

## **SECTION 4.0 GENERAL PROVISIONS**

### **4.1 CONFLICTING REGULATIONS**

When any provision of these Regulations imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other ordinance, statute or law, the provisions of these Regulations shall apply and govern.

### **4.2 COVENANTS NOT ANNULLED**

These Regulations are not intended to abrogate or annul any easement, covenant, or other private agreement.

### **4.3 PREVIOUS APPROVALS**

Nothing in these Regulations shall be deemed to require any change in the place, construction or designed use of a building or structure or premises for which a building permit has been heretofore issued or plans for which are on file with the Building Department at the time of the enactment of these Regulations and the construction of which, in either case, shall have been diligently prosecuted within one (1) year of the date of issuance of such building permit and the ground story framework of which, including the second tier of beams, shall be completed within such year, and which entire building or structure shall have been completed according to such plans as filed within two (2) years from the date adoption of these Regulations.

Nothing in these Regulations shall be deemed to require any change in the place, construction or designed use of a building, structure, or premises for which a special permit has been issued by the Planning and Zoning Commission prior to the date of adoption of these Regulations providing a building permit shall be obtained from the Building Official within one (1) year from the date of adoption of these Regulations and construction shall be diligently prosecuted within one (1) year of the date of issuance of such building permit and the ground story framework, including the second tier of beams, shall be completed within such year, and the entire building or structure shall be completed according to the approved plans within two (2) years from the date of issuance of said building permit.

### **4.4 TIME LIMITS**

1. Any zoning permit issued under these Regulations shall expire twelve months from the date of issuance (a) unless a valid building permit for the use, construction and site development authorized by the zoning permit is in effect or otherwise (b) the Zoning Enforcement Officer renews the zoning permit for periods not to exceed twelve months, when he determines that the building and/or site development authorized by the zoning permit is in conformity with these Regulations and any

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### **Section 4.4    Time Limits (cont.)**

amendments thereof made subsequent to the date of original issuance of the zoning permit.

2. Any special permit issued under these Regulations shall expire twelve months from the effective date thereof unless a valid zoning permit and building permit for the use, construction and site development authorized by the special permit have been issued and have not expired.

### **4.5    PERMITTED USES**

No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or structure or land be used, designed, or arranged for any purpose other than the uses permitted in the zone in which the building or structure or land is located and provided that the provisions of these Regulations shall not prohibit the continuance of any use existing at the date of adoption of Regulations except as provided in Section 7 of these Regulations.

### **4.6    CHANGE OF USE**

Any change of use in, or interior or exterior alteration to a building, structure or development which has received approval or which does receive approval as a special permit from the Planning and Zoning Commission, shall require review and approval by the Planning and Zoning Commission. The Planning and Zoning Commission may at its discretion and for good cause such as significant use of structural changes, increased water usage, increased parking requirements, site layout modifications, additional signs, increased outside storage, and the like, require that said change of use or interior or exterior alterations shall receive Planning and Zoning Commission review and approval carried out in conformance with the provisions set forth in Section 8.1 of these Regulations and such other provisions as may apply to the new use.

### **4.7    PERMITTED AREA, YARDS OR LOT COVERAGE**

No building or structure shall be erected or enlarged except in conformity with the area, yards and lot coverage regulations of the zone in which the building or structure is located.

### **4.8    PERMITTED HEIGHT, DENSITY, OR BULK**

No building or structure shall be erected, enlarged, reconstructed, or structurally altered to exceed the height limit, density provisions, or bulk provisions herein established for the zone in which the building or structure is located except that penthouses or roof structure for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls, skylights, towers, domes, bulkheads, church steeples, spires, belfries, cupolas, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials, and wireless masts, water tanks, silos, or similar structures may be erected above the height limits herein prescribed. No such building or structure may be erected to exceed by more than fifteen (15)

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### **Section 4.8    Permitted Height, Density, Or Bulk (cont.)**

feet the height limits of the district in which it is located; nor shall such building or structure have a total area greater than ten percent (10%) of the roof area of the building or structure on which it is located; nor shall such building or structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the principal use of the building or structure on which it is located.

### **4.9    LOTS, YARDS, AND OPEN SPACES**

No space which for the purpose of a building, structure or dwelling group has been counted or calculated as part of a side yard, rear yard, front yard, court or other open space required by these Regulations may, be reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard, court, or other open space requirement of or for any other building, structure or dwelling group.

The minimum yards or other open spaces required by these Regulations for each and every building or structure existing at the time of the adoption of these Regulations or for any building or structure hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building or structure.

No lot on which a building or structure exists shall be reduced or diminished so that the required lot area, frontage, yards or open spaces are smaller than those required by these Regulations.

### **4.10    USABLE OPEN SPACE**

There shall be provided in all residential developments at a minimum such usable open space as is set forth in the Subdivision Regulations for the zone in which said development is located, which open space shall be used for landscaping and/or recreational purposes and which may not be used for off-street parking or loading purposes. The area of the front, side or rear yards which is not used for driveways and parking or loading purposes may be computed in determining the required usable open space.

### **4.11    PROJECTIONS INTO SIDE YARDS AND REQUIRED OPEN SPACES**

Architectural features such as pilasters, chimneys, belt courses, sills and cornices, but not including any vertical projections, may extend or project into a required yard or open space not more than two (2) feet. Steps, terraces, decks and walls not over four (4) feet high, and fences not over eight (8) feet high, may be erected in any required yard.

### **4.12    COURTS**

In non-residential buildings, any court, whether partly or entirely enclosed by surrounding walls, shall have a minimum dimension perpendicular to any wall of not less than one-half (1/2) of the average height of the surrounding walls.

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### **4.13    LOT LIMITATIONS**

In all districts only one principal structure shall be placed on a lot of record, with the exception of parcels of record or excepted parcel approved by the Planning and Zoning Commission, which may be so arranged or subdivided as to provide for one or more principal structures when the land areas allocated to each structure are equal to or greater than the lot are required for the district and the structure and land complies with all other requirements of the district in which it is located.

### **4.14    LOT FRONTAGE**

Every principal residential structure shall be located on a lot which fronts upon a public street for the full width of the lot unless otherwise approved by the Planning and Zoning Commission as part of an approved subdivision or plan of development.

### **4.15    FLOOR AREA**

Specific floor area requirements for residential dwellings are set forth in Section 6.3. Living quarters may include customary rooms, halls, and closets, but shall not include rooms for heating equipment, garages, open or closed outside vestibules, or porches or verandas, or breezeways or terraces. Stairways and public halls shall not be included in the required minimum floor areas for the living quarters. Attic and basement spaces will not qualify for required living quarters. Living quarters as used herein means those portions of the building soundly and permanently constructed and finished with materials and methods conforming to the Building Code in effect in the Town of Hebron.

- (a)    Floor area for living quarters shall be computed from the finished outside walls.
- (b)    Living quarters above the first floor shall have access by a permanent built-in stairway. All living quarters, shall have a ceiling height of not less than 7 ft. 6 in. on the first floor and 7 ft. on the second floor.
- (c)    For all dwellings with cellar, there shall be direct outside access from the cellar.

### **4.16    DWELLINGS IN OTHER THAN PRINCIPAL STRUCTURE**

No residential dwelling shall be permitted in any accessory building except an approved guest house.

### **4.17    DWELLINGS IN NON-RESIDENTIAL ZONES**

Dwellings shall be erected only in the residential zones. The sleeping quarters, however, of a caretaker or watchman may be permitted in the non-residential districts.

### **4.18    BUILDING GRADES**

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Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building.

### **4.19    RESTORATION OF UNSAFE BUILDINGS**

Nothing in these Regulations shall prevent the strengthening or restoring to a safe condition of any part of the building declared unsafe by the Building Official or where required by any lawful order.

### **4.20    RIGHTS-OF-WAY**

All rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same district as the property immediately abutting upon such rights-of-way. Where the center line of a right-of-way serves as a zone boundary, the zoning of such right-of-way, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

### **4.21    STREET CLOSINGS**

Upon the closing, vacating or abandonment of any street, road, highway, avenue, alley or public way, or any portion thereof, the zone immediately adjoining said closed or vacated area shall be automatically extended to the center line of such closed, vacated or abandoned street, road, highway, avenue, alley or other public way, or portion thereof, unless otherwise specifically zoned.

### **4.22    VISIBILITY AT INTERSECTIONS**

No wall, fence, structure, planting or other obstruction to vision shall be erected, maintained, placed or planted on any lot which unreasonably or dangerously obstructs or interferes with visibility of drivers of vehicles on a curve or at any street intersection. The minimum vision clearance shall require a height not exceeding two (2) feet above the street grade within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines, each of which points is fifty (50) feet distant from the point of intersection.

### **4.23    STORAGE AND DISPLAY OF GOODS AND MERCHANDISE**

Except as otherwise provided in each district, if any goods and/or merchandise are stored and/or displayed, such goods and/or merchandise shall be stored and/or displayed behind the established building line, except a permitted roadside stand which shall be located behind the established street line, and except that there shall be no display, dumping or disposal of any material which is visible from any public way, street or passage other than finished products for sale or for rent.

### **4.24    ESSENTIAL SERVICES**

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Essential services shall be permitted as authorized under any franchise issued by the State of Connecticut and the Town of Hebron.

### **4.25    COMMERCIAL RADIO AND TELEVISION TOWERS**

Commercial radio, television, and other transmitting or relay antenna towers, when permitted, shall be set back from all abutting streets and adjacent property a distance of not less than one and one-half (1-1/2) times the height of the tower.

### **4.26    VOTING PLACE**

The provisions of these Regulations shall be so constructed as not to interfere with the temporary use of any premises as a voting place in connection with a municipal, state or federal election or primary.

### **4.27    FRONT YARDS ON CORNER LOTS**

In all districts the requirement for front yard set back on corner lots shall be enforced on both streets.

### **4.28    THROUGH LOTS**

On a through lot front yard set back requirements shall apply on both frontages.

### **4.29    MEASUREMENT OF REQUIRED YARDS ON IRREGULAR LOTS**

Where the front lot line is an arc or the side lines converge toward the front lot line, the required frontage may be measured along the front yard set back.

### **4.30    LOTS IN TWO ZONING DISTRICTS**

Where a lot of record at the time of passage of these Regulations or any amendments thereto falls into two or more Zoning Districts, each portion of the lot shall be subject to the uses and regulations of the district in which it falls.

### **4.31    LOTS ADJOINING ONE IN MORE RESTRICTED DISTRICT**

Where a lot adjoins a lot in a more restricted district any adjoining side yard of such lot shall have a minimum width equal to the required side yard in the more restricted use district; and any adjoining front yard shall have a minimum depth equal to the required depth of the front yard in the more restricted use district.

### **4.32    MOTOR VEHICLE JUNK YARDS**

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No person shall operate a motor vehicle junk yard (3.3.10) on any parcel of land unless it is a legally authorized "motor vehicle junk yard" as in Section 14-67(H) Connecticut General Statutes and it is a permitted use in the zone in which the parcel falls.

### **4.33    GENERAL JUNK YARDS**

General junk yards are not a permitted use in the Town of Hebron.

### **4.34    HAZARDOUS MATERIALS**

All land uses, which produce, utilize or store hazardous materials as identified by state and federal sources, including Section 3001 of the Resource Conservation and Recovery Act of 1976, as may be modified, must safely transport, store, handle and dispose of all hazardous materials in accordance with current state and federal standards. All land uses subject to Planning and Zoning Commission approval must detail in application submissions the nature of all hazardous materials involved and the safeguards that will be utilized to prevent health and safety problems.

- A. How any hazardous materials may be stored, produced, used, handled, disposed of, and transported to and from the premises.
- B. How the applicant shall employ the highest level of safety precautions and professional management practices, and apply the highest level of available technology in dealing with any hazardous materials or hazardous waste products.
- C. A management plan outlining the applicant's compliance procedure with respect to the Federal Clean Air Act, Clean Water Act, OSHA, any other State or Federal Regulations, or Best Management Practices of the Connecticut Department of Environmental Protection relating to the handling or disposal of any hazardous wastes or materials.

### **4.35    RESTRICTIONS ON ZONING BOARD OF APPEALS VARIANCES**

The Zoning Board of Appeals shall grant no variance which permit a use of land, buildings or structures not authorized by the provisions of these Regulations for a specific district or to increase the height, volume or intensity of a building or structure or to increase the density of development beyond that permitted by these Regulations for any particular district.

### **4.36    OUTDOOR WOOD BURNING FURNACES**

Outdoor wood burning furnaces are not a permitted use in the Town of Hebron.