

SOUTH CENTRAL CONNECTICUT
Regional Planning Commission

**RPC
Representatives**

Bethany:
Mary Shurtleff

Branford:
Charles Andres

East Haven:
Vacant

Guilford:
Peter Goletz

Hamden:
Richard Szczypek

Madison:
Christopher Traugh
(Chair)

Meriden:
David White

Milford:
Mark Bender

New Haven:
Kevin DiAdamo
(Vice Chair)

North Branford:
Frances Lescovich

North Haven:
James Giulietti

Orange:
Paul Kaplan

Wallingford:
Vacant

West Haven:
Christopher Suggs

Woodbridge:
Peggy Rubens-Duhl

AGENDA

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Agenda for Thursday, June 14, 2012 RPC Meeting, 5:15pm @ SCRCOG
Offices: 127 Washington Avenue, North Haven, CT 06473

1. Administration

- 1.1. Minutes of the May 10, 2012 RPC Meeting **1**

2. Statutory Referrals – June Action Items

- 2.1. Town of Southington: Proposed Zoning Regulation Amendments pertaining to Section 3-01.31B. Submitted by: Town of Southington. Received: May 9, 2012. Public Hearing: June 19, 2012 **3**
- 2.2. City of New Haven: Proposed Zoning Regulation and Map Amendments. Submitted by: City of New Haven. Received: May 23, 2012. Public Hearing: June 14, 2012. **7**
- 2.3. Town of Stratford: Proposed Zoning Regulation Amendments pertaining to Section 3.12 (Special regulations for subdivisions) and Section 21 (Variances). Submitted by: Town of Stratford. Received: May 25, 2012. Public Hearing: July 17, 2012. **61**
- 2.4. Town of Clinton: Proposed Zoning Regulation Amendments pertaining to Section 10.33.4 (Farm Tourism Uses – Requirements). Submitted by: Private Applicant. Received: June 1, 2012. Public Hearing: TBD. **64**
- 2.5. Town of Guilford: Letter of Support - Open Space Grant Application for acquisition of inholdings in Westwoods forest. Submitted by: Guilford Land Conservation Trust.
- 2.6. Town of Branford: Letter of Support - Open Space Grant Application for acquisition of the Kaczynski Property. Submitted by: Town of Branford.

3. Other Business

SOUTH CENTRAL CONNECTICUT
Regional Planning Commission

DRAFT - Not yet approved by the Commission

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, May 10, 2012 Meeting

Present: Christopher Traugh, Kevin DiAdamo, Mary Shurtleff, Peggy Rubens-Duhl, Peter Goletz
(During 2.3), David White, Mark Bender, Eugene Livshits

1 Administration

- 1.1 Minutes of the April 12, 2012 RPC meeting. Motion to accept the minutes as presented: Mary Shurtleff. Second: Kevin DiAdamo. Abstain: Peggy Rubens-Duhl. Vote: Unanimous.

2 Statutory Referrals

- 2.1 City of Milford: Proposed Zoning Regulation Amendments pertaining to Section 5.5 – Alcoholic Liquor Regulations

During the Regional Planning Commission the corrected version of the referral was presented. In the first paragraph of Section 5.5.1.2 - Restriction of Permit Locations, the terms “public, parochial or private nonprofit or for-profit school” were replaced with “elementary, middle and high school”.

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Peggy Rubens-Duhl. Second: Mary Shurtleff. Abstain: Mark Bender. Vote: Unanimous.

- 2.2 Town of Southington: Proposed Zoning Regulation Amendments pertaining to Section 13-10.4C (Prohibited Signs)

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Kevin DiAdamo. Second: Mark Bender. Vote: Unanimous.

Motion to add City of Meriden Referral to the May RPC Agenda: Mary Shurtleff. Second: Mark Bender. Vote: Unanimous

SOUTH CENTRAL CONNECTICUT
Regional Planning Commission

2.3 City of Meriden: Proposed Zoning Regulation Amendments pertaining to “Sale of Alcoholic Liquor”

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Peggy Rubens-Duhl. Second: Kevin DiAdamo. Abstain: David White. Vote: Unanimous.

3 Other Business

The Regional Planning Commission was provided an update on the status of the draft state locational guide map.

Motion to Adjourn: Mary Shurtleff. Second: Mark Bender. Vote: Unanimous.

Referral 2.1: Town of Southington

Subject: Proposed Zoning Regulation Amendments pertaining to Section 3-01.31B

Staff Recommendation:

The proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Background:

The Town of Southington has proposed Zoning Regulation Amendments pertaining to chickens on residentially zoned property – Section 3-01.31B. The revisions to Section 3-01.31B include two new conditions. The added conditions are: “no roosters” and “parcel must be not less than 2 acres in size.” The existing section only had two conditions for keeping of a family flock of chickens, which were associated with the enclosure for the chickens.

Communication: In researching this proposal, I spoke to the planning staff for Southington and notified the adjacent municipalities in the South Central Region.

PLANNING AND ZONING DEPARTMENT

P.O. BOX 610 SOUTHTON, CONNECTICUT 06489

Phone: (860)276-6248 / Fax: (860)628-3511

Via email

May 9, 2012

RPC Referral
South Central Regional COG
127 Washington St., 4th Fl
North Haven, CT 06473



RE: Proposed Zoning Regulation Amendment – Section 3-01.31.B (ZA #564)


Dear Sir or Madam:

In accordance with the provisions of the Connecticut General Statutes, attached is a copy of a proposed zoning text revision:

- ZA #564 – Revised text on chickens on residentially zoned property – Section 3-01.31B

The Planning and Zoning Commission anticipates opening the public hearing on this item on June 19, 2012. The complete file is available for review in the Planning Department, the Town Clerk's office and on the web page. If you have any questions regarding this proposal, please feel free to contact me at (860) 276-6248.

Respectfully,


Mary F. Savage-Dunham, AIOP
Town Planner

enclosures

RPC Referral Submission Form

South Central CT Regional Planning Commission

Please mail to:

Re: RPC Referral
South Central Regional COG
127 Washington Avenue, 4th Floor West
North Haven, CT 06473

1.) General Information:

Date Sent: 5-9-12

Subject: ZA# 564

Applicant Name: Town PZC

Property Address (if applicable): _____

Town/City: Southington, CT

☐ Referral is from a private individual

☒ Referral is from the Town/City Planning Department or the P & Z Commission

Public Hearing Date: June 19, 2012

2.) Statutory Responsibility:

☐ Application involves a subdivision of land within 500 feet of a town/city border

☒ Application involves a proposed change to a town/city zoning regulation

☐ If neither, applicant requests a voluntary RPC review for informational purposes

☐ Material is for informational purposes only; an RPC resolution is not necessary

☐ Other: _____

3.) Process:

☐ Material sent "Return Receipt Requested" (as required by law) (via pdf)

☒ Information on proposed change included

☒ Existing language included (if applicable)

4.) Preferred contact regarding this RPC referral:

Name: Mary Savage Dunham

Telephone Number: 860-276-6248

E-mail Address: savagem@southington.org

Comments: _____

Questions: (203) 234-7555

South Central Regional Council of Governments | <http://www.scrkog.org>

3-01.31

B. The keeping of a family flock of chickens (limit 12), subject to the following conditions:

1. The use shall be confined to an enclosure having a total area of not more than 400 square feet.
2. Any structure used for this purpose is to be located not less than 30 feet from any lot line, and 100 feet from any street line.
3. ***No roosters.***
4. ***Parcel must be not less than 2 acres in size.***

I:\Planning and Zoning\regs folder\revisions\ZA #564\proposed text.doc

Referral 2.2: City of New Haven

Subject: Proposed Zoning Regulation and Map Amendments

Staff Recommendation:

The proposed Zoning Regulation and Map Amendments do not appear to cause any inter-municipal impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.

Background:

The City of New Haven has proposed Zoning Regulation Amendments that would create a new mixed-use/central business zoning district (BD-3 District) and amend the zoning map so that about 15.8 acres of property located in and adjacent to the Route 34 Connector would be designated as the BD-3 District. Overall, the BD-3 District has been designed to be pedestrian, bicycle, and transit friendly. The proposed Zoning District along with the Zoning Map Amendment is not within 500' of an adjacent municipality in the South Central Region. The creation of the BD-3 District is associated with amendments to the following sections, which are effective in additional districts in the City of New Haven:

- *Article I. Definitions*
 - Definitions have been added that relate to the BD-3 District, but are applicable to all the other districts within the City. Definitions can be reviewed in the background material of the Agenda Packet.
- *Article II. Establishment of Districts; Zoning Map*
 - The BD-3 District has been added to the list of business districts.
- *Article III. Residence Districts: District Regulations*
 - Live-Work Loft Conversions are allowed via special permit in all Residence, Business and Industrial Districts as set forth in Section 42.
 - Live-Work Units (Post 1963 and new structures) are allowed by special permit in the Business D-3 District.
 - Standards for the Live-Work units have been proposed as part of Subsection 18B.
- *Article IV. Residence Districts: General Provisions*
 - The size of parking spaces is changed to 9' by 18' (formerly at least 189 square feet)
 - Proposed provisions pertaining to carsharing.

- *Article V. Business and Industrial Districts*
 - The BD-3 District is formally described as reserved for intensive development, mixed-use, connections between the City's central business and medical and educational districts, and is pedestrian, bicycle and transit friendly.
 - Table 3 (Use Table) has been updated to include the BD-3 District as well as newly defined uses: Live-Work Unit, Assisted Living, Elderly and Disabled Housing (permitted: BA, BA-1, BD, BD-1, BD-2, BD-3), High Technology Uses, and several Medical Uses.
 - Sections 43 (Bulk and yard regulations for business and industrial districts), 44 (On Premises signs), 44.1 (Off Premises Signs), and 45 (Regulations for parking, loading, automotive, and drive-in establishments) have been updated to include the BD-3 District

Communication: In researching this proposal, I spoke to the planning staff for New Haven and notified the adjacent municipalities in the South Central Region.

Please mail to:

RPC Referral Submission Form

South Central CT Regional Planning Commission

Re: RPC Referral
South Central Regional COG
127 Washington Avenue, 4th Floor West
North Haven, CT 06473

1.) General Information:

Date Sent: 5/23/12

Subject: Zone Text and Map Amendment

Applicant Name: Kelly Murphy, Economic Development Administrator

Property Address (if applicable): N/A

Town/City: New Haven

☐ Referral is from a private individual

☒ Referral is from the Town/City Planning Department or the P & Z Commission
City Plan Commission 6/6/12

Public Hearing Date: Legislation Committee (Board of Aldermen) 6/14/12

2.) Statutory Responsibility:

☐ Application involves a subdivision of land within 500 feet of a town/city border

☒ Application involves a proposed change to a town/city zoning regulation

☐ If neither, applicant requests a voluntary RPC review for informational purposes

☐ Material is for informational purposes only; an RPC resolution is not necessary

☐ Other: _____

3.) Process:

☒ Material sent "Return Receipt Requested" (as required by law) & by e-mail

☐ Information on proposed change included

☐ Existing language included (if applicable)

4.) Preferred contact regarding this RPC referral:

Name: Karyn Gilvarq, City Plan Director

Telephone Number: 203-946-6380

E-mail Address: kgilvarq@newhavenct.net

Comments: see attachments

Questions: (203) 234-7555

South Central Regional Council of Governments | <http://www.scrkog.org>

REVISED SCHEDULE D

DECEMBER 23, 2011

Additions are underlined; Deletions are crossed out
Revisions from Scheduled D submitted to the Board of Aldermen are highlighted in yellow

ARTICLE I. DEFINITIONS

Section 1. Definitions

Section 1. - Definitions.

ASSISTED LIVING FACILITY: A facility consisting of private residential units which provides a managed group living environment, including the provision of assisted living services as described in Regs., Conn. State Agencies § 17b-342-2(c)(1).

BUILDING, NONRESIDENTIAL: A *building* that is devoted to one or more of the commercial or industrial uses listed in § 42B.-T. and/or the nonresidential uses permitted in residential districts and which is not a *mixed use* building.

CARSHARING PARKING SPACE: A *parking space* that is reserved for the parking of a vehicle that is available to multiple users.

COMPACT PARKING SPACE: A *parking space* that measures 7.5' x 15'.

CONFERENCE CENTER: A *building* or group of *buildings* used for business and professional conferences and seminars accommodating up to 500 people along with associated accessory functions, such as lodging and facilities for eating and recreation designed to be used primarily for conference attendees. The provision of rooms for rent and meals generally available to the public shall not be considered associated accessory uses.

CONVENTION CENTER: A *building* or group of *buildings* designed to accommodate 300 or more people used for business or professional conventions, conferences, seminars, product displays, trade shows, special events, recreational activities, and entertainment or athletic functions, along with accessory functions, including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption, excluding the provision of rooms for rent.

ENTRANCE, PRINCIPAL: A point of access for pedestrians to a *building*, which entrance faces a *street* and determines a property address for the *building*. A *building* may have more than one principal entrance.

HEALTH CARE CLINIC: An outpatient clinic licensed by the Connecticut Department of Health pursuant to Regs. Conn. State Agencies § 19-13-D45 or an outpatient clinic that provides the services described in said regulation which is operated by a partnership or an individual and licensed by the Connecticut Department of Health, an outpatient hospital clinic, a medical walk-in clinic, a physical therapy office, an occupational therapy office, an outpatient chronic dialysis center, a community health center, a public health center, an Industrial Health Facility as that term is defined in Regs. Conn. State Agencies § 19-13-D1.(b)(3)(F), an occupational health clinic, a clinic operated by a union exclusively for its members and their dependents, a family planning and reproductive health service center, a primary care clinic, a clinical or diagnostic laboratory, a sports medicine clinic, an emergency services clinic, a wellness center, a dental clinic, an imaging center, and/or a mental health center, but not including an Outpatient Surgical Center listed in Section 42.

HEALTH PRACTITIONER'S OFFICE: Office of a physician, osteopath, dentist, audiologist, naturopath, optometrist, psychologist, social worker, chiropractor, and/or nurse practitioner but not including an office which is defined as a Healthcare Clinic or an Outpatient Surgical Center listed in Section 42.

HIGH TECHNOLOGY EQUIPMENT DESIGN AND FABRICATION: A use which has as its principal function the research, development, engineering, design, assembly, fabrication, machining and/or light manufacturing of high technology equipment used in *high technology uses*, instrumentation and computer software and the associated warehousing of such equipment.

HIGH TECHNOLOGY USES: A use, including a research and/ or development laboratory, which has as its principal function the research, development, engineering, design, assembly, fabrication, or machining and/or light manufacturing of high technology uses, including but not limited to uses associated with agricultural technology, biological or pharmaceutical technology, software technology, telecommunications, biomedical technology, defense and aerospace technologies or other technology oriented or emerging industrial or business activity and the associated warehousing of such products as permitted by applicable state and/or federal law.

HIGH TECHNOLOGY SERVICES: A use which has as its principal function the providing of services to high technology uses, including but not limited to computer information transfer, communication, distribution, management, processing, administrative, experimental, developmental, technical, or testing services.

LIVE-WORK CONVERSION AND LIVE-WORK UNIT: A unit that contains both a residential use and a commercial/work activity including but not limited to Home Occupations and residences with a professional office described in § 13(b)(2)a. as well as other commercial and fabrication uses subject to the requirements of §§ 18A & 18B.

OPEN SPACE: Space on a *lot* or on or attached to a *building* which is unoccupied by *principal* or *accessory buildings* and is not devoted to a parking structure, a parking lot (although landscaped islands in a parking lot can be counted toward satisfying open space requirements) or service driveways. Open Space includes but is not limited to parks, lawns, running trails, wildlife viewing areas, ponds, balconies, patios, courtyards, gardens, private yards, plazas, greens, square, paths and walkways, rooftop green spaces and patios, terraces, playgrounds, swimming pools, tennis courts, and other outdoor spaces devoted to recreation, relaxation or gathering opportunities.

PARKING, SHARED: An arrangement in which two or more *uses* or *structures* with different peak parking demands use the same off-street *parking spaces* to meet off-street parking requirements. *Publicly shared parking* is an arrangement where at least 50% of the off-street parking provided for a *building* is available for public use, in terms of or allocation of time when the parking spaces are available to the public. *Privately shared parking* is an arrangement where two or more *uses* and/or *structures* agree to share the same parking spaces.

SIGN, PROJECTING or BLADE A *sign* attached to and projecting out from a *building* face or wall, generally at right angles to the *building*, including *signs* that project into the right-of-way.

STREET: A right of way for pedestrian, vehicular and bicycle traffic, whether designated as a sidewalk, path, street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or otherwise designated which has been dedicated or acquired for public uses and has been accepted by the Board of Aldermen as a public right-of-way.

ARTICLE II. ESTABLISHMENT OF DISTRICTS; ZONING MAP

Sec. 2. Districts enumerated; map adopted; interpretation.

Secs. 3-10. Reserved.

Section 2. Districts enumerated; map adopted; interpretation.

a. For the purpose of this ordinance the City of New Haven is divided into the following districts:

Residence Districts

RS-1	Districts:	Special Single-Family
RS-2	Districts:	General Single-Family
RM-1	Districts:	Low-Middle Density
RM-2	Districts:	High-Middle Density
RH-1	Districts:	Special High Density
RH-2	Districts:	General High Density

RO	Districts:	Residence-Office
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Business Districts

BA	Districts:	General Business
BA-1	Districts:	Neighborhood Center Mixed-Use
BB	Districts:	Automobile Sales
BC	Districts:	Marine
BD	Districts:	Central Business
BD-1	Districts:	Central Business/Residential
BD-2	Districts:	Central Business/Medical
BD-3	Districts:	<u>Central Business/Mixed-Use</u>
BE	Districts:	Wholesale and Distribution

Industrial Districts

IL	Districts:	Light Industry
IM	Districts:	Light Industry - Marine
IH	Districts:	Heavy Industry

Other Districts

PARK Districts
CEMETERY Districts
AIRPORT District
Planned Development Districts
Historic Districts
Coastal Management District
Inland Wetland District
Flood Damage Prevention District
Soil Erosion and Sediment Control District

ARTICLE III. RESIDENCE DISTRICTS: DISTRICT REGULATIONS

Section 12. RS-2 Districts: General Single-Family

(b)(1)h. General and special **inpatient** hospitals, **and** **health care clinics** **and public health centers**; excluding private offices for doctors, convalescent homes, rest homes, nursing homes, sanitariums, homes for the aged and handicapped, and orphanages. Noise, odors, electrical disturbance, radioactive particles and rays, and all possible disturbing aspects connected with the operation of such **uses** shall be enclosed, screened or otherwise controlled to the extent that the operation of any such **use** shall not unduly interfere with the use and enjoyment of properties or streets in the surrounding area.

Minimum parking: One **parking space** for each four patient beds (excluding bassinets), plus one **parking space** for each staff or visiting doctor (based on the average number of such doctors at the hospital **or health care clinic or public health center** at peak times), plus one **parking space** for each four employees in the largest shift including nurses; plus, in the case of **health care clinics and public health centers**, a number of **parking spaces** for patients equal to twice the number of **parking spaces** required for doctors; all of which **parking spaces** are to be located on the same **lot** or within 300 feet **walking distance** **except in the BD-3 District**.

Section 18A. Live-work loft conversions.

The purpose of this provision is to encourage adaptive reuse of existing older loft style multi-level commercial and industrial structures existing in 1963 to limited work and residence use by Special Permit in all residential districts and in business and industrial districts as set forth in Section 42, as follows:

Section 18B. Live-Work Units (Post 1963 and new structures)

(a) Live-Work Units other than Live-Work Loft Conversions described in Section 18A shall be allowed by Special Permit **in the Business D-3 district.**

(b) Live-Work Units shall comply with the following requirements:

1. Noise, odors, light, dust, dirt, fumes, or other environmental impacts from the work conducted in the **Live-Work Unit** will be so enclosed, screened or otherwise contained so as not to adversely affect the use and enjoyment of other properties in the surrounding area.

2. The proprietor of the business located in the **Live-Work unit** shall live in the **Live-Work Unit**, and up to two persons who do not reside in the **Live-Work Unit** may work in the unit.

3. No portion of a **Live-Work Unit** may be separately leased or sold.

4. At least thirty (30) percent of the total square footage of the ***Live-Work Unit*** shall be allocated to residential use.

5. The display and sale of products in the ***Live-Work Unit*** shall be limited to products created in the ***Live-Work Unit***.

Section 19. Custodial Care Facilities.

(4) ***Prohibited Locations.*** Custodial care facilities are prohibited in the following zoning districts:

- a. Residential: RS-1, RS-2, RH-1, RH-2 and RO;
- b. Business: BB, BC, BD-3 and BE; and
- c. Industrial: IL, IM and IH.

TABLE 1. SUMMARY SCHEDULE OF PERMITTED USES IN RESIDENCE DISTRICTS

Note: This summary schedule is for convenience in use of the ordinance. In case of conflict, the District Regulations shall prevail.

Key: R: As-of-Right SP: Special Permit SE: Special Exception X: Not Permitted

Zoning District

<i>Use Category</i>	<i>RS-1</i>	<i>RS-2</i>	<i>RM-1</i>	<i>RM-2</i>	<i>RH-1</i>	<i>RH-2</i>	<i>RO</i>
Residential, Temporary & Agricultural:							
Single-family detached dwellings	R	R	R	R	R	R	R
Other single-family dwellings	X	X	R	R	R	R	R
Two-family and multi-family dwellings	X	X	R	R	R	R	R
Limited conversion of dwellings by variance	see	Text	X	X	X	X	X
Residential accessory buildings structures and uses	R	R	R	R	R	R	R
Garden apartment buildings	X	X	R	R	R	R	R
Rooming, Boarding and Lodging houses	X	X	X	X	X	R	X
Automobile trailer camps	X	X	X	X	X	SE	X
Temporary Uses and Structures	SE	SE	SE	SE	SE	SE	SE
Agriculture	X	R	R	R	X	R	R
<u>Live-Work Loft Conversions</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>

Section 29. Parking

(b) All ***parking spaces*** shall have an area of at least 189 square feet exclusive of adequate driveways and aisles, have direct access to a circulation aisle, alley or street, be suitably surfaced and drained and be provided with bumper or wheel guards where needed. All parking areas containing three or more parking spaces shall include a turnaround designed and located so that vehicles can enter and exit the area without backing into the public right of way.

(i) The board of zoning appeals shall have the power to lessen the requirements of this ordinance as to the number of ***parking spaces*** required and/or increase the maximum allowable ***walking distance*** to such ***parking spaces***, but only upon a finding that either particular circumstance or mitigative measures qualify such action. Particular circumstance may include, but not be limited to availability of public parking, proximity to public transit or significant levels of pedestrian access. Mitigative measures may include, but not be limited to van and/or car pooling, public parking validation programs, flexible work schedules or other transportation demand management measures. All deviations from normal requirements by means of this paragraph shall be considered as special exceptions under subsection 63(d) of this ordinance. In the case of any religious or educational institution or any hospital, which has an overall parking plan for all of its facilities which has been approved by the Board of Zoning Appeals, the limit of 300 feet ***walking distance*** shall not apply. Amendments to a parking plan that covers an area which include a planned development must be submitted for approval for section 65 of this ordinance. All deviations from normal requirements by means of this subsection 29(i) shall be considered special exceptions under subsection 63(d) of this ordinance, and the board of zoning appeals may impose time limits where it finds that the continued adequacy of such other parking standards cannot be fairly predicted.

(k). Two ***parking spaces*** may be subtracted from the quantity of parking spaces required for a ***use*** or a ***structure*** for each ***carsharing parking space*** provided in a parking lot or structure containing 50 or fewer parking spaces serving such ***use*** or ***structure***, provided, however, that in no event shall the number of ***parking spaces*** provided for a ***use*** or a ***structure*** (excluding ***carsharing parking spaces***) be reduced by more than 5% of the ***parking spaces*** required for such ***use*** or ***structure***. Five ***parking spaces*** may be subtracted from the quantity of parking spaces required for a ***use*** or a ***structure*** for each ***carsharing parking space*** provided in such parking lot or structure containing in excess of 50 ***parking space***, provided, however, that in no event shall the number of ***parking spaces*** provided for a ***use*** or a ***structure*** (excluding ***carsharing parking spaces***) be reduced by more than 10% of the ***parking spaces*** required for such ***use*** or ***structure***. Fifty percent of ***carsharing parking spaces*** at the same location may be ***compact parking spaces***.

ARTICLE V. BUSINESS AND INDUSTRIAL DISTRICTS **Section 41 – Description and purpose of business and industrial districts**

Business D-3 Districts-Central Business/Mixed-Use

These districts in the urban core are reserved for intensive development, including multi-story and mid and high rise buildings. They provide for mixed uses, including hospital outpatient clinics, other medical clinics, biotechnology research centers, high and medium density residences, offices, and commercial uses, including retail shops and restaurants. These districts also connect the City's central business and medical and educational districts with each other and with the City's transportation center at Union Station. The Central Business/Mixed Use districts are pedestrian, bicycle and transit friendly. Uses on the ground floors of nonresidential and mixed use buildings that face public rights of way in these districts should include retail and active uses that are in part or in whole transparent from sidewalks and streets.

Section 42. Use regulations for business and industrial districts.

The following table describes the *uses* permitted in each business or industrial district.

In any case where a *use* is not specifically referred to by the following table, its status under this section shall be determined by the zoning enforcement officer, by reference to the most a clearly analogous use or uses that are specifically referred to by the table. When the status of a use has been so determined by the zoning enforcement officer, such determination shall thereafter have general applicability to all uses of the same type. For uses that are not specified and are not clearly analogous to uses specifically referred to in the following table, an application must be made either for an amendment to the zoning ordinance or for a use variance with the Board of Zoning Appeals.

Accessory uses customarily incidental to uses in the table are permitted in connection with such uses. Such *accessory uses* may include residences of caretakers and other such persons who must live in the area for the convenience of business or industry, and their dependents.

Matters closely related to use are regulated by:

- (1) Bulk and yards..... § 43 and § 47
- (2) Signs . . . § 44
- (3) Parking and loading . . . § 45
- (4) Automotive and drive-in establishments . . . § 45
- (5) Outdoor activities and storage . . . § 46
- (6) Performance standards . . . § 48

ZONING DISTRICT ABBREVIATIONS

BA:	General Business
BA-1	Neighborhood Center Mixed Use

BB:	Automotive Sales
BC:	Marine Commercial
BD:	Central Business
BD-1:	Central Business/Residential
BD-2:	Central/Business/Medical
<u>BD-3</u>	<u>Central Business/Mixed-Use</u>
BE:	Wholesale and Distribution
IL:	Light Industry
IM:	Light Industry/Marine
IH:	Heavy Industry

INTERPRETATION OF USE TABLE

R:	Permitted as of right
SE:	Permitted only by special exception under § 63(d) of this ordinance
SP:	Permitted only by special permit under § 64(e) of this ordinance
X:	Not permitted

Parking:	Key letters refer to Parking Standards in § 45(a)(1)a.
Loading:	Key letters refer to Loading Standards in § 45(a)(1)b.

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right, SP - Special Permit SE - Special Exception X - Not Permitted

In case of conflict, the District Regulations shall prevail. **unless otherwise stated in this Table 3.**

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TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted

In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading (5)
	4. Custodial care facilities (See § 19).	SE	SE	X	X	SE	SE		X	X	X	X	X		
	For New Construction Only:		(2) (3)												
	Except for the BD-3 District. IF SUCH USES ARE DWELLINGS they shall be subject to the building requirements, parking standards, and all other appropriate Residence District regulations. Such regulations shall apply even though the building contains another use or uses in addition to a dwelling unit or units. In the BD-3 District, the building, bulk, yard, and sign requirements and parking standards set forth in §§ 43, 44 and 45 for the BD-3 District shall apply to all uses.		(2) (3)												
	For Adaptive Reuse of Structures Built Prior to 1963, Provided the First Floor Remains in Commercial Use:														
	Irrespective of use, whether a dwelling or business, the building, bulk and yard regulations applicable to the appropriate Business or Industrial District shall govern.														
A.2 Residential															
	5. Mixed-Use residential uses (See definition)	X	R	X	X	X	X	X	R	X	X	X	X		y
	6. Live-Work Loft Residential Conversions Pursuant To Article III Section 18A	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	See Section 18A(a)(3)	y
	7. Live-Work Unit – (Post 1963 and new structures) (See definition)	X	X	X	X	X	X	X	SP	X	X	X	X	1 space/unit	y
	8. Assisted Living (see definition). Elderly and Disabled Housing	R	R	X	X	R	R	R	R	X	X	X	X	1/2 space unit	y

TABLE 3. USE TABLE

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	Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading (5)
B.	Transient Lodging														
	Rooming, boarding or lodging house.	R	X	X	X	R	X	X	X	X	X	X	X	b	None
	Hotel, Bed Breakfast or Tourist Home, 12 or fewer guest rooms	R	R	X	SP	R	R	R	R	X	X	X	X	a	y
	Hotel, Bed Breakfast or Tourist Home, 13 or more guest rooms	R	X	X	SE	R	R	R	R	X	X	X	X	a See also §45(a)(1)a.1A	y
	Motel.	R	X	X	SE	R	X	X	X	X	X	X	X	a	y
	Boatel.	X	X	X	SE	X	X	X	X	X	X	X	X	b	y
C.	Sale of Food, Drink & Pharmaceuticals														
	STORE SELLING ITS GOODS PREDOMINANTLY AT RETAIL ON PREMISES, AS FOLLOWS Bakery (Wholesale bakery, see § 42(s) Heavy Commercial).	R	R	X	X	R	R	R	R	R	R	X	X	c	X
	Drug or Cosmetic store, including sale of goods and services customarily incidental thereto.	R	R	X	SE	R	R	R	R	R	R	X	R	c	x
	Convenience store	R	SP	X	SP	R	R	R	R	R	X	R	c	c	x
	Food specialty store, including but not limited to following lines: Eggs, fish, meat (excluding slaughtering and eviscerating), poultry (excluding slaughtering), fruits, nuts, candy, teas, coffee, confection, dairy products, health foods, vegetables.	R	R	X	SE	R	R	R	R	X	X	X	X	c	x
	Grocery, Delicatessen, Supermarket or other store carrying a variety of food and related goods.	R	R	X	SE	R	R	R	R	X	X	X	X	c	y
	Package Alcoholic liquor, subject to §42.1. provisions.	R	SE	R	X	R	R	R	R	R	R	X	R	c	x

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	<i>Use</i>	<i>BA</i>	<i>BA-1</i>	<i>BB</i>	<i>BC</i>	<i>BD</i>	<i>BD-1</i>	<i>BD-2</i>	<i>BD-3</i>	<i>BE</i>	<i>IL</i>	<i>IM</i>	<i>IH</i>	<i>Parking (5)</i>	<i>Loading (5)</i>
	Poultry market, including slaughtering of poultry for sale on the premises (for other slaughtering, see § 42(t)).	SE	SE	X	X	SE	X	X	<u>X</u>	X	X	X	X	c	x
D.	Personal Services														
	Barber shop, beauty shop, reducing salon.	R	SE	X	SE	R	R	R	<u>R</u>	X	X	X	X	c	y
	Laundry, cleaner, dyer, clothing storage establishment (all, including pick-up station), or self-service laundromat, all performing services entirely for retail trade on premises. (For wholesale cleaning, laundering, dyeing, diaper service see § 42(s)).	R	SE	X	SE	R	R	R	<u>R</u>	X	X	X	X	c	x
	Health Clubs, gyms, personal training with associated classes.	R	R	X	X	R	R	R	<u>R</u>	X	X	X	X	c	x
	Tailor, dressmaker, shoe shine or shoe repair shop.	R	R	X	X	R	R	R	<u>R</u>	X	X	X	X	c	x
	Repair shop for repairs or adjustments to appliances, watches, locks and similar items.	R	R	X	X	R	R	R	<u>R</u>	R	X	X	X	c	x
	Photographic studio.	R	R	X	X	R	R	R	<u>R</u>	X	X	X	X	c	y
	Travel agency, travel ticket office.	R	R	X	X	R	R	R	<u>R</u>	R	X	X	X	c	y
	Vocational, trade or business school.	R	SE	X	X	R	R	R	<u>R</u>	R	R	X	X	h	y
	Driving school.	R	SE	R	X	X	X	X	<u>R</u>	X	X	X	X	i	y

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	<i>Use</i>	<i>BA</i>	<i>BA-1</i>	<i>BB</i>	<i>BC</i>	<i>BD</i>	<i>BD-1</i>	<i>BD-2</i>	<i>BD-3</i>	<i>BE</i>	<i>IL</i>	<i>IM</i>	<i>IH</i>	<i>Parking (5)</i>	<i>Loading (5)</i>
	Funeral home.	R	SE	X	X	R	R	R	<u>X</u>	X	X	X	X	f See also §45(a)(1)a.1B	y
	Gun and weapons repair, firearms training.	SE	X	X	X	SE	<u>X</u>	X	<u>X</u>	SE	SE	X	SE	c	y
	Firing range.	X	X	X	X	X	X	X	<u>X</u>	X	SE	X	SE	c	y
	Pawn shop or swap shop (may include second-hand goods, precious metals purchase or resale), provided no location is within 1,500 feet from the outside entrance to another such use.	SE	SE	X	X	SE	<u>X</u>	X	<u>X</u>	X	X	X	X	c	y
E.	Eating, Drinking Places & Entertainment														
	ESTABLISHMENTS SELLING FOOD OR BEVERAGES FOR IMMEDIATE CONSUMPTION ON OR OFF PREMISES, INCLUDING ESTABLISHMENT WHERE LIVE ENTERTAINMENT IS A PRINCIPAL OR ACCESSORY USE.														
	FOR PURPOSES OF THIS ZONING ORDINANCE A CHANGE FROM ONE CLASSIFICATION OF EATING, DRINKING OR ENTERTAINMENT ESTABLISHMENT TO ANOTHER SHALL BE CONSIDERED A NEW USE.														
	EATING AND DRINKING PLACES														
	Establishment selling food for immediate consumption on or off premises.	R	R	R	SE	R	R	R	<u>R</u>	R	R	SP	R	f	x

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	<i>Use</i>	<i>BA</i>	<i>BA-1</i>	<i>BB</i>	<i>BC</i>	<i>BD</i>	<i>BD-1</i>	<i>BD-2</i>	<i>BD-3</i>	<i>BE</i>	<i>IL</i>	<i>IM</i>	<i>IH</i>	<i>Parking</i> (5)	<i>Loading</i> (5)
	Restaurants, as defined in Article 1 Section 1., selling or serving alcoholic beverages for immediate consumption on or off premises, including accessory entertainment, or permitting immediate consumption of alcoholic beverages on or off premises including accessory entertainment.	SE	SE	SE	SE	R	R	R	<u>R</u>	SE	R	SP	R	f	x
	Other establishments selling or serving alcoholic beverages for immediate consumption on or off premises, including accessory entertainment, or permitting immediate consumption of alcoholic beverages on or off premises, including accessory entertainment	SE	SE	SE	SE	R	SE	R	<u>SE</u>	SE	R	SP	R	f See also §45(a)(1)a.1 C.	x
	Drive-in establishment selling food for immediate consumption on or off premises -- more than 250 feet from any residential use.	R	X	R	X	R	X	X	<u>X</u>	R	R	X	R	f	x
	Drive-in establishment selling food for immediate consumption on or off premises -- within 250 feet of any residential use.	SE	X	SE	X	X	X	X	<u>X</u>	SE	SE	X	SE	f	x
	ADULT ENTERTAINMENT ESTABLISHMENTS														
	Adult cabaret less than 1,500 feet from another adult cabaret, bar in the same structure, or adult use as defined in § 42.3 of this ordinance.	X	X	X	X	X	X	X	<u>X</u>	X	X	X	X	f	x
	Adult cabaret more than 1,500 feet from another adult cabaret, bar in the same structure, or adult use as defined in § 42.3 of this ordinance:														
	With Liquor Service.	X	X	X	X	SE	X	X	<u>X</u>	SE	SE	X	SE	f	x
	No Liquor Service.	X	X	X	X	SE	X	X	<u>X</u>	SE	SE	X	SE	f	x

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	<i>Use</i>	<i>BA</i>	<i>BA-1</i>	<i>BB</i>	<i>BC</i>	<i>BD</i>	<i>BD-1</i>	<i>BD-2</i>	<i>BD-3</i>	<i>BE</i>	<i>IL</i>	<i>IM</i>	<i>IH</i>	<i>Parking</i> (5)	<i>Loading</i> (5)
F.	Vending Machines														
	Vending machine selling food or personal articles or services, so placed that it is not beyond any street or building line, not within any required yard, and does not interfere with pedestrian or vehicular traffic.	R	X	R	SE	SE	SE	SE	SE	R	R	X	R	See 45(c)	See 45(c)
	Pedestrian-accessible automatic teller machines (ATM) located in fully enclosed buildings or structures	R	R	R	R	R	R	R	R	R	R	R	R	See 45(c)	See 45 (c)
G.	General Merchandise and Clothing														
	STORE SELLING OR RENTING ITS GOODS PREDOMINANTLY AT RETAIL ON THE PREMISES, AS FOLLOWS:														
	Apparel, including all apparel specialties.	R	R	X	X	R	R	R	R	X	X	X	X	c	x
	Department store (includes sale of specific items mentioned elsewhere in table, if customarily sold in store).	R	R	X	X	R	R	R	R	X	X	X	X	c	x
	Variety store (including sale of specific items mentioned in this table, if customarily sold in store).	R	R	X	X	R	R	R	R	X	X	X	X	c	x
H.	Personal Goods														
	SPECIALTY STORE SELLING OR RENTING ITS GOODS PREDOMINANTLY AT RETAIL ON THE PREMISES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING LINES: Books, News Tobacco, Gifts, Cards, Art supplies, Stationery, Pets, Toys, Coins, Flowers, Jewelry, Leather goods, Luggage, Novelties, Sporting goods, Bicycles, Stamps, Hobbies, Art Work, Photo supplies, Music, Musical Instruments, Optical goods, Religious articles.	R	R	X	SE	R	R	R	R	X	X	X	X	c	x

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	Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading (5)
	Gun shops and accessory goods sales including ammunition, subject to § 42.4 zoning ordinance provisions.	X	X	X	X	SE	X	X	<u>X</u>	SE	SE	X	SE	c	x
I.	Home Goods and Furnishings														
	STORE SELLING OR RENTING ITS GOODS PREDOMINANTLY AT RETAIL ON THE PREMISES, AS FOLLOWS:														
	China, glass, pottery.	R	R	X	X	R	R	R	<u>R</u>	X	X	X	X	c	x
	Antiques and second hand goods, excluding motor vehicles/parts, and excluding materials held only for discard or reprocessing.	R	R	X	X	R	R	R	<u>R</u>	X	X	X	X	c	x
	Fabrics, curtains, linens knitting & upholstery supplies.	R	R	X	X	R	R	R	<u>R</u>	X	X	X	X	c	x
	Furniture, floor covering, appliances.	R	R	X	X	R	R	R	<u>R</u>	X	X	X	X	c	x
	Farm & garden supplies, includes greenhouse, nursery.	R	R	X	X	X	R	X	<u>R</u>	R	X	X	X	c	x
	Hardware, paint, wallpaper.	R	R	X	X	R	R	R	<u>R</u>	X	X	X	X	c	x
	SPECIALTY HOME GOODS & SKILLED TRADES WITH A COMBINATION OF ON PREMISES FABRICATION AND SALES, AS FOLLOWS:														
	Art work, art supplies, baskets, books, candles, curtains, dresses, fabrics, furniture, gifts, glass, jewelry, linens, musical instruments, optical goods, pottery, photography, printing, sporting goods, stationary, toys, upholstery.	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	SP	SP	SP	SP	i	x

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	<i>Use</i>	<i>BA</i>	<i>BA-1</i>	<i>BB</i>	<i>BC</i>	<i>BD</i>	<i>BD-1</i>	<i>BD-2</i>	<i>BD-3</i>	<i>BE</i>	<i>IL</i>	<i>IM</i>	<i>IH</i>	<i>Parking (5)</i>	<i>Loading (5)</i>
	<u>Music and Recording Studies</u>	<u>SP</u>	<u>SP</u>	<u>X</u>	<u>X</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	i	x
J.	Financial Services														
	Bank or other credit agency.	R	R	R	X	R	R	R	<u>R</u>	R	R	X	X	c, e	y
	Broker Investment company.	R	R	X	X	R	R	R	<u>R</u>	R	X	X	X	c, e	y
	Insurance company or agency.	R	R	R	X	R	R	R	<u>R</u>	R	X	X	X	c, e	y
	Remuneration, money order, notary establishments	SE	SE	SE	X	SE	SE	SE	<u>R</u>	SE	X	X	X	c, e	y
	Check cashing or payday loan establishments	SP	SP	SP	X	SP	SP	SP	<u>X</u>	SP	X	X	X	c,e	y
K.	Office														
	OFFICE - NO STORAGE OF A STOCK IN TRADE (EXCEPT SAMPLES) OR HEAVY MATERIALS OR EQUIPMENT, & NO COMMODITIES SALE ON PREMISES, AS FOLLOWS:														
	Medical practitioner.	R	R	X	X	R	R	R		X	X	X	X	d	y
	General, charitable, philanthropic, other professional.	R	R	X	X	R	R	R	<u>R</u>	X	X	X	X	e	y
	Radio or television stations studio and/or offices only.	R	R	X	X	R	R	R	<u>R</u>	R	X	X	X	e	y
	Utility, including exchange.	R	SP	SE	SE	R	R	R	<u>R</u>	R	X	X	X	e	y
	Wholesale or distribution.	R	SP	X	X	R	R	R	<u>X</u>	R	X	X	X	e	y

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L.	Amusements														
	ESTABLISHMENT SO ARRANGED THAT LIGHTS, NOISE, VIBRATION, AND ALL OTHER POSSIBLE DISTURBING ASPECTS CONNECTED WITH ITS OPERATION ARE ENCLOSED, SCREENED OR OTHERWISE CONTROLLED TO THE EXTENT THAT THE OPERATION OF THE ESTABLISHMENT WILL NOT UNDULY INTERFERE WITH THE USE AND ENJOYMENT OF STREETS OR PROPERTIES IN THE SURROUNDING AREA, AS FOLLOWS:														
	Adult businesses, including adult bookstores, Adult theaters, adult entertainment centers, rap parlors, massage parlors, saunas, subject to § 42.3 provisions.	X	X	X	X	X	X	X	<u>X</u>	R	R	X	R	c	x
	Assembly hall.	SE	SP	X	X	SE	SE	SE	<u>SE</u>	SE	SE	X	X	f See also §45(a)(1)a.1. F.	y
	Auto racing club.	SE	X	SE	X	X	X	X	<u>X</u>	X	X	X	X	g	y
	Bowling alley, billiard or pool hall, indoor amusement center, drug paraphernalia center.	SE	SE	X	X	SE	SE	X	<u>SE</u>	SE	SE	X	X	g	y
	Dance hall, social club, club, lodge, veterans or fraternal organization, fraternity, sorority.	SE	SP	X	X	SE	SE	SE	<u>SE</u>	SE	SE	X	X	g See also §45(a)(1)a.1. G	y
	Drive-in theater.	SE	X	X	X	X	X	X	<u>X</u>	X	X	X	X	as needed	y
	Fair, carnival.	SE	SP	X	X	X	X	X	<u>X</u>	X	SE	X	SE	g	y

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	Game machines as an accessory use, subject to § 42.2 provisions.	R	R	R	SE	R	R	R	<u>R</u>	R	R	X	R	none	none
	Game rooms, subject to § 42.2 provisions.	SE	SE	SE	X	SE	X	SE	<u>SE</u>	SE	SE	X	SE	j	y
	Miniature golf, golf driving range.	SE	X	X	X	X	X	X	<u>X</u>	X	X	X	X	g	y
	Music or dancing school.	R	X	X	X	R	R	X	<u>R</u>	X	X	X	X	g	y
	Public access park or community garden	R	R	R	R	R	R	R	<u>R</u>	X	X	X	X		
	State sponsored off-track betting facilities and teletrak facilities, teletheater or other legalized wagering systems, facilities & services.	X	X	X	X	SE	X	X	<u>X</u>	X	X	X	SE	g	y
	Theater, excluding drive-in, 250 or fewer seats	R	R	X	X	R	R	X	<u>R</u>	X	X	X	X	f	y
	Theater, excluding drive-in, 251 or more seats.	R	SP	X	X	R	SE	X	<u>R</u>	X	X	X	X	f See also §45(a)(1)a.1. H.	y
	Trampoline center.	SE	X	X	X	X	X	X	<u>X</u>	X	X	X	X	g	y
M.	Automotive														
	ESTABLISHMENT CONFORMING TO STATE OF CONNECTICUT REGULATIONS AND § 45, AS FOLLOWS:														
	Sale of automotive accessories, parts, tires, batteries, other supplies.	R	X	R	X	R	R	X	<u>X</u>	R	R	X	R	See 45(b)	See 45(b)

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	Gasoline station, as defined by Ch. 250, C.G.S.	SE	X	R	X	SE	SE	SE	<u>SE</u>	SE	SE	X	SE	See 45.B	See 45(b)
	Car wash (a/k/a auto laundry).	SE	X	R	X	X	X	X	<u>X</u>	X	X	X	X	See 45(b)	See 45(b)
	Motorcycles: Sale or rental with inventory, repair.	X	X	R	X	X	X	X	<u>X</u>	X	X	X	X	See 45(b)	See 45(b)
	House trailers: Sale or rental with inventory, repair.	X	X	R	X	X	X	X	<u>X</u>	X	X	X	X	See 45(b)	See 45(b)
	Automobiles, automobile trailers, and trucks.														
	1. Repair of such vehicles, no full body paint spraying or body and fender work except replacement.	R	X	R	X	SE	X	X	<u>X</u>	R	R	X	R	See 45.B	See 45.B
	2. Repair of such vehicles, including full body paint spraying and all body and fender work.	SE	X	R	X	SE	X	X	<u>X</u>	SE	R	X	R	See 45(b)	See 45(b)
	3. Rental of such vehicles with inventory. Inventory within structure shall be permitted by special exception.	R	X	R	X	R	X	SE	<u>SE</u>	R	R	X	R	See 45(b)	See 45(b)
	4. Sale of such vehicles with inventory when used, where incidental to operation of a gas station or repair garage, and where no more than 5 used vehicles for sale are kept on premises at one time.	SE	X	R	X	SE	X	X	<u>X</u>	R	R	X	R	See 45(b)	See 45(b)

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	5. Sale of such vehicles with inventory when used, with no limit on quantity of vehicles.	X	X	R	X	X	X	X	X	X	R	X	R	See 45(b)	See 45(b)
	6. Sale of such vehicles with inventory when new:														
	a. Automobiles.	X	X	R	X	X	X	X	X	X	X	X	X	See 45(b)	See 45(b)
	b. Automobile trailers or trucks.	X	X	R	X	X	X	X	X	R	R	X	R	See 45(b)	See 45(b)
	Sale or rental of any vehicle described above, with no inventory of such vehicles kept on premises, but with incidental show models and demonstrator vehicles permitted in case of sales.	R	X	R	X	R	R	SE	SE	R	R	R	X	c	y
N.	Marine														
	Marina, yacht club.	X	X	X	(4)	X	X	X	X	X	X	SP	X	k	y
	Fishing, fish sales (including shellfish).	X	X	X	SP	X	X	X	X	R	X	R	X	I	x
	Sale of boats, boat parts & accessories, fishing equipment, boat fuel & ice, & similar supplies.	X	X	X	SP	X	X	X	X	R	R	R	R	i	x
	Boat rental or charter, boat sightseeing.	X	X	X	SP	X	X	X	X	R	X	R	R	i	y
	Boat building, repair, service and storage: 100 foot length or less.	X	X	X	SP	X	X	X	X	X	R	R	R	i	x
	over 100 foot length.	X	X	X	SP	X	X	X	X	SE	R	SP	R	i	x
	Deep-sea shipping facility or Seaplane base.	X	X	X	X	X	X	X	X	SE	R	X	R	i	x
	Salvage or dredging company.	X	X	X	X	X	X	X	X	X	X	X	R	i	x

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	<i>Use</i>	<i>BA</i>	<i>BA-1</i>	<i>BB</i>	<i>BC</i>	<i>BD</i>	<i>BD-1</i>	<i>BD-2</i>	<i>BD-3</i>	<i>BE</i>	<i>IL</i>	<i>IM</i>	<i>IH</i>	<i>Parking</i> (5)	<i>Loading</i> (5)
O.	Construction & Related Goods & Services														
	Home improvement company, interior decorator, upholsterer, furniture repairer, general contractor, special trade contractor or worker, building materials, sign making, fuel or ice, with all storage of goods, materials & equipment (other than off-street parking and loading of vehicles) and all processing and manufacturing kept within a completely enclosed building(s) & the entire establishment occupies 2000 square feet or less of net floor area.	R	R	X	X	R	R	X	R	R	R	R	R	i	See § 45
	Same uses as above, with no limit as to floor area or enclosure, except as specified in § 46. & § 47(C)(4).	X	X	X	X	X	X	X	<u>X</u>	R	R	SP	R	i	x
	<u>Off-site Construction Staging Area:</u> Less than 1000 SF total area.	R	SP	R	R	SP	SP	SP	<u>SP</u>	R	SP	SP	R	none	none
	<u>Off-site Construction Staging Area</u> 1000 SF or more total.	SP	X	SP	SP	SP	SP	SP	<u>SP</u>	SP	SP	X	SP	none	none
	Monument sales establishment, with incidental processing to order (excluding shaping of stones & similar processes).	R	SE	X	X	X	X	X	<u>X</u>	R	R		R	i	x
	Monument sales establishment or monument works, with no limit as to processes.	X	X	X	X	X	X	X	<u>X</u>	X	R	X	R	i	x

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In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	<i>Use</i>	<i>BA</i>	<i>BA-1</i>	<i>BB</i>	<i>BC</i>	<i>BD</i>	<i>BD-1</i>	<i>BD-2</i>	<i>BD-3</i>	<i>BE</i>	<i>IL</i>	<i>IM</i>	<i>IH</i>	<i>Parking (5)</i>	<i>Loading (5)</i>
P.	Business Goods														
	ESTABLISHMENT SELLING OR RENTING ITS GOODS PREDOMINANTLY AT RETAIL ON PREMISES, AS FOLLOWS:														
	Office equipment and supplies.	R	R	X	X	R	R	X	<u>R</u>	R	R	SP	X	c	x
	Business machines or scales.	R	R	X	X	R	R	X	<u>R</u>	R	R	SP	X	c	x
	Restaurant or bar supply.	R	R	X	X	R	R	X	<u>R</u>	R	R	SP	X	c	x
	Dental, hospital, beauty, barber, store or lab supply.	R	R	X	X	R	R	R	<u>R</u>	R	R	SP	X	c	x
Q.	Business & Miscellaneous Personal & Public Services														
	Off premises signs, as regulated by § 44.1:														
	Mini-panel.	SE	X	SE	SE	SE	SE	SE	<u>SE</u>	SE	SE	X	SE	none	none
	Poster, Bulletin or Spectacular.	R	X	R	X	X	X	X	<u>X</u>	R	R	X	R	none	none
	On premises signs, as regulated by § 44.	R	R	R	R	R	R	X	<u>R</u>	R	R	X	R	none	none
	Ambulance service.	R	SP	X	X	R	X	R	<u>R</u>	R	R	X	R	i	y

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking <u>(5)</u>	Loading <u>(5)</u>
Caterer.	R	R	X	X	R	R	R	<u>R</u>	R	X	X	X	i	x
Cold storage facility renting only individual lockers for home customer storage of food. (For other cold storage facilities, see § 42(s), Heavy Commercial).	R	X	X	X	R	X	X	<u>X</u>	R	R	X	R	i	x
<u>Conference Center</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>SP</u>	<u>SP</u>	<u>X</u>	<u>SP</u>	<u>SP</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	f	y
<u>Convention Center</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>SP</u>	<u>X</u>	<u>SP</u>	<u>SP</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	f	y
Commercial kennel or other establishment, where the care, breeding or sale of animals is the principal purpose of the enterprise, with no animals to be located within 500' of any residentially zoned property.	SE	X	X	X	X	X	X	<u>X</u>	X	SE	X	SE	i	x
Delivery service establishment, vehicles limited to 1 ton capacity (Also see § 42(s) Heavy Commercial).	R	X	X	X	R	X	X	<u>X</u>	R	R	X	R	i	x
Employment agency.	R	X	X	X	R	R	R	<u>R</u>	R	R	X	R	i	y
General and special hospitals, outpatient clinics and public health centers.	R	SP	X	X	SE	SE	R		X	X	X	X	See § 42(b)(1)h	y
Internal building cleaning, window cleaning.	R	R	X	X	R	SE	SE	<u>R</u>	R	R	X	R		y
News distribution enterprise.	R	X	X	X	R	X	X	<u>X</u>	R	R	X	R	i	x
Printing, engraving, or other reproduction services, limited to 2,000 square feet net floor area.	R	R	X	X	R	SE	R	<u>R</u>	R	R	R	R	i	none
Printing, engraving, or other reproduction services with no limit as to floor area.	X	X	X	X	R	X	R	<u>R</u>	R	R	R	R	i	x

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading (5)
	R	SP	R	SE	R	R	R	<u>R</u>	R	R	SP	R	i	y
	R	R	R	R	R	R	R	<u>R</u>	R	R	R	R	i	y
Regional out-patient clinics; regional public health centers	X	X	X	X	X	R	R		X	R	X	X	i	y
Research or testing laboratory, including research and/or development laboratories which are High Technology Uses, limited to 2000 S.F. net floor area used for laboratory purposes (For target labs, see §42(e))	R	R	X	X	R	R	R	<u>R</u>	R	R	SP <u>R</u>	R	i	none
Research or testing laboratory with no floor area limit, including research and/or development laboratories which are High Technology Uses	X	X	X	X	X	X	R	<u>R</u>	R	R	R	R	i	x
<u>Other High Technology Uses, High Technology Uses and High Technology Equipment Design and Fabrication (See definitions)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	i	y
Self storage facility.	X	X	X	X	X	X	R	<u>X</u>	R	R	SP	R	i	y
Special workplace daycare <u>Family Daycare Home, Group Daycare Home, and Child Daycare Center.</u>	R	R	R	SE	R	R	R	<u>R</u>	R	R	R	R	i	y
Uniform sales or rental establishment.	R	R	X	X	R	R	R	<u>R</u>	R	R	X	R	i	x
Utility, including exchange.	R	SP	SE	SE	R	R	R	<u>R</u>	R	R	SP	R	d	y

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted

In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	Vending machine operator or repairer.	R	SE	X	X	R	X	X	X	<u>X</u>	R	R	R	X	R	i	x
	Veterinarian, <u>pet daycare</u> and <u>pet groomer</u> (excluding establishment where care, breeding or sale of animals is the enterprise's main purpose and/or where animals are <u>boarded overnight</u>) with all facilities within fully enclosed building(s).	R	R	X	X	R	SE	X	X	<u>R</u>	R	X	X	X	X	d	y
R.	Transportation																
	On or off-site parking lot or parking structure for employees, customers, or visitors for any business or industrial use, or commercial parking lot or parking structure, also as regulated by § 45. of this ordinance and excluding auto sales, service and rental except as otherwise permitted by this Use Table. .	R	R	R	R	R	R	R	R	<u>R</u>	R	R	R	R	R	none	none
	On or off-site parking lot or parking structure containing between 26 and 200 parking spaces for employees, customers, or visitors for any business or industrial use, or commercial parking lot or parking structure, also as regulated by § 45 of this ordinance and excluding auto sales, service and rental except as otherwise permitted by this Use Table.	R	SP	R	SP	R	R	R	R	<u>R</u>	R	R	R	R	R	none	none
	On or off-site parking lot or parking structure capable of containing 200 or more parking spaces for employees, customers, or visitors for any business or industrial use, or any commercial parking lot or parking structure capable of containing 200 or more parking space, also as regulated by § 45 of this ordinance and excluding auto sales service and rental except as otherwise permitted by this Use Table.	SP	X	SP	SP	SP	SP	SP	SP	<u>SP</u>	SP	SP	SP	SP	SP	none	none
	Intercity passenger station or terminal, Railroad passenger station, or Heliport.	X	X	X	X	R	X	X	X	<u>SP</u>	R	R	R	X	SE	i	y

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading (5)
	X	X	X	X	X	X	X	X	R	R	X	R	none	none
	R	R	R	R	R	R	R	R	R	R	R	R		
	R	X	X	X	R	R	R	R	R	R	X	X	i	y
	X	X	X	X	X	X	X	X	R	R	X	X	i	y
	R	R	R	R	R	R	R	R	R	R	R	R	none	none
	X	X	X	X	X	X	X	X	R	R	X	R	i	x
S. Heavy Commercial														
Cleaning, laundering, dyeing, or diaper service plant.	X	X	X	X	X	X	X	X	R	R	SP	R	i	x
Cold storage facility, no limit as to customer type.	X	X	X	X	X	X	X	X	R	R	X	R	i	x
External building cleaning, disinfecting, or exterminating establishment.	X	X	X	X	X	X	X	X	R	R	X	R	i	x
Food processing or wholesale bakery.	X	X	X	X	X	X	X	X	R	R	R	R	i	x
Research or testing laboratory with no floor area limit.	X	X	X	X	X	X	R		R	R	R	R	i	x
Warehousing, or moving and storage establishment.	X	X	X	X	X	X	X	X	R	R	X	R	i	x
Wholesaling or distribution, including the handling of stock and incidental retailing.	X	X	X	X	X	X	X	X	R	R	SP	R	i	x

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	<i>Use</i>	<i>BA</i>	<i>BA-1</i>	<i>BB</i>	<i>BC</i>	<i>BD</i>	<i>BD-1</i>	<i>BD-2</i>	<i>BD-3</i>	<i>BE</i>	<i>IL</i>	<i>IM</i>	<i>IH</i>	<i>Parking</i> ⁽⁵⁾	<i>Loading</i> ⁽⁵⁾
T.	Industrial														
	Manufacturing, processing, storage, or other commercial or industrial use not specifically mentioned, subject to other provisions of this & not analogous to any use specifically mentioned ordinance and in particular § 46. outdoor activities & storage, waste, dumping, quarries and § 48. performance standards.	X	X	X	X	X	X	X	<u>X</u>	SE	SE	SP	SE	i	x
	Antenna or wireless site:														
	1. On existing structure, subject to § 49 standards.	R	R	R	R	R	R	R	<u>R</u>	R	R	X	R	i	x
	2. On new tower, subject to § 49 standards.	SP	X	SP	SP	SP	SP	R	<u>SP</u>	SP	SP	X	SP	i	x
	Asphalt manufacture or refining or preparation except where incidental to construction.	X	X	X	X	X	X	X	<u>X</u>	X	X	X	SE	i	x
	Celluloid or pyroxylin manufacture or explosive or inflammable cellulose or pyroxylin products manufacture.	X	X	X	X	X	X	X	<u>X</u>	X	X	X	SE	i	x
	Coal tar or mineral dye manufacture or tar distillation (except as by-products of public utility, gas or power manufacture; and the products or by-products of any plant which furnishes gas, gas material or power to a public utility or for public distribution).	X	X	X	X	X	X	X	<u>X</u>	X	X	X	SE	i	x
	Creosote manufacture or treatment.	X	X	X	X	X	X	X	<u>X</u>	X	X	X	SE	i	x
	Dumping, as defined and regulated by §46(h) and subject to other applicable regulations.	X	X	X	X	X	X	X	<u>X</u>	X	X	X	SE	i	x

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	<i>Use</i>	<i>BA</i>	<i>BA-1</i>	<i>BB</i>	<i>BC</i>	<i>BD</i>	<i>BD-1</i>	<i>BD-2</i>	<i>BD-3</i>	<i>BE</i>	<i>IL</i>	<i>IM</i>	<i>IH</i>	<i>Parking</i> ⁽⁵⁾	<i>Loading</i> ⁽⁵⁾
	Emery cloth, sand paper, carborundum or pumice manufacture.	X	X	X	X	X	X	X	<u>X</u>	X	X	X	SE	i	x
	Explosive or fireworks manufacture.	X	X	X	X	X	X	X	<u>X</u>	X	X	X	SE	i	x
	Fertilizer manufacture from organic material or its compounding for sale.	X	X	X	X	X	X	X	<u>X</u>	X	X	X	SE	i	x
	Glue or size manufacture or processes involving recovery from fish or animal material.	X	X	X	X	X	X	X	<u>X</u>	X	X	X	SE	i	x
	Gypsum, cement, plaster or plaster of Paris manufacture.	X	X	X	X	X	X	X	<u>X</u>	X	X	X	SE	i	x
	Household hazardous waste collection centers, as defined and regulated by § 46(i), subject to other applicable regulations.	X	X	X	X	X	X	X	<u>X</u>	X	SE	X	SE	i	x
	Junkyard, as defined and regulated by § 46, subject to all State of Connecticut and other applicable regulations.	X	X	X	X	X	X	X	<u>X</u>	X	X	X	SE	i	x
	Motor vehicle junkyard, as defined and regulated by § 46 and subject to all State of Connecticut & other applicable regulations.	X	X	X	X	X	X	X	<u>X</u>	X	X	X	SP	i	x
	Nitrating process.	X	X	X	X	X	X	X	<u>X</u>	X	X	X	SE	i	x
	Outdoor storage of fuels, chemicals or building materials (whether in tanks or other containers), except as incidental to other activities.	X	X	X	X	X	X	X	<u>X</u>	X	X	X	SE	i	x
	Outdoor storage of materials related to boat manufacturing.	X	X	X	R	X	X	X	<u>X</u>	X	X	R	X	I	x

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	<i>Use</i>	<i>BA</i>	<i>BA-1</i>	<i>BB</i>	<i>BC</i>	<i>BD</i>	<i>BD-1</i>	<i>BD-2</i>	<i>BD-3</i>	<i>BE</i>	<i>IL</i>	<i>IM</i>	<i>IH</i>	<i>Parking</i> ⁽⁵⁾	<i>Loading</i> ⁽⁵⁾
	Outdoor storage of up to 500 square feet of materials, customary and incidental to principal use of the property.	R	R	R	R	R	R	X	<u>X</u>	R	R	R	R	none	none
	Outdoor storage of more than 500 square feet of material.	X	X	X	SP	X	X	X	<u>X</u>	X	SP	X	SP	none	none
	Petroleum refining.	X	X	X	X	X	X	X	<u>X</u>	X	X	X	SE	i	x
	Public sewage disposal plant or incinerator.	X	X	X	X	X	X	X	<u>X</u>	X	X	X	R	i	x
	Quarry, as defined and regulated by § 46(i)	X	X	X	X	X	X	X	<u>X</u>	X	X	X	SE	i	x
	Slaughterhouse or stockyards, rendering or reduction of animal matter.	X	X	X	X	X	X	X	<u>X</u>	SE	X	X	X	i	x
	Sulfurous, sulfuric, nitric, picric or hydrochloric or other corrosive acid manufacture or the manufacture of poison gases, bleaching powder or chlorine, except as incidental to a permitted use.	X	X	X	X	X	X	X	<u>X</u>	X	X	X	SE	i	x
	Transmitting tower for radio or television station.	X	X	X	X	X	X	X	<u>X</u>	X	X	X	SE	I	y
	Waste processing and transfer.	X	X	X	X	X	X	X	<u>X</u>	SE	SE	X	SE	I	x
	Wood or bone distillation.	X	X	X	X	X	X	X	<u>X</u>	X	X	X	SE	I	x

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted

In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking	Loading
<u>Medical</u>														
<u>Nursing Homes/Rest Homes/ Residential Care Homes as defined in Conn. Gen. Stat. §§ 19a-490 and 19a-521</u>	R	SP	X	X	SE	SE	R	R	X	X	X	X	i	y
<u>General and Special Inpatient Hospitals</u>	R	SP	X	X	SE	R	R	X	X	X	X	X	See §§ 12(b)(1)h, ± 45(a)(1)a.1.D.	y
<u>Home Health Care Agencies/Assisted Living Service Agencies as defined in Conn. Gen. Stat. § 19a-490</u>	R	R	X	X	R	R	R	R	X	X	X	X	e	y
<u>Health Practitioners' Office (See definition)</u>	R	R	X	X	R	R	R	R	X	X	X	X	e	y
<u>Health Care Clinic (See definition)</u>	R	SP	X	X	R	R	R	R	X	X	X	X	See also § 45(a)(1)a.1.E	y
<u>Outpatient Surgical Facilities/Ambulatory Surgical Center licensed by the Connecticut Department of Health pursuant to Conn. Gen. Stat. § 49a-493b</u>	R	SP	X	X	R	R	R	R	X	X	X	X	See §§ 12(b)(1)h, 45(a)(1)a.1.D.	y
<u>Recovery Care Centers licensed by the Department of Public Health pursuant to Regs. Conn. State Agencies § 19a-495-571</u>	R	SP	X	X	R	SE	R	R	X	X	X	X	i	y
	R	SP	X	X	R	SE	R	R	X	X	X	X	See also § 45(a)(1)a.1.K	y

Notes:

(1) Nonresidential Uses Only

(2) The open space requirements for the BD-3 District shall be those set forth in 43(i)(1) and not those set forth in § 16(a)(1)g. (Exempt)

(3) In the Marine Commercial District (BC) a marina, yacht club with ten or less slips is allowed as-of-right. A marina, yacht club with over ten slips requires a special permit.

(4) Parking/Loading Requirements are governed by Section 45 for the Business D-3 District.

(5)

Section 43. Bulk and yard regulations for business and industrial districts.

The following bulk regulations shall apply to all *uses* in the BD-1 District and the BD-3 District, but shall apply only to *uses* other than *dwelling*s in all other business and industrial districts indicated. (*Dwellings* shall follow the bulk and *yard* regulations of the appropriate residence district, as indicated in § 42(a) above.)

(a) *Definitions*

FLOOR AREA RATIO (FAR): The ratio of the *gross floor area* to the *principal building* or *principal buildings* on a *lot* to the total *lot area*. In calculating FAR, the *gross floor area* of a parking structure shall not be included.

(b) *Maximum FAR.*

(1) The maximum *FAR* permitted in the districts(s) specified shall not exceed the following:

<i>FAR</i>	<i>Zoning District</i>
6.0	BD, BD-1, BD-2*, <u>BD-3</u> and BE

(c) *Maximum building height.*

(1) Except as provided in subsections 43(c)(2), (3), **(4), and (5)**, there shall be no direct limit on *building height* in any business or industrial district (although indirect limits may be produced by *floor area ratio* and other requirements).

(5) In the BD-3 District, if the *average height* of a *principal building* exceeds 100' feet above average *finished lot grade* and if any portion of the *principal building* has frontage on College, Temple, Church, or Orange Streets, then one 15' stepback of the upper levels of the *building* shall be required on the façade that fronts on such street, commencing no later than the point at which the *height* of the *building* is the same as the total of the width of the *street* that the *building* fronts on. The depth of the stepback need not be uniform, provided that at one point, the stepback is 15' from the front of the *building* facade at the floor immediately below the floor at which the stepback begins, and provided further, that the depth of the stepback area on the roof of the floor below the floor at which the stepback begins must be at least 250 square feet. If the *principal building* fronts on more than one such street, then only one stepback shall be required.

Example of BD-3 Stepback Require

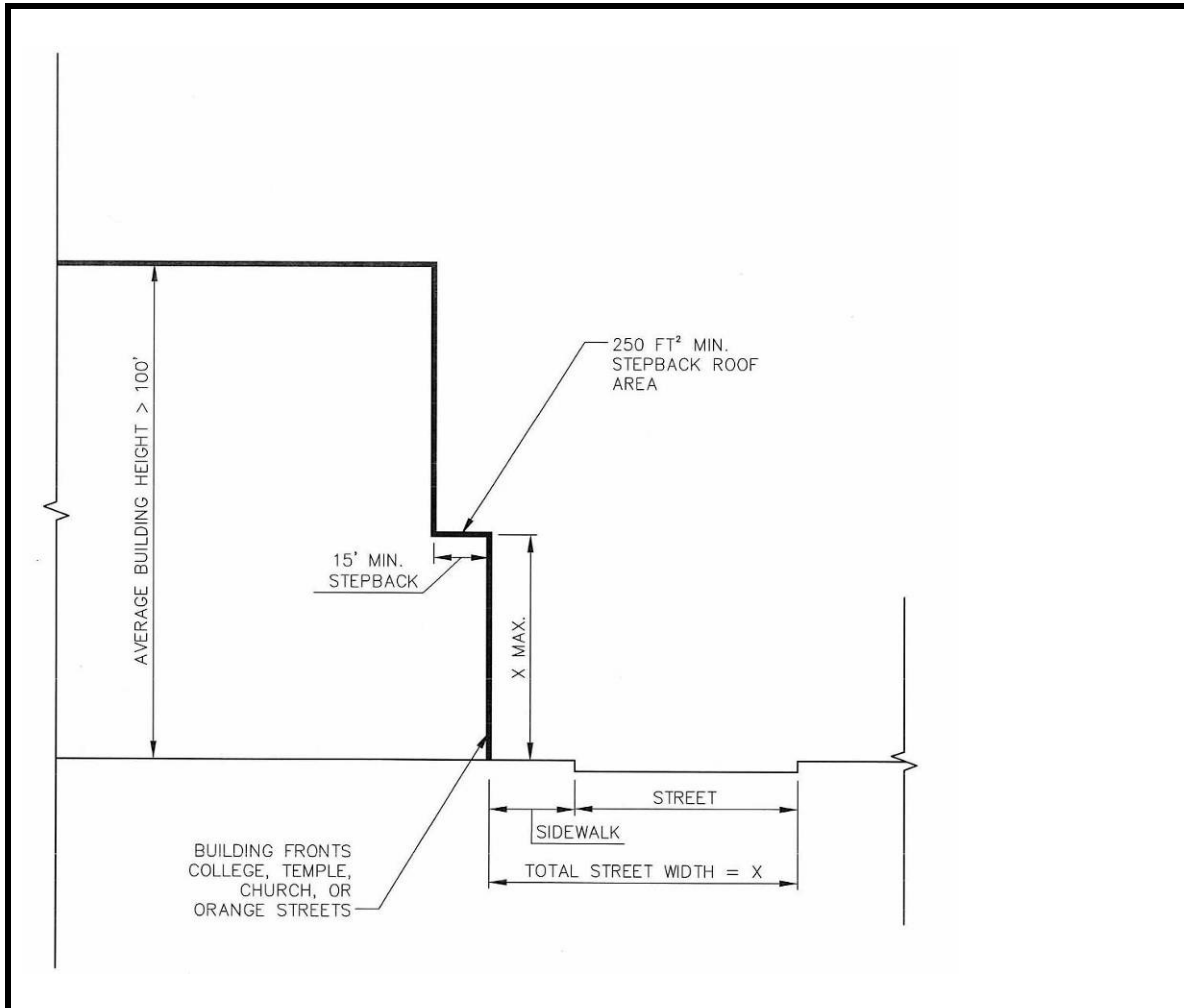


Figure 43.1 BD-3 Stepback Requirements

(e) *Maximum size of courts* – Except for the Business D-3 District, the horizontal distance between facing walls of any *court* in any business or industrial district shall not be less than five feet where neither facing wall has an *average height* greater than 20 feet, and not less than one foot for each four feet of *average height* of the two facing walls averaged together where either facing wall has an *average height* greater than 20 feet. In the BD-3 District, there shall be no required distances between the facing walls of any court for any *nonresidential building*. For *mixed use buildings* and *residential principal buildings*, the horizontal distance between facing walls of a *court* shall not be less an 20' if neither facing wall has an *average height* greater than 30' and not less than one foot for each four feet of *average height* of the two facing walls averaged together where either facing wall has an *average height* greater than 30'.

(f) *Minimum yards.* There shall be no minimum *yard* requirements in the BD-1 or the BD-3 Districts. Notwithstanding the foregoing, in the BD-3 District, there shall be a minimum of 15' of unobstructed land from the ground up on which no *structures* shall be located between the outer face of a building foundation wall at grade of a *principal building* that fronts on a *street* and the curb of such *street* in order to provide for sidewalks, streetlights and landscaped areas between the sidewalk and the curb. Additionally, in the BD-3 District, when a *mixed use or a residential principal building* which is four stories or less, contains one or more windows that face a *nonresidential building on the same lot*, there shall be a minimum of 10' of unobstructed land from the ground up between the *nonresidential building* and the *residential principal building or mixed use building*. If such *residential principal building* or such *mixed use building* faces a *nonresidential building* on an adjacent lot or faces an adjacent vacant lot, then there shall be a minimum 10' *side or rear yard* (as the case may be) on the lot on which such *residential principal building* or *mixed use building* is located facing the adjacent lot..

(i) *Additional Requirements for the BD-3 District*

(1) *Open Space/Common Space*

a. For all *nonresidential buildings* in excess of 10,000 square feet of *gross floor area*, a minimum of 25 square feet of *open space* per 1,000' square feet of *gross floor area* up to a maximum of 10,000 square feet of *open space* shall be provided on the same lot on which the *nonresidential building* is located. In the event that any point on such lot is located within a 1000' foot radius of publicly accessible *open space*, then a minimum of 13 square feet of *open space* per 1000' of *gross floor area* shall be required on such lot up to a maximum of 10,000 square feet of *open space*..

b. For all *mixed use buildings* and *residential principal buildings*, a minimum of 50 square feet per *dwelling unit* of *open space* shall be provided on the same lot on which such *building* is located. In the event that any point on the lot upon which the *mixed use building* or the *residential principal building* is situated is located within a 1000' foot radius of publicly accessible *open space*, then a minimum of 25 square feet of *open space* per *dwelling unit* shall be required.

c. *Mixed use buildings* with six or more *dwelling units* and *residential principal buildings* with six or more *dwelling units* shall provide 50 square feet of common space per *dwelling unit* in addition, to the *open space* required upon subsection 43(i)(1)b above. Common Space may include (i) *open space* in addition to that which is required to be provided under Subsection 43(i)(1)b. above, (ii) interior space that is available to all of the residents of the *mixed use building* or the *residential principal building*, such as bicycle rooms, business centers, gyms, laundry rooms, common restrooms, lobbies, party rooms, indoor pools, shared overnight guest quarters, theaters, libraries, game rooms, common recreational/function rooms, and (iii) storage space not located within a *dwelling unit* but which is assigned to an individual *dwelling unit*.

(2) *Principal Entrances*

Buildings facing College Street, Orange Street, Temple Street, or Church Street shall have a **principal entrance** facing such streets or on the corner of any of the above listed streets and another **street**.

(3) *Transparent and Active Uses*

a. Every **nonresidential building** and every **mixed use building** that faces College Street, Orange Street, Temple Street, or Church Street in whole or in part shall have, at minimum, 60 percent of the first floor façade between two feet and eight feet in height facing such street comprised of clear windows and/or doors that allow views of indoor space and/or product display areas.

b. The first floor of the façade of every **nonresidential building** and every **mixed use building** that faces College Street, Orange Street, Temple Street, or Church Street shall contain uses which are active and involve the movement of persons in such spaces, including but not limited to restaurants, retail stores, art galleries, fitness centers, yoga studios, lobbies, dance or music studios, and personal services businesses.

c. Every **nonresidential building** and every **mixed use building** which faces Martin Luther King Boulevard or Legion Avenue/**South Frontage Road** in whole or in part shall have, at minimum, 30 percent of the first floor façade between two feet and eight feet in height facing such street comprised of clear windows and/or doors that allow views of indoor space and/or product display areas.

Section 44. On Premises signs

(a) *Definitions*

SIGN, PROJECTING or BLADE– A **sign** attached to and projecting out from a **building** face or wall, generally at right angles to the **building**, including **signs** that project into the **right-of-way**.

(b) **On premises signs** permitted in business and industrial districts.

(3) **Business signs** incidental to any permitted use in a business or industrial district, subject to the requirements of this subsection (44)(b)(3) and subsection 44(c) below.

a. The total **area** of all such signs for each establishment shall not exceed four square feet in the case of the Business D District, and the Business D-3 District, or three square feet in the case of all other business and industrial districts, for each foot of length of the front **building** wall (or length of that portion of such wall which is devoted to such establishment) with the following qualifications:

(c) *Additional requirements for all signs in business and industrial districts:*

(8) In the Business D-3 District, there shall be no flashing **business signs**.

Section 44.1 Off Premises Signs.

(2) *Locations prohibited for off premises signs .*

a. Within any Residence District (RS-1, RS-2, RM-1, RM-2, RH-1, RH-2, RO) or the BA-1, BC, BD, BD-1, or the BD-3 Business Districts.

Section 45. Regulations for parking, loading, automotive and drive-in establishments.

(a) *Parking and loading*

(1) Off-street ***parking*** and off-street ***loading spaces*** shall be furnished in the following quantities for business and industrial ***uses*** in the case of expansion of existing ***uses*** and new ***uses*** which require more such parking and loading spaces than were required for the immediately prior ***use*** (except in the Business A-1, Business D, D-1, D-2 and D-3 Districts as provided in clause a.1 below). . . .

a. Quantity of ***parking spaces***:.The quantity furnished shall be in accordance with the following table. For the sake of clarity, the appropriate key letter in the first column below appears with each ***use*** in the Table of ***Use Regulations*** in section 42.

<i>Key Letter</i>	<i>General Description of Uses</i>	<i>Quantity of parking spaces</i>
<u>d.- Reserved</u>	<u>Office of medical practioner</u> <u>Reserved</u>	<u>3 Per Practionerr Reserved</u>

1. Section 45(a)(1) a. shall not apply to any business or industrial ***use*** in the Business A-1, D, D-1, D-2 and D-3 Districts with the exception of the following uses in Business D-1 Districts:

- A. Hotels, bed and breakfasts or tourist homes with 13 or more guest rooms.
- B. Funeral homes.
- C. Establishments not meeting the definition of “Restaurant” under Article 1, Section 1 of these regulations, and selling or serving alcoholic beverages for immediate consumption on or off premises, including accessory entertainment or permitting immediate consumption of alcoholic beverages on or off premises including accessory entertainment

- D. General and special **inpatient** hospitals and health care **outpatient** clinics **and public health centers** (subject to Section 12(b)(1)(h).
- E. Health **Medical Practitioners' Offices**.
- F. Assembly Hall
- G. Dance hall, lodge, social club, veterans or fraternal organization
- H. Theater
- I. **Regional Outpatient Clinics, Regional Public Health Centers** Outpatient Surgical Facilities/Ambulatory Surgical Centers
- J. **Nursing Homes**
- K. **Recovery Care Centers**

Uses of the types allowed in RH-2 Districts, other than ***dwelling and hospital and health care clinics*** ***medical institutional use***, shall also be exempted from parking requirements in the Business D, D-1, D-2, and D-3 Districts. ***Dwellings*** in the Business D District shall be subject to the parking requirements of RH-2 Districts and ***hospital*** and ***medical institutional use*** in the BD-2 Districts shall be subject to the parking requirements of section 12(b)(1)h. ***Dwellings*** in the Business D-1 District shall have, for each ***dwelling unit***, one ***parking space***, except that only one-half ***parking space*** shall be required for each ***dwelling unit*** for the elderly. In the BD-3 District, one-half ***parking space*** shall be required for each ***dwelling unit***, ***live-work unit***, unit of an ***assisted living facility***, or housing unit for the elderly or the disabled.. In the BD-3 District, three ***parking spaces*** shall be required for each 1,000 square feet of ***gross floor area*** of a ***health care clinic***; one parking space shall be required for each bed in a nursing home; and one parking space shall be required for each bed in a ***recovery care center***. Notwithstanding the foregoing, the quantity of ***parking spaces*** required in the Business D-3 District for health care clinics may be reduced if there is ***shared parking as set forth in § 45(a)(6)***. As set forth in subsection 45(a)(1)a.7 below, in all business and industrial districts, the quantity of required parking spaces may be reduced if ***carsharing parking spaces*** are provided. Required ***parking spaces*** in the Business D-1 and D-3 Districts shall be located within a 1,000 foot radius of the outside entrance of the dwelling if such spaces are not located on the same ***lot*** as the dwelling. In the Business D-3 District, required ***parking spaces*** for all other uses shall be located within a 1,000 foot radius of the outside entrance of the ***building*** which houses such other uses if such spaces are not on the same ***lot*** as such ***other uses***. These exemptions follow an established policy of providing public, commercial and cooperative private parking for non-residential ***uses*** in the intensively developed Business D, D-1 D-2 and D-3 Districts, for those customers, employees and visitors who do not arrive by public transportation.

3. Where one ***building*** has two or more distinct ***uses***, such ***uses*** shall be measured separately for the purpose of determining the quantity of spaces required.

4. Except in the Business D-1 and D-3 Districts, ***and except as provided in subsection 45(a)(7) below***, in order to be credited to the quantity of ***parking spaces*** required for a ***use***, any ***parking space*** not on the same ***lot*** as such ***use*** shall be within 300 feet ***walking distance*** of such ***use***, and shall comply with paragraph 45(a)(5) below.

6. In order to be credited to the quantity of spaces required, each ***parking space*** shall have an area of not less than nine feet by 18 feet in the case of self-service parking, or eight feet by 18 feet in the case of garage or attendant parking, exclusive of adequate driveways and aisles. Notwithstanding the foregoing, in the Business D-3 District, 30% of required ***parking spaces*** may be ***compact parking spaces***. No area shall be credited as a ***parking space*** which is in any part also credited or used as a ***loading space***.

7. Two ***required parking spaces*** may be subtracted from the quantity of parking spaces required for a ***use*** or a ***structure*** for each ***carsharing parking space*** provided in a parking lot or structure containing 50 or fewer parking spaces serving such ***use*** or ***structure***, provided, however, that in no event shall the number of ***parking spaces*** provided for a ***use*** or a ***structure*** (excluding ***carsharing parking spaces***) be reduced by more than 5% of the required ***parking spaces*** for such ***use*** or ***structure***. Five ***required parking spaces*** may be subtracted from the quantity of ***parking spaces*** required for a ***use*** or a ***structure*** for each ***carsharing parking space*** provided in a parking lot or structure containing in excess of 50 ***parking spaces***, provided, however, that in no event shall the number of ***parking spaces*** provided for a ***use*** or ***structure*** (excluding ***carsharing parking spaces***) be reduced by more than 10% of the required ***parking spaces***. Fifty percent of ***carsharing parking spaces*** at the same location may be ***compact parking spaces***.

b. ***Quantity of loading spaces:*** The quantity furnished shall be in accordance with the following table, provided, however, that the requirements of this paragraph shall not apply to any establishment within the Business D-3 District or to any establishment within the Business D-1 District having a ***gross floor area*** of less than 10,000 square feet. Any such establishment within the Business D1 and D-3 Districts having a ***gross floor area*** of less than 10,000 square feet shall have available to it adequate off-street ***loading spaces***, with centralized joint use of ***loading spaces*** permitted. In the Business D-3 District, a ***nonresidential building*** or a ***mixed-use building*** with a ***gross floor area*** of 10,001-200,000 square feet will require one ***loading space***. For each additional 200,000 square feet of ***gross floor area*** of a ***nonresidential building*** or the ground floor of a ***mixed-use building*** in excess of 200,000 square feet, an additional ***loading space*** will be required in the Business D-3 District, provided however that no more than four ***loading spaces*** shall be required for any ***nonresidential building*** or ***mixed-use building*** in the Business D-3 District. In the Business D-3 District, a centralized shared loading space system shall be established for each ***nonresidential building*** and for the nonresidential ***uses*** in each ***mixed-use building***. For the sake of clarity the appropriate key letter in the first column below appears with each ***use*** in the Table of Use Regulations in section 42.

1. Except in the Business D-3 District, where one establishment has two or more distinct ***uses***, such ***uses*** shall be measured separately for the purpose of determining the quantity of spaces required.

(3) Except in the Business D-3 District, where property in a business or industrial district abuts a residence district, either directly or across a street or alley, the following requirements shall apply to parking and loading areas on such property in such business or industrial district:

(6) **Shared Parking** - Where it is proposed that two or more ***uses*** for which a ***parking*** or ***loading space*** or ***spaces*** are required make joint use of the same ***parking*** or ***loading space*** or ***spaces***, such joint use shall not be permitted unless:

a. An appropriate contract between the parties concerned, providing for long-term joint use of such parking or loading, is recorded on the New Haven Land Records; and

b. A special exception is granted under the provisions of subsection 63(d), upon a finding, among other things, that the proposed joint use of parking or loading will meet the requirements of this ordinance for the two or more ***uses*** involved at the time when such ***uses*** are in operation.

c. In addition to the circumstances set forth in subsections a. and b., in the Business D-3 District, ***shared parking*** will be allowed as follows:

1. The ***building*** is a ***mixed-use building***, and there is evidence established to the reasonable satisfaction of the Department of Transportation, Traffic and Parking, which shall provide a report to the City Plan Commission in connection with a site plan application for the ***building*** that one-half of the residential requirement for such ***building***, if counted toward the non-residential parking requirements of the ***building***, will not adversely affect the residential ***use*** in the ***building***.

2. The on-site parking provided for a ***nonresidential building*** is ***publicly shared parking***, in which case the parking requirements for the ***uses*** in the ***nonresidential building*** shall be reduced by 15%.

3. Two or more ***uses*** and/or ***structures*** agree to ***shared parking***, an agreement providing for the shared use of parking executed by the parties involved is filed on the land records of the City of New Haven, and the parking for such ***uses*** or ***structures*** occur at alternating time periods, which shall be established to the reasonable satisfaction of the Department of Transportation, Traffic and Parking which shall provide a report to the City Plan Commission in connection with the site plan applications for such ***uses*** and/or ***structures***. In such case, the number of parking spaces required for each ***use*** or ***structure*** shall be reduced by 25%.

Section 47. Provisions for transition where business and industrial districts abut residence districts.

(e) The provisions of this section 47 shall not apply to the Business D-3 District.

**CITY OF NEW HAVEN
BOARD OF ALDERMEN**

In re Petition of the Economic Development	:
Administrator of the City of New Haven for an	:
Amendment to the Text of the Zoning Ordinance	:
to create a new Business D-3 -Mixed Use/Central	:
Business district and to amend the New Haven	:
Zoning Map to change the district in which	:
the Downtown Crossing Project and adjacent	:
properties are located from Business D – Central	:
Business to Business D-3	:

**PETITION FOR AMENDMENT TO THE TEXT OF THE NEW HAVEN ZONING
ORDINANCE AND TO THE ZONING ORDINANCE MAPS**

Pursuant to 1925 Special Act No. 490, § 5, the Charter of the City of New Haven, § 184 and Section 64(d)(1) of the Zoning Ordinance, City of New Haven (the “Zoning Ordinance”), Petitioner, Kelly Murphy, Economic Development Administrator of the City of New Haven (“Petitioner”), hereby petitions the Board of Aldermen of the City of New Haven to amend the Zoning Ordinance to create a new zoning district to be known as Business D-3 – Mixed Use/Central Business (“BD-3 District”) and to amend the New Haven Zoning Ordinance Map to indicate that approximately 15.8 acres of property located in and adjacent to the State Route 34 Connector, as more particularly described in Schedules A, B and C attached hereto, which property is currently located in the Business D-Central Business District (the “BD District”), be designated on such maps as being located in the new BD-3 District.

In support of this Petition, Petitioner represents as follows:

1. The City of New Haven (the “City”) has embarked on a project known as the Downtown Crossing Project which will transform the State Route 34 Connector (the “Connector”) in the City between Union Avenue and the existing Exit 3 of the Connector from a limited access highway into urban boulevards and which will reconfigure local streets that intersect with the Connector to create approximately 11 acres of developable land, which land is depicted on a map entitled “Existing Zone Boundary New Haven, Connecticut” prepared by Fuss & O’Neill, Inc. (attached behind Schedule B) and on a map entitled “BD-3 Proposed Zone New Haven, Connecticut”, (attached behind Schedule C).

2. The purpose of the Downtown Crossing Project is to create a livable, walkable transit oriented neighborhood with a mix of uses at a similar downtown density which connects the City’s medical district and the Hill neighborhood with the City’s central business district, Union Station and the City’s educational district.

3. The City has been awarded a grant of \$16 million in funds under the United States Department of Transportation under the National Infrastructure Investment Discretionary Grant Program (TIGER II) to fund a portion of the public improvements required to convert a portion of the Connector to developable land and has or will receive from the State of Connecticut an additional \$10,350, 000 in funding for these improvements.

4. During Phase I of the Downtown Crossing Project, a 2.4 acre development parcel consisting of 2.4 acres will be created in the westerly portion of the Downtown Crossing Land (the “First Development Parcel”). Because of the proximity of the First

Development Parcel to the medical district, it is anticipated that biomedical, life sciences, research and development, and medical offices will be located on this parcel.

5. All of the affected properties are currently located in the Business D-Central Business District (the “BD District”). In the Business D District, research and testing laboratories are limited to 2,000 square feet net floor area.

6. It is desirable to create a new zoning district for these properties in order to create a zoning district that will foster mixed commercial, residential, medical, and research uses in a dense development that is pedestrian and bicycle friendly and has active uses on the ground floor which can be seen from the sidewalks and streets.

7. The proposed amendments to the Zoning Ordinance (described in Schedule D attached hereto) foster these goals by providing the following:

a. High technology, biotechnology, research, laboratory and similar uses have been added to the Zoning Ordinance as permitted uses in the BD-3 District and in other districts, and there is no restriction on the size of laboratories and research facilities allowable in the BD-3 District;

b. Medical uses, such as health care clinics, health practitioners’ offices and outpatient surgical centers, have been added to the Zoning Ordinance to reflect the current types of medical services that are likely to locate in the BD-3 District and elsewhere in the City;

c. Single occupancy vehicle use is discouraged in the BD-3 District by (i) reducing the number of parking spaces required for health care clinics where there is an overall parking plan for an educational institution or hospital, (ii) reducing the number of required parking spaces when car sharing (“Zip”) spaces are provided, (iii) eliminating

any required parking for business and industrial uses (other than medical uses) in the BD-3 District; (iv) reducing the number of parking spaces required for residential use to ½ space per dwelling unit, (v) increasing the allowable walking distance between a parking space and a building from 300' to 1000' feet; (vi) reducing required parking for all uses when there is shared parking (e.g. commercial during the day and residential in the evening), (vii) allowing 30% of required parking to be used for compact cars; and (viii) reducing the number of required loading spaces;

d. A pedestrian, bicycle and transit friendly neighborhood will be created in the BD-3 District by requiring commercial and mixed use buildings in the district that face College, Temple, Church, and Orange Streets to (i) have uses on portions of their ground floors which are active uses, such as retail, and which are visible from sidewalks and streets, (ii) provide a 15' "step back" at the upper stories of larger buildings (over 100') and (iii) situate the principal entrances to such buildings to face these streets;

e. Buildings will be required to provide certain neighborhood amenities to their occupants such as requiring that mid sized and large commercial buildings and mixed use and residential buildings provide open space either on the same lot as a building or in a publicly accessible area proximate to the building and that mid size residential buildings provide common space, such as bicycle rooms, gyms, and recreational rooms, business centers etc. for their occupants;

8. As required by § 182 of the City of New Haven Charter, the proposed Zoning Ordinance text amendments and the proposed Zoning Ordinance Map amendments are in accordance with the comprehensive plan of development for the City of New Haven as such amendments will encourage intensive mixed use development and

will connect the City's business districts with each other. As also required by § 182, these amendments are designed to lessen congestion in the streets, secure safety, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentrations of population, provide adequate provisions for transportation and other public requirements, reflect the character of the applicable zoning districts and their peculiar suitability for the uses to be allowed in such districts, conserve the value of existing buildings, and encourage the most appropriate use of land in the City.

9. As required by § 181 of the City of New Haven Charter, the proposed amendments are uniform for each class of buildings or structures throughout the BD-3 district and any zoning district to which such amendments apply.

WHEREFORE, Petitioner requests that the Board of Aldermen approve the amendments to the Zoning Ordinance set forth in Schedule D and amend the New Haven Zoning Map in the manner set forth in Schedule C.

Respectfully submitted

Kelly Murphy, AICP
Economic Development Administrator

SCHEDULE A

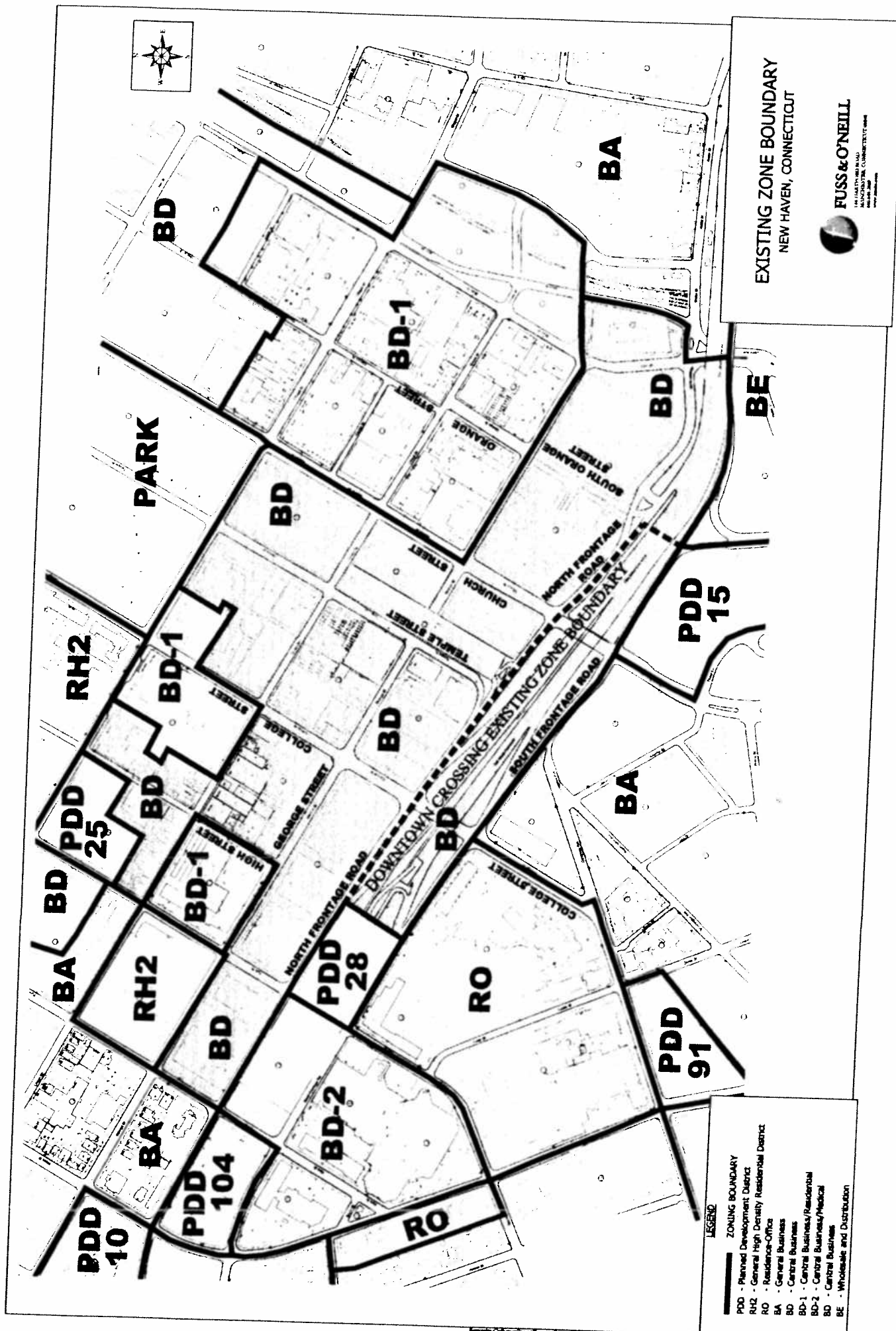
A CERTAIN PARCEL OF LAND CONSISTING OF APPROXIMATELY 15.81 ACRES LOCATED IN THE CITY OF NEW HAVEN, STATE OF CONNECTICUT AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE PDD 28 ZONE AND THE CENTER OF MARTIN LUTHER KING BOULEVARD RUNNING EAST TO THE INTERSECTION OF COLLEGE STREET AND MARTIN LUTHER KING BOULEVARD. THENCE RUNNING NORTH TO THE CENTER OF THE INTERSECTION OF COLLEGE STREET AND GEORGE STREET, THENCE RUNNING EAST ALONG THE CENTER OF GEORGE STREET TO THE CENTER OF THE INTERSECTION OF TEMPLE STREET AND GEORGE STREET, THENCE RUNNING SOUTH WEST ALONG THE CENTER OF TEMPLE STREET TO THE INTERSECTION WITH MARTIN LUTHER KING BOULEVARD, THENCE EAST TO THE CENTER OF THE INTERSECTION WITH SOUTH ORANGE STREET TO A POINT IN THE CENTER OF THE INTERSECTION WITH SOUTH FRONTAGE ROAD. ZONE THEN TURNS TO THE NORTHWEST IN THE CENTER OF SOUTH FRONTAGE ROAD TO THE EASTERLY PROPERTY LINE OF PDD 28 AND CONTINUES NORTH ALONG TO EASTERLY PROPERTY LINE OF PDD 28.

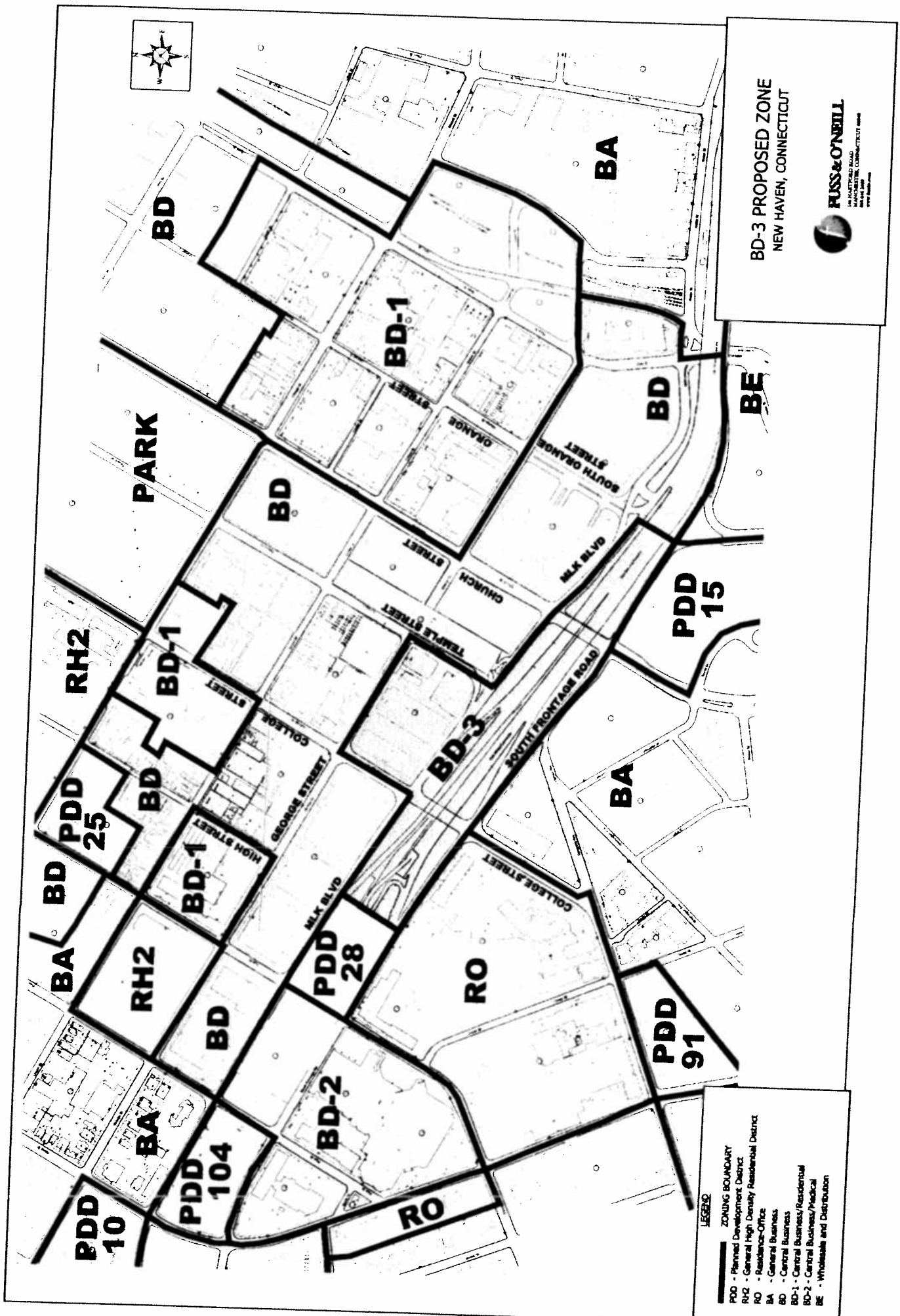
SCHEDULE B

[MAP OF EXISTING ZONE BOUNDARY]

AVAILABLE PDF



SCHEDULE C
[MAP OF BD-3 PROPOSED ZONE]
AVAILABLE PDF





John DeStefano, Jr.
Mayor

City of New Haven
Office of the Economic Development Administrator
165 Church Street
New Haven, Connecticut 06510



Kelly Murphy, AICP
Economic Development
Administrator

March 16, 2012

Jorge Perez, President of the Board of Aldermen
City of New Haven
165 Church Street
New Haven, CT 06510

Amended Petition for an Amendment to the Text of the Zoning Ordinance to create a new Business D-3 Mixed-Use/Central Business District and to amend the Zoning Maps (Grid Sections 11 and 12) to change the district in which the Downtown Crossing Project and adjacent properties are located from Business D to Business D-3

Dear Alderman Perez:

On October 13, 2011, I submitted the above referenced petition concerning an amendment to the text of the city Zoning Ordinance to create a new Business D-3 Mixed-Use/Central Business District. I also submitted a companion map amendment to apply to the new district to the Route 34 Corridor. The original amendment is currently before the Legislation Committee awaiting a public hearing.

Following a community meeting held on March 7, 2012, with respect to the Downtown Crossing / 100 College Street Project and at the request of the owner of an abutting developed property in the City of New Haven, I am pleased to submit this amendment to said Petition which consists of a proposed modification to the proposed boundaries of the proposed new Business D-3. Both the original proposed boundaries and the addition are shown marked on the attached plan. I emphasize that this is an amendment to the map change only; other than consequential modifications, the text remains as submitted. I am of the opinion that the proposed inclusion of these parcels makes good sense, both from an overall planning and zoning perspective; and as regards the existing use of the Temple Medical buildings.

I would be grateful if this proposed amendment could be immediately referred to the City Plan Commission, so that City Plan will be able to hold the necessary public meeting and then deliver its report in a timely fashion so as to keep the legislative process on schedule.

If I can be of any further assistance, please do not hesitate to telephone me.

Very truly yours,

Kelly Murphy, AICP
Economic Development Administrator

NEW HAVEN IT ALL HAPPENS HERE

Mayor John DeStefano, Jr. www.infonewhaven.com

203. 946.2366 Phone / 203. 946.2391 Fax

Referral 2.3: Town of Stratford

Subject: Proposed Zoning Regulation Amendments pertaining to Section 3.12 (Special regulations for subdivisions) and Section 21 (Variances)

Staff Recommendation:

The proposed Zoning Regulation Amendments do not appear to cause any inter-municipal impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.

Background:

The Town of Stratford has submitted Zoning Regulation Amendments pertaining to special regulations for subdivisions and variances. Section 3.12 (Special regulations for subdivisions) and Section 21.2 (Time limit on obtaining building permit) are proposed to be deleted. Section 21.1 (Determination of Board of Zoning Appeals) has been revised to delete the following provisions: “except section 15 and those uses classified as special cases or unnamed uses.” Section 21.1 provides the Board of Zoning Appeals with the power to determine and vary the application of the regulations.

Communication: In researching this proposal, I spoke to the planning staff for Stratford and notified the adjacent municipalities in the South Central Region.

May 24, 2012



South Central Regional
Council of Governments
127 Washington Avenue
4th Floor West
North Haven, CT 06473-1715

Gentlemen:

The following is referred to your Agency:

On the recommendation of the Town Attorney, the Zoning Commission proposes to delete Section 3.12 and 21.2 in its entirety and to modify Section 21.1 as shown on the attached "Proposed Revisions to the Zoning Regulations," dated May 23, 2012.

This application will be heard at a public hearing of the Zoning Commission on Tuesday evening, July 17, 2012 at 7:00 P.M. in the Council Chamber, Town Hall.

Regards,



GARY LORENTSON
Planning & Zoning Administrator
ZONING COMMISSION

GL/ej

PROPOSED REVISIONS TO THE ZONING REGULATIONS

May 23, 2012

- 1) Delete Section 3.12 in its entirety. The section number will be kept and labeled as "Reserved for Future Use".
- 2) Modify Section 21.1 as shown
- 3) Delete Section 21.2 in its entirety.

3.12 [Special regulations for subdivisions.]

~~[In the case of the subdivision of land in an RS-1, RS-2, RS-3, RS-4 and RM-1 District, in accordance with a plan for subdivision and with the approval of the Planning Commission, the minimum lot area may be reduced by not more than 15 percent of the required area or width applicable, provided that the total number of family units to be contained in such subdivision does not exceed by 10% the number otherwise permitted by these regulations for the district in which such parcel is located. The Planning Commission shall be the only agency permitted to waive any requirement of the subdivision regulations of the Town of Stratford. (Effective 9/11/84)]~~

SECTION 21. VARIANCES.

21.1. Determination of board of zoning appeals.

The board of zoning appeals shall have the power to determine and vary the application of these regulations ~~[except section 15 and those uses classified as special cases or unnamed uses]~~ in the manner provided by state statute, in harmony with their purpose and intent and with due consideration for conserving the public health, safety, convenience and welfare,.....

[21.2. Time limit on obtaining building permit.]

~~When a waiver or variance is granted by the board of zoning appeals, a building permit pursuant thereto shall be obtained within eighteen months of the effective date of approval, or any and all actions by said board shall be null and void. If appeal is denied, an action remains status quo until final judgment of appeal.~~

~~{delete language}~~

RECEIVED FOR RECORD
SUSAN M. PAWLUK
2012 MAY 21 AM 9:36
STRATFORD TOWN CLERK

Referral 2.4: Town of Clinton

Subject: Proposed Zoning Regulation Amendments pertaining to Section 10.33.4 (Farm Tourism Uses – Requirements)

Staff Recommendation:

The proposed Zoning Regulation Amendments do not appear to cause any inter-municipal impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. The description of the structure, square footage, and seating is provided, but the type of use is not mention is the proposed amendment. Clarification is needed pertaining to the descriptive title of the proposed amendment.

Background:

A private applicant in the Town of Clinton has proposed zoning amendments to Section 10.33.4 (Farm Tourism Uses). The specific amendment will add Subsection 6 to Category A:

Continuous Activity and would allow “New or temporary structure(s) or the floor area within an existing or temporary structure, housing this shall not exceed 3,500 sq. ft...” Additionally there would be a maximum of 130 seats to serve customers and the hours of operation would be 9:00 AM to 11:00 PM. A specific use has not been described for the structure. Permitted uses under Category A include the following:

- retail and wholesale of agriculture products,
- retail of handcrafts and artisan items,
- agriculture education instruction,
- demonstration of production of furniture, black smith items, quilts, fabrics or similar products made utilizing traditional processes, and
- restaurant.

Farm tourism uses are allowed by special exception in all residential zones. The adjacent districts in the Town of Madison are RU-2 (Rural), R-1, R-2 (Residence) and LI (Light Industrial).

Communication: In researching this proposal, I spoke to the planning staff for Clinton and notified the adjacent municipalities in the South Central Region.



Petition for Amendment to Regulations Change of Zone Boundary/Zone Classification

Petition #: 12-058

- ☒ Amend Regulations ☐ Change of Zone Boundary Lines ☐ Change in Zone Classification
☒ Zoning ☐ Subdivision
☐ Wetlands

APPLICANT: *This information and attachments are to be submitted as 20 individual packets collated and stapled.*

1. Applicant: CHAMARD VINEYARDS - Jeff Vernon Telephone #: 860 664 0299
Address: 115 COW HILL RD, CLINTON, CT FAX #: 860 664 0297
2. Agent: _____ Telephone #: _____
Address: _____ FAX #: _____
3. Person to Contact: JEFF VERNON Telephone #: 860 304 4903

PROPERTY INFORMATION

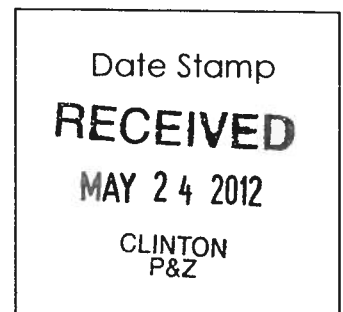
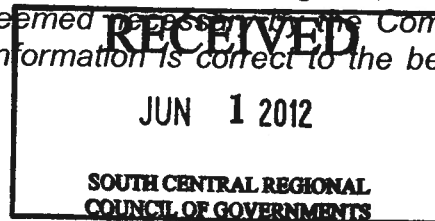
(Fill this out only for Zone Map Amendments)

4. Is the property located in any of the following:

- ☐ Water Company Watershed ☐ CAM Zone ☐ Flood Zone, note zone designation _____
☐ Within 500' of Madison ☐ Within 500' of Killingworth ☐ Within 500' of Westbrook

The Clinton Planning and Zoning Commission or Inland Wetlands and Conservation is hereby petitioned to call a public hearing, pursuant to the Zoning Regulations or Inland Wetlands Regulations. In accordance with subsection 21.1.3 of the Zoning Regulations, at least 15 days prior to the date of the public hearing and continuously thereafter until the close of the public hearing, the applicant shall post a notice of the hearing on the property to be rezoned in a location at a size clearly visible from the public highway.

I (we) hereby grant permission for the Commission, or its agents, to visit the property to conduct a site inspection, if deemed necessary by the Commission, and I (we) hereby certify that the above information is correct to the best of my knowledge and belief.



5. Signatures: (Both are required)

Applicant: [Signature] Print Name: JEFFREY VERNON Date: 5-23-12
Agent: [Signature] Print Name: JEFFREY VERNON Date: 5-23-12

Chamard Vineyards, Inc.
115 Cow Hill Road
Clinton, CT 06413

May 23, 2012

Planning and Zoning Commission
Clinton 54 East Main Street
Clinton, CT 06413

RE: Petition for Amendment to Regulations - Zoning

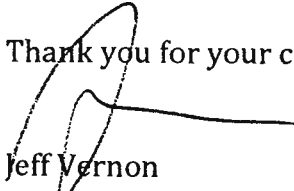
Chamard Vineyards proposes to add a number (6) to Farm Tourism uses 10.33.4 Category A to:

"New or temporary structure(s) or the floor area within an existing or temporary structure, housing this shall not exceed 3,500 sq. ft. where the customers are served at tables with no more than 130 seats (whether inside or outside). The hours of operation shall not extend before 9:00 a.m. or after 11:00 p.m. Monday through Sunday."

Additions of these activities are necessary to support agribusiness. These activities are a sustainable way to use beautiful farm resources, promote farming and other agricultural products such as wine, produce, and other local farming products. These activities significantly foster the economy in Clinton.

We are grateful for the effort you have made to endorse the farm tourism concept and look forward to a successful development of that program in a way that benefits everyone in the Clinton community.

Thank you for your consideration,



Jeff Vernon
General Manager
Chamard Vineyards

10.33 Farm Tourism Uses

- 10.33.1 Purpose: These Regulations are intended to ensure that farm tourism and the expansion of existing farm tourism uses are compatible with the permitted uses in the surrounding area and contribute to the unique community character and economic viability.

These Regulations permit farm tourism as compatible accessory uses. It is recognized that the magnitude of these accessory uses are often greater than the uses that surround farms. While the use or the accumulation of, farm tourism uses should be incidental and subordinate to the use of the property for farming, they require the greater level of regulatory scrutiny that is afforded under the Special Exception permit.

- 10.33.2 Qualifications: A Special Exception for a farm tourism use may be granted provided that:

- (a) The minimum lot area for farm tourism shall not be less than five (5) acres.
- (b) As of the date of application for a Special Exception, no zoning violation shall exist on the property. The applicant shall submit a current Certificate of Zoning Compliance.
- (c) Regulation of farm stands is distinct from farm tourism and is permitted under the separate definition in Section 3.7.3, tables of allowed uses in Sections 24.1.44 and 24.2.44, both title "Nurseries; fruit, vegetable or farm stands; farms and commercial greenhouses", and requirements in Section 26.1.4(g), which is part of "Accessory Uses, Home Occupations and Alternative Energy Systems".

- 10.33.3 Standards: Not all of the standards listed below shall apply to every property which is the subject of an application. To the extent that the Commission finds that each does apply, a Special Exception for the farm tourism shall not be granted unless the Commission also finds that the applicable standards have been met:

- (a) Farm tourism use(s) shall have a direct supportive relationship to the farming taking place on the farm; as a minimum, the farm tourism use must provide an opportunity for sales of produce from the on-site farming.
- (b) The farm tourism use must utilize at least one produce produced on, or process from the product produced on the farm.
- (c) Food preparation for events shall be limited to that which is essential to the event (such as: pumpkin pie with a pumpkin festival, vendor food with a fair) for which the application is being made.

- (d) The following table gives the maximum allowed aggregate area for farm tourism use(s) on various size farm properties:

Farm Related Economic Development (FRED) Area Table											
Lot Acreage	5	15	25	35	45	55	65	75	85	95	100 & >
Tourism Acreage	2.50	3.82	5.12	6.45	7.76	9.08	10.35	11.71	13.03	14.34	15.00

Lot area shall be rounded to the nearest half (½) acre following standard rules. For each half (½) acre more of lot area between denominations of 10 add 0.0657894 acres to the allowed farm tourism area.

- (e) The farm tourism use(s) shall comply with the General Condition of Section 9.2.3, with particular regard to the level of the street (progressing from low to high; local, collector, arterial) to which traffic from the accessory farm tourism use would access and egress. The traffic access egress deficiencies may be offset if formal agreements are established for off-site parking and a safe off-road pedestrian access way between the sites is provided. Such offsets must be evidenced by documents provided to the Commission assuring such offsets for the duration of the activity under the Special Exception.
- (f) On the farm, a vegetative buffer shall separate farm tourism uses (e.g. pick-your-own fields, hiking trails and hay wagon ride routes) from non-farming uses. A minimum width of fifteen feet (15') on and/or off the farm property shall be required. Permanent open space easements/dedications on or obtained from abutting properties may be substituted for the on-site buffer. The documentation for which shall be subject to approval by the Commission.
- (g) On the farm, a vegetative and/or structural sound buffer (e.g. sound deadening barriers or buildings) shall be capable of eliminating noise outside farm tourism uses so that it is not plainly audible at a distance of thirty feet (30') in any direction from the property boundary.
- (1) The Commission may accept in lieu of a vegetative and/or structural sound buffer, a report from a qualified Sound Engineer certifying that the activity(s) being applied for are able to be conducted in such a manner that the activity(s) is not plainly audible at a distance of thirty feet (30') in any direction outside the property boundary. The report shall describe the requirements necessary for conducting the activity in order for conducting the activity in order for it to comply.

- (h) The minimum distance of any uses that generate smoke, heat or ash shall be seventy-five feet (75') from any property line;
- (i) The hours of operation shall not be extended before 9:00 a.m. and after 6:00 p.m. Sunday through Thursday and before 9:00 a.m. and after 10:00 p.m. Friday and Saturday, except for specific events as allowed in Section 10.33.4.
- (j) The number of events which require permitting under Section 10.33.4(b), Category B, within a given calendar year shall be limited to eight (8), unless the applicant can demonstrate to the ZEO that there will be no greater impact on neighboring properties than the activities permitted under Section 10.33.4(a), Category A.
- (k) Public health requirements for potable water and waste disposal shall be met with permanent facilities.
 - (1) If not regulated by the Public Health Code, temporary sanitary facilities, such as chemical toilets, shall be required for any event or use where patrons will be on site on average of more than two (2) hours, for which there are no facilities available to the public within five hundred feet (500').
 - (2) If the use is temporary, the facilities shall only be required on site for the periods in which the use is taking place.
 - (3) The Public Health Code shall prevail in cases where such facilities are regulated under the Code.
- (l) Proposed structures shall reflect or accent existing farm structures with historical and/or architectural character which the Commission determines should be maintained.
- (m) The Commission may excuse or allow the substitution of alternative features, for such things as buffers, fencing or distance from property lines, with respect to site specific physical features of a particular farm, if the Commission finds that the excusing or substitution of alternative features serves the intent of the standard(s) being excused or for which an alternative feature is allowed.

10.33.4 Requirements: The following uses shall be considered accessory to the existing farming uses as long as they take place as required below. In aggregate, areas outdoors for these uses shall not exceed those provided for in the "Farm Related Economic Development (FRED) Table" above. When indoors, the portion of the structure(s) utilized for farm tourism use(s) shall be deducted from the FRED:

- (a) Category A: Continuous Activity:

- (1) Retail and wholesale of agricultural products: New or temporary structure(s), or the floor area within an existing or temporary structure, housing this use shall not exceed two thousand five hundred square feet (2,500 sq. ft.) of floor area;
(Amended 1/1/2012)
 - (2) The retail of handcrafts and artisan items: New or temporary structure(s) or the floor area within an existing or temporary structure, housing this use shall not exceed two thousand five hundred square feet (2,500 sq. ft.) of floor area;
(Amended 1/1/2012)
 - (3) Agricultural education instruction: New or temporary structure(s) or the floor area within an existing or temporary structure, housing this use shall not exceed one thousand eight hundred square feet (1,800 sq. ft.) of floor area.
(Amended 1/1/2012)
 - (4) Demonstration of production of furniture, black smith items, quilts, fabrics or similar products made utilizing traditional processes: New or temporary structure(s) or the floor area within an existing or temporary structure, housing this use shall not exceed two thousand five hundred square feet (2,500 sq. ft.) of floor area.
(Amended 1/1/2012)
 - (5) Restaurant: New or temporary structure(s) or the floor area within an existing or temporary structure, housing this use shall not exceed one thousand eight hundred square feet (1,800 sq. ft.) of floor area where customers are served at counters with no more than a total of thirty-five seats (whether indoor or outdoor).
(Amended 1/1/2012)
- (b) Category B: Events, which require a permit from the ZEO:
- (1) Agricultural fairs, festivals, markets, carnivals and similar functions:
 - (i) New or temporary structure(s) or the floor area within an existing or temporary structure, housing this use shall not exceed one thousand eight hundred square feet (1,800 sq. ft.) of floor area.
(Amended 1/1/2012)
 - (2) Outdoor and indoor musical concerts, plays, operas and other performance arts events, art exhibits and shows:
 - (i) New or temporary structure(s) or the floor area within an existing or temporary structure, housing this use shall not exceed one thousand eight hundred square feet (1,800 sq. ft.) of floor area;
(Amended 1/1/2012)

- (ii) The hours of operation may be extended based on the nature and timing of each event if the applicant can demonstrate utilizing the same standards as in Section 10.33.3 above, that there will be no adverse impact on the neighborhood. Under no circumstances shall the hours be extended earlier than 7:00 a.m. or later than 11:00 p.m.
- (3) Gathering events such as parties, receptions, weddings, reunions and services, whether catered or not:
 - (i) New or temporary structure(s) or the floor area within an existing or temporary structure, housing this use shall not exceed one thousand eight hundred square feet (1,800 sq. ft.).
(Amended 1/1/2012)
 - (I) When used in this category, tents (otherwise a temporary structure) may exceed the area limitations, above.
(Amended – Effective 7/1/2010)
 - (II) However, they must be put up no more than two (2) days in advance of the event and removed from the property, unless it is to be stored in a permanent structure located on the site, no more than two (2) days after the event for which they are first set up.
(Amended – Effective 7/1/2010)
 - (ii) Areas outdoors for this use shall not exceed one quarter ($\frac{1}{4}$) of the minimum lot size for the zone in which it is located. If the property is in multiple zones, the lesser of lot size requirements shall be applied.
 - (iii) The hours of operation may be extended based on the nature and timing of each event if the applicant can demonstrate using the same steps in Section 10.33.3 above, that there will be no adverse impact on the neighborhood. Under no circumstance shall the hours be extended earlier than 7:00 a.m. or later than 11:00 p.m.
- (c) Regulation of Use:
 - (1) As part of an approval for a farm tourism site plan, the Commission shall approve the location on the property that will be devoted to farm tourism;
 - (i) The location and size shall be dependent upon the potential impact to the surrounding land uses and public infrastructure. The standards set forth in Section 10.33.3 above, shall be the

criteria by which potential impacts shall be determined acceptable or unacceptable.

- (ii) The maximum area for farm tourism cannot exceed that given in the table at 10.33.3(d), above.
- (2) The distance of farm tourism uses that contain or have site lighting to abutting properties shall be sufficient to buffer those properties from the effect of site lighting. The minimum distance shall be fifteen feet (15') from any property line. Permanent open space easements/dedications on, or obtained from, abutting properties may be part of the protection of abutting properties from the effect of site lighting.
- (3) For site where there will be less than ten thousand square feet (10,000 sq. ft.) of disturbance that would not have to provide a soil and erosion control plan in accordance with Section 30, the utilization of appropriate mitigation methods as outlined in the "2002 Connecticut Guidelines for Soil Erosion and Sediment Control," as the same may be amended from time to time, shall be employed to reduce potential impacts of soil erosion and sediment.
- (4) The utilization of appropriate mitigation methods as outlined in the "2004 Connecticut Stormwater Quality Manual", as the same may be amended from time to time shall be employed to reduce potential impacts of stormwater.

10.33.5 Procedure:

- (a) At the first regular meeting of the Commission after submission of the Application, the Commission shall make a **finding** as to which of the lettered Standards in Section 10.33.3, above, are not applicable to the subject Application and shall so advise the Applicant.
- (b) In granting a Special Exception for farm tourism, the Commission shall specify the type of accessory uses and the conditions upon them that will be allowed within the farm tourism area which they have approved on the site plan.
- (c) The ZEO shall be authorized to issue as-of-right permits as specified below:
 - (1) With the FRED approved as part of a Special Exception granted under this Section, the ZEO may administratively permit events in Category B, above. Unless specifically included in an approved, any activity not listed in 10.33.4(b) above, shall require a modification of the Special Exception approval from the Commission. In approving an

application, the Commission may specify a category for the unlisted use so that the ZEO can be allowed to approve substitutions for it.

- (2) Subsequent to the original approval, unless specifically prohibited in the Special Exception, the ZEO shall be authorized to administratively permit modifications of uses contained in Section 10.33.4(b), above, with others in the same category, if they can meet the Standards contained in Section 10.33.3 and the Requirements contained in Section 10.33.4 without necessitating an increase in the percentage of the property permitted by the Commission for farm tourism.
- (d) If a violation of the Special Exception is found, a warning shall be issued. Two (2) violations within a year shall be grounds for review by the Commission of the Special Exception for farm tourism. If the Commission **finds** the violations create an impact that relate to the criteria in Section 10.33.3 that did not exist at the time of approval, then it may initiate legal procedures to revoke the Special Exception approval.
- (e) Application Requirements:
 - (1) The required Statement of Use shall include the following information:
 - (i) The proposed uses for the property;
 - (ii) The proposed hours of operation for each use proposed; and
 - (iii) The anticipated periods or seasons (approximate dates) the uses will occur for each proposed use.
 - (2) The required site plan shall show the following information:
 - (i) The areas devoted to farming versus farm tourism;
 - (ii) The areas to be used for specific farm tourism uses within the farm tourism area shall be noted;
 - (iii) Uses that are periodic or seasonal should be noted so that the Commission can determine if areas are capable of having multiples uses throughout the year;
 - (iv) Lighting meeting the requirements in Section 10.33.4(c)(2), above.
 - (3) When new buildings and/or structures are to be constructed or modification to the exterior of any existing building or structure,

architect prepared floor plans and building elevations shall be required.

- (i) The application shall include drawings which will demonstrate that the proposed design will have similar and compatible characteristics to the development existing in the surrounding area of such building/structure.
 - (ii) Such similar and compatible characteristics shall include, but not be limited to, consideration of building bulk size, architectural features including windows/doors and façade lengths and heights as well as building finishes, lighting fixtures design and signage; and overall site design including landscaping.
- (4) A lighting plan shall be required with each application. (Amended 1/1/2012)
- (5) A traffic study shall be required for each application. (Amended 1/1/2012)