area requirements. Buffer areas shall be required for non-residential uses abutting residential uses. (Amended 1/1/2006)
- (1) Buffer requirements. In cases where a non-residential use abuts a residential use, a green belt buffer area at least 25 feet in depth and located on the non-residential parcel shall be provided and maintained by the owner of such parcel unless otherwise specified in these regulations. This area shall not be used for the storage of materials or parking of vehicles. Trees and shrubs shall be planted along the property lines to give a screen at least 15 feet deep using approved, hardy, disease resistant, indigenous plant species as listed in the most current CT DEP Native Tree and Shrub Availability list. Species listed on the Connecticut Invasive Plant List shall be prohibited. Such buffer shall be planted with evergreens in no fewer than two rows, no further than 15 feet apart along each row, staggered to provide maximum screening and using trees not less than ~~five~~ six feet in height at time of planting. The balance of the buffer area shall be planted and maintained as lawn. Existing suitable, natural growth shall be preserved where practicable and supplemented with new planting in accordance with the above standards. Permanent structures such as fences, walls and earth berms may be approved in lieu of plantings. Such measures shall be in conformance and in the opinion of the Commission, comply with the intent of these regulations. (Amended 1/1/2006)
  - (2) Street frontage. Buffer areas may be required along the street frontage of a lot in order to screen such uses as parking facilities, loading areas and outside storage areas.
  - (3) Plans. Plans showing the work to be done, with assurance of completion and future maintenance, shall be filed and approved by the Commission before such

## ZONING

parcel may be used for non-residential purposes. The approved buffer area planting and/or supplemental structures shall be in place prior to the issuance of a zoning certificate of compliance by the Zoning Officer. Failure to maintain the buffer area in good condition shall constitute a violation of these regulations by the owner of the parcel. (Amended 1/1/2006)

### § 195-26. Miscellaneous design and use regulations.

- A. Reduction of lots. No lot existing at the time of these regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Lots created after the effective date of the regulations shall meet at least the minimum requirements established herein.
- B. Easement not to be included in lot area. The minimum area required for a lot in any district shall not include the area lying within any easement or right-of-way over such lot for a pedestrian way or for the purposes of drainage, water supply, sewerage, the transmission of gas or liquid, telephone, telegraph, electric or other utility purposes. The Commission may require that any utility or drainage easement or right-of-way be used for pedestrian walkways in connection with any subdivision or site development approval.
- C. Visibility at intersections.
  - (1) On no lot shall any wall, fence, structure, planting or obstruction to vision be erected, maintained, placed or planted which unreasonably or dangerously obstructs or interferes with the visibility of drivers of vehicles on a curb or at any street intersection. The minimum vision clearance shall require that no wall, fence, structure, or planting exceed a height of two feet above the street grade (except for street trees or other high branching trees) (see Appendix Figure 30).
  - (2) In order to protect public health and safety, any owner of a lot not in conformance with the requirements of this section may be ordered by the Zoning Officer to remove dangerous obstructions to visibility. Such order shall be complied with within one month of its issue.
- D. Junkyards. Junk yards are not permitted within the City of Derby except that the city may, by special permit approval of the Commission, operate a junkyard or similar facility if the Commission finds that it is in the public interest.
- E. Radioactive material. No land in any district may be used for the disposal of materials which have radioactive levels which could present a danger to health. No such materials shall be stored or handled except in accordance with regulations of all relevant federal, state and city agencies.
- F. Dedication of land. Areas dedicated for any public purpose in connection with any zoning or subdivision application shall be in a location and of size and shape as specified by the Commission. This land shall be deeded to the city by full warranty deed free and clear of all encumbrances and shall be in an acceptable condition with any improvements as may be required by the Commission before any building permit is issued; or, in lieu of this, a contract for said transfer of title acceptable to the Commission shall be furnished by the developer. On approval of the application, the Commission accepts the dedication with the provision that if the land is not legally conveyed to or accepted by the appropriate city agency in the manner prescribed by the Commission, for whatever reason, then that land shall be considered to have been

## ZONING

- designated as open space and, prior to the issuance of any building permits, appropriate agreements, restrictions and documents shall be provided ensuring that it will be maintained as such for 50 years.
- G. Scenic or conservation easements. The Commission may make provisions for the securing of appropriate easements and restrictions on any area of land that it has determined would be in the public interest to retain, maintain and conserve in its natural state.
  - H. Determination of certain uses. A proposed use in any zone which, in the opinion of the Zoning Officer, is not clearly allowed or prohibited as a permitted use or a special exception in that zone shall be referred to the Commission for a determination as to whether the use should be allowed as a permitted use or special exception, or not be allowed in that zone.
  - I. Corner lots. On corner lots, front yard requirements shall be applicable to both street frontages. The width of a corner lot shall be measured by taking the longer front lot line as though it were a side lot line (see Appendix Figure 31).
  - J. Through lots. A through lot shall have yards adjacent to each street of at least the same depth as the required front yard. Through lots shall be avoided, except where it is deemed desirable to preclude vehicular access from a heavily trafficked street.
  - K. Substandard lots. In all single-family zones, any lot which was separately described in the latest deed of record prior to the effective date of these regulations or which was an approved lot shown on a subdivision plan approved, and on file in the Town Clerk's office prior to said date, which does not meet the requirements of these regulations as to lot area and/or lot width may be utilized for any use permitted in the zone in which such lot is located, provided that all of the other provisions and requirements of these regulations are complied with.
  - L. Narrow parts of lot not counted towards area requirements. Lots created by subdivision subsequent to the effective date of these regulations cannot include as a portion of their required area excessively narrow sections. To qualify for inclusion, the minimum straight line dimension connecting the lot side lines shall exceed 33 1/3% of the required lot width (see Appendix Figure 31).
  - M. Projections into yards. Except as covered by requirements for intersection visibility, open porches or vestibules may extend into any required front yard, provided that any such extension shall not exceed five feet nor cover more than 50 square feet of area computed on exterior dimensions. Sidewalks leading to the front entrance of a nonresidential building may be covered between the street line and the building for the purpose of protection from the weather elements with a canopy made from cloth, flexible plastic or similar material provided that the width of such canopy does not exceed eight feet and that the sides remain open or are transparent. Other unusual projections such as chimneys, windowsills, cornices and bay windows may extend not more than two feet into any required yard. (Amended 11/15/2000)
  - N. Roadside stands. Farmers' stands of temporary construction or readily removable intended for the roadside sale of products raised exclusively on the farm served by the stand may be allowed in any residential zone. Such stands hereafter erected must be set back from the road at least 40 feet to permit access drives and to avoid parking of customers' vehicles on the highway and must be approved by the Zoning Officer.
  - O. Fences, walls and hedges. In residential zones no fence, hedge or wall in excess of

## ZONING

four feet in height may be erected within five feet of any property line in the required front yard. Higher fences, hedges or walls up to a maximum height of six feet may be erected in the front yard if they are set back 10 feet from the property lines. No fence, hedge or wall exceeding six feet in height may be erected within any required side or rear yard. No fence, wall or hedge, the gross area of which is 80% or less open, shall be located within a ten-foot radius of the intersection of any driveway edge and a street property line. This does not apply to wire, stretcher, hurdle, post-and-rail and split-rail fences which do not present impairment to visibility (See Appendix Figure 32).

- P. Guard houses. In industrial districts, a building not exceeding 150 square feet in floor area and a height of 15 feet and used solely as a guardhouse, gate house or security building may extend to within 10 feet of any street line.
- Q. Required frontage and access. No building shall be built on any lot unless the lot has a frontage of at least 30 feet on a public street, an approved subdivision, or unless it has unobstructed easement of access or private right-of-way at least 25 feet wide to a public street. Such accessway shall not exceed a length of 250 feet and shall not be included in the minimum required lot area. Each accessway shall provide access for one lot, and the maximum number of adjoining accessways shall not exceed one. For existing lots located within the I-1 and I-C zones which cannot meet the requirements of this Section, a private roadway designed in accordance with Section 195-26LL may be used to provide access to the property. (Amended 2/9/2009)
- R. Open spaces required for each building. Except as specifically provided herein, no part of any yard or other open space required around any building may be included as part of a yard or other open space required for any other building.
- S. Height limitation. The building height limit shall be applied separately for each wing or other distinct portion of the building. Spires, cupolas, towers, chimneys, flagpoles, penthouses, ventilators, tanks and similar features occupying in the aggregate not more than 10 percent of the building area and not used for human occupancy may be erected to a reasonable and necessary height as determined by the Zoning Officer.
- T. Projection into open spaces. Nothing in these regulations shall prohibit the projection of not more than one foot into a required open space of pilasters, columns, belt courses, sills, cornices or other similar architectural features, nor the planting or landscaping of such open spaces.
- U. Lots on narrow streets. In the case of lots fronting on streets with less than 50 R.O.W., the required front yard shall be increased by 1/2 the difference between 50 feet and the actual width of the R.O.W.
- V. Lots adjacent to a railroad. In the case of a side or rear lot line in a commercial or industrial district which is contiguous to the right-of-way of a railroad siding, the applicable yard shall not be required for any commercial or industrial use.
- W. Existing lots. The provisions of these regulations relative to required lot area and required lot width shall not prevent the construction of an otherwise permitted building or the establishment of an otherwise permitted use on a lot which, at the time of the adoption of these regulations, or of any pertinent amendment thereto, and continuously thereafter, was owned separately from any adjoining lot, as evidenced by deed recorded in the land records of the City of Derby provided that any reduction in the required front, side or rear yards shall have been approved by the Zoning Board