

ARTICLE 2: USE REGULATIONS

SECTION 10 – RESIDENTIAL DISTRICT REGULATIONS

10. RESIDENCE DISTRICT REGULATIONS

10.1 GENERAL PURPOSES OF RESIDENTIAL DISTRICTS

The purposes of these regulations are to:

- promote and protect the public health, safety, and general welfare.
- maintain neighborhood integrity, protect property values, provide sufficient light and open space between buildings.
- maintain control over the quality of the environment of the community.
- prevent congestion of streets, regulate demand on public services,
- provide sufficient room for growth and diversity of housing needs and styles to meet community needs now and in the future.

10.2 OBJECTIVES OF RESIDENTIAL DISTRICTS

It is recognized that certain neighborhoods have already become overcrowded due to the intrusion of multi-family dwellings and the increasing conversion of single-family homes to two or three family homes. Through the graduation of density, together with appropriate open space requirements and buffers, both natural and required by these regulations, it is the objective to prevent improper disruption, intrusion and overcrowding in existing neighborhoods and discourage further increases in density.

10.3 INTENT OF RESIDENTIAL DISTRICTS

It is hereby recognized that the City of West Haven is a community which at the time of these regulations enactment is mostly developed with very little undeveloped or underdeveloped land. In interpreting these regulations great consideration should be given to existing community characteristics. The intent of the regulations is to:

- use multi-family districts as buffers between single-family areas and commercial or industrial areas and provide a gradation in density between the least and most dense residential districts whenever possible.
- prevent the overcrowding of existing areas by further increases in density.
- prevent additional overcrowding and haphazard development.
- limit those instances where a variance can be granted.
- encourage the preservation and protection of historical and architecturally significant buildings.
- encourage the mixture of residential and commercial use where appropriate.
- replace variances with provisions for Special Permit Uses, Special Exceptions and Special Use Exceptions to the area and bulk requirements. Granting of any variance where the foregoing special categories would be applicable would be a violation of these regulations.

10.4 GENERAL STANDARDS OF RESIDENTIAL DISTRICTS

10.4.1 Permitted Uses

In each district certain uses are permitted, subject to all the applicable §10.4 General Standards and the requirements below, are permitted as shown in **Table 39.1 Summary of Uses in Residential Districts**, where the letter **R** indicates a use permitted As-of-Right.

10.4.2 Structures and Projections within Required Yards in all Residential Districts shall be permitted as follows:

1. **In any Yard** the following projections shall be permitted:

- a. **Flag poles, non-enclosed steps or stoops** having ground coverage of not more than thirty (30) square feet.
 - b. **Arbors or trellises, awnings or canopies, chimneys, gutters or downspouts, eaves or cornices**, whether decorative or structural; provided they do not extend more than three (3) feet into a yard or twenty (20%) of the actual setback, whichever is less, and are attached to the building.
 - c. **Porches or decks**, including steps, which project not more than one-third (1/3) into a required yard.
 - d. **Porches or decks**, including steps, which do not diminish the existing side yard.
2. In **Side or Rear Yards** only the following structures shall be permitted:
- a. **Garages, tool or storage sheds** or non-commercial greenhouses, are permitted as-of right as follows:
 - i. A minimum of four (4) feet from side and/or rear lot lines if the property width is fifty (50) feet wide or less; or
 - ii. A minimum of six (6) feet from side and/or rear lot lines if the property is more than fifty (50) feet wide.
 - b. **Non-Commercial Recreational Yard Equipment** is allowed not less than four (4) feet from a property line.
3. **Fences, Walls, fences, privet hedges, or berms** not greater than seven (7) feet in height in any side or rear yard, not higher than four (4) feet in any **front yard** or other **yard** bordering any **street** or public **right-of-way**, and not higher than 3 feet within a **corner visibility triangle** of twenty (20) feet.
4. **Accessory Uses and Structures.** Off- street surface parking, detached **garages** and **storage sheds or tool sheds** are permitted as-of-right in all residential districts.

10.5 SPECIAL PERMIT USES

Certain uses in residential districts are allowed only by **Special Permit** at the discretion of the Commission, subject to the standards and procedures of Article 80 – Zoning Administration and Article 75 – Site Plan Review.

Inclusion of non-residential **uses** that are appropriate and compatible with residential neighborhoods is encouraged. However, since not every lot may be suited to accommodate every type of use, non-residential **uses** are to be allowed only on a limited basis by **Special Permit** with appropriate safeguards for each individual case.

It is hereby recognized that certain non-residential **uses** are a necessary part of the community and if properly controlled are compatible with residential neighborhoods. In making its decision on any application for a **Special Permit** use the Commission must weigh the interests of the community in having the use with the interests of the landowner. If the Commission deems that the proposed **use** is in the best interests of the community as a whole, it shall make written findings and find the application consistent with the Plan of Conservation and Development. In **Table 39.1 Summary of Uses in Residential and Mixed Uses**, the letters **SP** indicate a use allowed by Special Permit.

10.6 SPECIAL USE EXCEPTIONS

After consideration of the potential impact of the request on the surrounding neighborhood, the Planning and Zoning Commission may grant a Special Use Exception to permit the use with any conditions the Commission may determine is necessary to protect the neighborhood.

In **Table 39.1 Summary of Uses in Residential and Mixed Use Districts** the letters **SU** indicate a use allowed by Special Use Exception.

10.7 ALTERNATIVE FRONT YARD SETBACK STANDARD

Where 75% or more of the entire **street frontage** (in feet) on the same side of the **street** between the two nearest intersections has been developed with **front yards** smaller than that required in the zoning district, the required **front yard** shall be the same as the **yard** presently followed by existing **buildings** along the greatest quantity of **street frontage** (in feet).

10.8 AREA AND BULK REGULATIONS

It is the intent of these regulations to provide for the minimum requirements in all districts so as to prevent overcrowding. No lot shall be used and no building shall be erected except in conformity with the bulk regulations as set forth herein, except as may be otherwise permitted within these regulations or specifically permitted by the Connecticut General Statutes.

No new **lot** shall be created after the adoption of these regulations which does not conform to the requirements of this section, except as may be permitted under Section 82.

All applicable bulk requirements, including off-street parking, shall be located on same **lot** which shall consist of one contiguous parcel of land. However, nothing shall prohibit the combination of more than one parcel of land to form a single **lot**.

10.9 SPECIAL PROVISIONS FOR PRIOR COMPLYING LOTS AND BUILDINGS

Any existing **lot** or **building** which was complying under any previous zoning regulation but does not now comply with the requirements of this Article shall not be removed, demolished or abandoned, except as may be required under Section 81.

Such existing **lot** or **building**, however, shall not hereafter change its **use** or have any construction taken relative thereto, without complying with the provisions of Section 81.