

e. HOME IMPROVEMENT CENTERS may have storage or display areas which are located outside of completely enclosed buildings, for building materials and supplies, equivalent to not more than 100% of the total floor area of the completely enclosed portion of the Center, up to a maximum area located outside of completely enclosed buildings of 25,000 square feet; provided that;

14. Article 409.E.1.e.2) of the Regulations is hereby amended to read as follows:
2) Any roof structure covering the outdoor area shall complement the style of the Center's overall architecture. All ground surface beneath the roofed structure shall be paved with a concrete or asphaltic concrete surface. Any fencing or partial enclosure of the sides, front, or back of the roofed structure shall not contrast with the architectural style of the Center;

15. Article 410.E.1.f. of the Regulations is hereby amended to read as follows:
f. HOME IMPROVEMENT CENTERS may have storage or display areas which are located outside of completely enclosed buildings, for building materials and supplies, equivalent to not more than 100% of the total floor area of the completely enclosed portion of the Center, up to a maximum area located outside of completely enclosed buildings of 25,000 square feet; provided that;

16. Article 410.E.1.f.2) of the Regulations is hereby amended to read as follows:
2) Any roof structure covering the outdoor area shall complement the style of the Center's overall architecture. All ground surface beneath the roofed structure shall be paved with a concrete or asphaltic concrete surface. Any fencing or partial enclosure of the sides, front, or back of the roofed structure shall not contrast with the architectural style of the Center;

17. Article 501.B of the Regulations is hereby amended to read as follows:

B. MINIMUM REQUIRED PARKING IN THE "B-2A" DISTRICT:

- 1. Residential uses in the "B-2A" District shall provide a minimum of 1 off-street parking space.
- 2. Non-residential uses in the "B-2A" District shall provide a minimum of 3 off-street parking spaces.
- 3. Commercial developments comprised of two or more platted lots and/or un-platted parcels will be required to provide parking in accordance with Section 501.C of these regulations.

18. Article 501.C of the Regulations is hereby established to read as follows:
C. **MINIMUM REQUIRED PARKING FOR OTHER USES:**
The minimum number of required parking spaces for other permitted uses, which are not listed above, shall be provided in accordance with the determination of the Planning Commission for properties subject to site plan review pursuant to Section 305 of these regulations, or the Zoning Administrator for properties not subject to site plan review. Such determination shall be made with respect to the minimum number of spaces required to serve employees and/or patrons of such use, which shall be determined based on a parking demand and circulation analysis provided by the applicant with the site plan review or building permit application, as applicable. Required minimum amounts of parking for special uses, unless specified in Section 501, shall be established as part of the application review process. For special uses where minimum amounts of parking are specified by Section 501, required minimum amounts of parking may be increased above the minimum specified during review of the application for a special use.

19. Article 600.C.5. of the Regulations is hereby amended to read as follows:
5. Accessory structures 200 square feet in floor area or more shall be of a similar architectural design and material as the principal structure, except that outdoor living structures such as pavilions, pergolas, gazebos, trellis, arbors, patio covers and similar structures no larger than 50% of the floor area of the principal structure shall be exempt from this requirement. To be considered of a similar architectural design and material as the principal structure, the design of the accessory structure shall meet at least two of the following requirements, which shall closely coordinate with the principal structure:
a. Roof style (gable, hip, etc.) and material,
b. Exterior siding material,
c. Color scheme,
d. Exterior siding and roofing material can be made of different materials than the principal structure, as long as the width, orientation, and color of the material closely coordinates principal structure, or
e. Other coordinating building design features as determined by the Zoning Administrator.

20. Article 601.A.2. of the Regulations is hereby amended to read as follows:
2. Within the B-3, B-4 and B-5 zoning districts and as provided below for school and church property, CHRISTMAS TREE, FIREWORKS, PUMPKIN AND SIMILAR NATIONALLY ACCEPTED AND RECOGNIZED CELEBRATION SALES for a period not to exceed 30 days, provided that the Zoning Administrator, or his or her designee, may extend the permitted time by up to 20% if deemed appropriate.. Display of such merchandise need not comply with the bulk requirements of the districts or observe platted setbacks; provided that no merchandise, displays, temporary structures or axle-mounted enclosures shall be located within 30 feet of the intersection of the curb line of any two streets or at any location near a driveway that may interfere with the view of either motorists or pedestrians. Merchandise display, temporary structures and axle-mounted enclosures shall not occupy or interfere with any required parking spaces or circulation aisles providing access thereto. The area occupied by nationally recognized celebration sales shall not be counted as part of the percentage of outdoor display and sales permitted by specific district regulations. The temporary use may include the use of temporary signage which requires a sign permit and may be displayed only during the period in which the temporary use is permitted including set-up and break-down time. Such signage is limited to not more than one (1) percent of the square footage of the zoning lot, with no individual temporary sign larger than 32 square feet. Such signage, including temporarily displayed electronic message signs, may be placed on vehicles or trailers associated with the temporary use. The square footage calculation shall not include signage permanently painted or permanently affixed to such vehicles or trailers, except that vehicles or trailers specifically designed for the purpose of displaying signage shall be included in the square footage calculation and limitation on individual sign size. Additionally, balloon signs shall be permitted for a period not to exceed 10 days, provided that the Zoning Administrator, or his or her designee, may extend the permitted time by up to 20% if deemed appropriate.

21. Article 601.A.4. of the Regulations is hereby amended to read as follows:
4. Within any residential zoning district, use of a site built dwelling or manufactured housing as a TEMPORARY REAL ESTATE OFFICE where information about the availability of dwellings or lots within the applicable housing project is discussed with prospective buyers or where sales contracts are executed; provided any manufactured housing used for such purposes shall not be located within any required yard or platted setback and shall be removed from the site once 90 percent of all lots within the subject housing project have been developed, provided that the Zoning Administrator, or his or her designee, may extend the permitted time by up to 20% if deemed appropriate. For site-built housing, use of the dwelling unit as a temporary real estate office shall be discontinued once 90 percent of all lots within the subject housing project have been developed, provided that the Zoning Administrator, or his or her designee, may extend the permitted time by up to 20% if deemed appropriate.

22. Article 601.A.5. of the Regulations is hereby amended to read as follows:
5. Within any residential zoning district, GARAGE, YARD, ESTATE, RUMMAGE OR SIMILAR SALES; provided no one sale exceeds a period of more than three days and not more than one sale shall be held at a dwelling during any consecutive six-month period, provided that the Zoning Administrator, or his or her designee, may extend the permitted time by up to 20% if deemed appropriate.

23. Article 601.A.6.a. of the Regulations is hereby amended to read as follows:
a. No such promotional sale shall be held for a period longer than 14 days and no more than one such sale shall be held, per zoning lot, per consecutive three-month period, provided that the Zoning Administrator, or his or her designee, may extend the permitted time by up to 20% if deemed appropriate;

24. Article 601.A.7. of the Regulations is hereby amended to read as follows:
7. Within the B-3, B-4 and B-5 districts and as provided below for school and church property, RECYCLING CENTERS operating for not more than 10 days during any one period and no more than three times during any consecutive 12-month period, provided that the Zoning Administrator, or his or her designee, may extend the permitted time by up to 20% if deemed appropriate. The area occupied by the recycling center shall not be counted as part of the percentage of outdoor display and sales permitted by specific district regulations. The area occupied by the recycling center may be within required yards or platted setbacks, but shall not be located within 30 feet of the intersection of the curb line of any two streets or at any location near a driveway that may interfere with the view of either motorists or pedestrians. The recycling center use shall not occupy or interfere with required parking spaces or circulation aisles providing access thereto. The temporary use may include the use of temporary signage. This is provided that such signage is limited to not more than two signs with a combined square footage of 32 square feet or less. Such signage may be placed on vehicles or trailers associated with the temporary use and the square footage calculation shall not include signage that may be permanently painted or permanently affixed to such vehicles or trailers.

25. Article 601.A.8. of the Regulations is hereby amended to read as follows:
8. Within the B-3, B-4, B-5 and M-1 districts, TEMPORARY SALES for not more than 60 days during any consecutive 12-month period, per zoning lot, provided that the Zoning Administrator, or his or her designee, may extend the permitted time by up to 20% if deemed appropriate and further provided that:

26. Article 601.A.9. of the Regulations is hereby amended to read as follows:
1. For a period not to exceed 90 days, between March 1 and June 30, and for a period not to exceed 60 days, between August 15 and November 15, provided that the Zoning Administrator, or his or her designee, may extend the permitted time by up to 20% if deemed appropriate, businesses located on property within districts zoned B-3, B-4 or B-5, or a combination thereof, may have outdoor display and sales areas that are twice the amount permitted by district regulations, provided the area in excess of the area permitted by the district regulations, is used solely for the DISPLAY AND SALES OF LIVING PLANTS and, provided that:

27. Article 703.A.14. of the Regulations is hereby amended to read as follows:
14. Permanent markers located on private property for the convenience of the public in the identification of a subdivision or the streets therein, provided that they shall first have been submitted to the Zoning Administrator for approval. The markers shall be in conformance with the general design of the area, provided that the markers must be monument and not pole/pylon style, and the size shall be limited in height and area dependent upon their location on the property. Markers located on reserves in street rights-of-way shall not impede the area between 33 inches and 8 feet above the grades of the bottom of the curb of the intersecting streets. The Zoning Administrator shall require a long-term maintenance plan for the marker to be established.

28. Article 901.A.2.b. of the Regulations is hereby amended to read as follows:
b. An accessory structure that is no larger than 120 square feet in area that is anchored by straps or bolts and is not placed on a foundation, or an accessory structure that will not, in the judgment of the Zoning Administrator, significantly obstruct a public or utility easement or effect the maintenance, repair, replacement or reconstruction of a public or utility improvement or installation located within any such easement, including any authorized future use thereof, may be located within or project over such utility easement, improvement or installation; provided that the owner thereof shall post and continuously maintain in a conspicuous place upon such building or structure the following notice:

"This structure is located within a public utility easement. Neither the City of Derby nor any utility company entitled to use this easement is liable for damage to or destruction of this structure as a result of maintenance, repair or replacement activities, or installation of new facilities, within this easement."

29. Article 1004.B.7. of the Regulations is hereby amended to read as follows:
7. Building variety standards

30. Article 1004.B.8. of the Regulations is hereby established as follows:
8. Other exceptions as specified elsewhere in these regulations

31. Article 1004.D.11. of the Regulations is hereby established as follows:
11. The proposed exception would result in a demonstrable cost reduction resulting in the provision of housing units affordable to households earning 120% of Area Median Income or less.

32. Article 1005.B.10. of the Regulations is hereby established as follows:
10. Permitting a dwelling unit to be similar to another dwelling unit located on an adjoining lot or across the street, provided that only one zoning adjustment shall be permitted within a block face.

33. Article 1005.B.11. of the Regulations is hereby established as follows:
11. Reducing the compatibility setback by up to 25 percent.

Section 2. All original provisions of the Regulations, including the Official Zoning Map, shall remain in full force and effect except as specifically amended herein.

Section 3. Any proceedings initiated prior to the effective date of the amended Regulations may proceed under the provisions of the Regulations in effect at the time the proceeding was initiated.

Section 4. The amended Regulations shall take effect and be in force and effect after adoption and publication of this Ordinance once in the City's official newspaper.

ADOPTED BY THE CITY COUNCIL this 27th day of May, 2026, and SIGNED by the Mayor.

/s/Mark A. Staats
Mayor

Seal:

Attest:

/s/Lynn Ciarleglio
City Clerk

Approved as to form:

/s/Jacqueline R. Butler
City Attorney