

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

**RPC
Representatives**

Bethany:
Vacant

Branford:
Charles Andres
(Vice-chairman)

East Haven:
Vacant

Guilford:
Vacant

Hamden:
Jay Cruikshank

Madison:
Joel Miller

Meriden:
Kevin Curry
(Secretary)

Milford:
Robert Satti

New Haven:
Vacant

North Branford:
Tricia Mase
(Executive Committee)

North Haven:
Theresa Ranciatto-
Viele

Orange:
Vacant

Wallingford:
Jeffrey Kohan
(Chairman)

West Haven:
Kathleen Hendricks

Woodbridge:
Andrew Skolnick
(Executive Committee)

To: Regional Planning Commission
From: Eugene Livshits, Senior Regional Planner
Subject: Thursday, January 13, 2022 RPC Meeting at 5:15pm at SCRCOG, 127
Washington Ave, 4th Floor West, North Haven, CT 06473

NOTICE: The January 13, 2022 RPC meeting will be held remotely via the following
Zoom link: <https://us02web.zoom.us/j/86113308884>

1. Administration

1.1. Minutes of the November 18, 2021 RPC Meeting

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2. Action Items

2.1. Town of Branford: Proposed Zoning Regulation Amendments to add Section
6.16 – Alternative Energy. Submitted by: Town of Branford. Received:
December 27, 2021. Public Hearing: TBD.

3

2.2. City of West Haven: Proposed Zoning Regulation Amendments pertaining to
Cottage Food Operation, and Manufacturing of Beer. Submitted by: City of West
Haven. Received: December 8, 2021. Public Hearing: January 11, 2022

9

2.3. City of West Haven: Proposed Zoning Regulation Amendments pertaining to
Section 44.4 – Distance Restrictions for Specific Uses. Submitted by: Private
Applicant. Received: December 30, 2021. Public Hearing: February 3, 2022

33

2.4. City of Meriden: Proposed Zoning Map Amendment to 850 Murdock Avenue
(RDD to M-4). Submitted by: Private Applicant. Received: December 16, 2021.
Public Hearing: January 18, 2022.

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2.5. City of Derby: Proposed Zoning Regulation Amendments pertaining to Cannabis
Establishments. Submitted by: City of Derby. Received: November 8, 2021.
Public Hearing: TBD

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3. Other Business

3.1. Election of Officers and Executive Committee

The agenda and attachments for this meeting are available on our website at www.scrkog.org. Please contact SCRCOG at (203) 234-7555 for a copy of agenda in a language other than English. Auxiliary aids/services and limited English proficiency translators will be provided with two week's notice.

La Agenda y Adjuntos para esta reunión están disponibles en nuestro sitio web en www.scrkog.org. Favor en contactar con SCRCOG al (203) 234-7555 para obtener una copia de la Agenda en un idioma distinto al Inglés. Ayudas/servicios auxiliares e intérpretes para personas de Dominio Limitado del Inglés serán proporcionados con dos semanas de aviso.

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

DRAFT - Not yet approved by the Commission

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Senior Regional Planner
Subject: Minutes for Thursday, November 18, 2021 Meeting

Present: Jeffrey Kohan, Charles Andres, Kevin Curry (2.1), Andrew Skolnick (in-person), Tricia Mase, Ted Stevens, Robert Satti, Donna Shea, Ginny Kozlowski, Eugene Livshits

The meeting was held in-person at the SCRCOG, 127 Washington Ave, 4th FL West, North Haven, CT with a remote option available via Zoom.

1 Administration

1.1 *Minutes of the October 14, 2021 RPC meeting.* Motion to accept the minutes as presented: Andrew Skolnick. Second: Robert Satti. Vote: Unanimous.

2 Statutory Referrals

2.1 City of West Haven: Proposed Zoning Regulation Amendments pertaining to the Neighborhood Business District and Parking Requirements

By resolution, the RPC has determined that 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.

Motion: Kevin Curry. Second: Andrew Skolnick Vote: Unanimous.

2.2 Town of Hamden: Proposed Zoning Regulation Amendments pertaining to Manufacturing Zone

By resolution, the RPC has determined that 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.

Motion: Kevin Curry. Second: Andrew Skolnick Vote: Unanimous. Abstain: Ted Stevens

2.3 Town of Beacon Falls: Proposed Zoning Regulation Amendments pertaining to Poultry and Livestock

By resolution, the RPC has determined that 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.

Motion: Kevin Curry. Second: Charles Andres. Vote: Unanimous.

3 Other Business

3.1 CT Best Practices in Economic Development and Land Use Planning Certification Program: Ginny Kozlowski, Executive Director, REX Development presented on the program requirements. The program was developed to recognize and encourage best practices in municipal economic development and land use planning.

3.2 2022 Regional Planning Commission Meeting Calendar was presented. Motion to adopt the Meeting Schedule as presented: Robert Satti. Second: Kevin Curry. Vote: Unanimous.

3.3 Discussion of the 2022 Officers and Executive Committee

Motion to Adjourn: Kevin Curry. Second: Andrew Skolnick. Vote: Unanimous.

Referral 2.1: Town of Branford**Subject:**

Proposed Zoning Regulation Amendments to add Section 6.16 – Alternative Energy

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 Branford Clean Energy Committee has proposed zoning amendments to add regulations for Alternative Energy. The regulations include standards for Roof-Mounted Solar Array, Small Scale Ground Mounted Solar Array in Residential Districts, Small Scale Ground Mounted Solar Array in Non-Residential Districts, and Large Scale Ground Mount Solar Array in Non-Residential Districts. The proposed amendments also include the applicable definitions pertaining to the solar arrays.

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.



PLANNING AND ZONING COMMISSION
TOWN OF BRANFORD

1019 Main Street, Branford, CT 06405, Telephone: (203) 488-1255, FAX: (203) 315-2188

APPLICATION TO THE PLANNING & ZONING COMMISSION

For the following activity: (Check the Applicable Type of Application)

EXHIBIT # 1

1045

- ☒ Zoning Regulation Amendment ☐ Subdivision Regulation Amendment
☐ Zoning Map Amendment ☐ CGS 14-54 Location Approval
☐ Zoning Map Amendment (PDD/Master Plan)
☐ Zoning Map Amendment (PDD/Master Plan Modification)

ADDRESS OF PROPERTY (only if applicable)

N/A

PROPOSAL See Attached

PLEASE SUBMIT WITH COMPLETED APPLICATION

1. Application fee. (See fee schedule)
2. Application materials as summarized in the Zoning Regulations or Subdivision Regulations as applicable.
3. If applicable, provide evidence that abutting property owners have been notified, per Section 9.14.G of the Zoning Regulations.

The undersigned states that information submitted with this application is true and correct to the best of his/her knowledge; acknowledges that any approval based on erroneous or incomplete information shall be null and void and that approval of the plan is contingent upon compliance with all requirements of said regulations. The undersigned hereby authorizes the Branford Planning & Zoning Commission and its agents, the right to enter upon their property for the purpose of inspection and enforcement of the Zoning and Subdivision Regulations. **ALL NAMES MUST BE PRINTED AND SIGNED.**

Applicant Daniel RABIN

PLEASE PRINT

Address 24 Stone St, Branford

Phone 203-980-9609

E-mail rabinlux@sbcglobal.net

Signature Daniel Rabin

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DEC 22 2021
BRANFORD PLANNING &
ZONING COMMISSION

FOR OFFICE USE ONLY:

Receipt Date _____ Fee Paid na

Approved/Denied by P&Z on _____ Application # 21-12.9

December 22, 2021

Dear Planning and Zoning Commission,

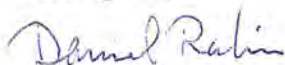
On behalf of the Branford Clean Energy Committee, I am submitting the attached draft Solar Energy Systems ordinance for your consideration. The purpose is: 1) to capture in our regulations Branford's practice of supporting solar energy, 2) promote solar energy, consistent with Branford's Energy Plan, and 3) provide transparency, definitions and references for applicants and town officials.

We have reviewed your preliminary consideration at the Planning and Zoning meeting September 2, 2021 and we would like to offer the following responses:

P&Z Concern		Response
1	Are solar panels weather and wind resistant?	Municipality-specific wind design parameters are given in Appendix N of the 2018 Connecticut State Building Code . Modern solar panel systems can withstand winds of at least 140 miles per hour (the middle range for category 4 hurricanes). Many solar installations are leased, in which case the solar company is responsible for repairs.
2	Proliferation of ground-mounted solar panels presents an eyesore and may degrade Branford's quality of life.	Existing regulations regarding height, setback, coverage limits, etc. for proposed structures remain in effect. Planning and Zoning has ultimate discretion so that unusually large or ugly installations can be avoided. Ground-mounted arrays are generally more expensive and thus will be considered only after rooftop units are determined to be inappropriate or inadequate.
3	Ground-mounted arrays present special drainage issues.	Water drains off the panels, shielding the ground underneath. This is not a problem on slight inclines, as the water can seep into the ground in front of the array. In some cases, modest drainage measures might be required; some owners cover the ground below the panels with gravel or decorative stones.
4	Ground-mounted arrays encourage growth of invasive species.	Just as with any structure, the grounds should be maintained. Native pollinators planted under the panels can be chosen that thrive in the shade and have water needs consistent with the particular drainage situation.

Thank you for considering our application. Since it is submitted on behalf of a Branford town ad hoc committee, please waive the application fee.

Best regards,



Daniel Rabin, PhD

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ZONING COMMISSION

MEMORANDUM

TO: Branford Planning & Zoning Commission
FROM: Daniel Rabin, Branford Clean Energy Committee
DATE: December 22, 2021
SUBJECT: Solar Energy Systems

BACKGROUND:

The 2019 Branford [Plan of Conservation and Development](#) (POCD) reflects an overall consensus for the future of the community. One of the energy-related goals in the Sustainability section is "Encouraging increased use of renewable energy (solar, wind, etc.)". The Regulatory framework in the [Branford Zoning Regulations](#) does not address solar, even though residential solar is increasingly relied on by Branford residents.

The objective of this proposed Zoning Regulation is to promote the installation of small-scale solar energy systems that are subordinate and incidental to the principal use of the property through a Zoning Regulation that aligns with the goals of the POCD, the Branford Energy Plan, and Connecticut's sustainability goals.

The proposed ordinance is consistent with existing regulations. It will educate applicants by providing transparency, definitions and references to relevant zoning regulations. Educated applicants are more likely to submit conforming applications easing the application review process.

PROPOSED REGULATION LANGUAGE:

SECTION 6 BASIC STANDARDS:

(New) Section 6.16 Alternative Energy

6.16A Purpose

1. This Section is intended to promote the safe, efficient, and effective use of alternative energy sources while ensuring that alternative energy structures are compatible with the surrounding neighborhood.
2. It is further the intent of this Section to encourage and facilitate the implementation of alternative energy systems when implemented as an accessory use to the principal use of a lot and/or building.

6.16B Solar

1. Roof-Mounted Solar Array:

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Roof-mounted solar arrays shall be allowed as a permitted accessory use in all zones provided, they are located on an approved conforming principal or accessory structure. Provided the following criteria will be met, a zoning permit is not required:

- a. The array shall not exceed the maximum height permitted in the zoning district by more than two (2) feet.
- b. The array shall not project more than 12 inches above the roofline or parapet of the structure upon which it is mounted, or five (5) feet above a flat roof, whichever is less.
- c. Rooftop coverage and layout shall meet the requirements as outlined in the Connecticut State Building Code, as amended, to ensure adequate access and area for fire ventilation is provided.

2. Small Scale Ground-Mounted Solar Array in Residential Districts (per section 3, [Branford Zoning Regulations](#))

Lot Coverage – Ground-mounted systems shall meet the existing lot coverage restrictions for the zoning district except as defined below.

- a. Ground-mounted systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.
- b. Ground-mounted systems shall not count toward the maximum number of accessory structures permitted.

3. Small Scale Ground-Mounted Solar Array in Non-Residential Districts (per section 4, [Branford Zoning Regulations](#))

A ground-mounted solar array may be permitted as an accessory use subject to an approval required by existing zoning regulations.

- a. Solar energy systems are exempt from lot coverage and impervious surface requirements if the area under the system contains vegetative ground cover or another permeable surface.
- b. Parcels without a structure are excluded.

4. Large Scale Ground Mount Solar Array in Non-Residential Districts (per section 4, [Branford Zoning Regulations](#))

- a. The Planning & Zoning Commission may, following the issuance of a Special Exception, approve a large-scale, ground mount solar array which meets the setback requirements of that zone.
- b. The Planning & Zoning Commission may, following the issuance of a Special Exception approve a large-scale ground mount solar array to be located as the principal use of a lot, subject to the standards of Section 9.8.
- c. Large Scale Ground Mount Solar Arrays are not permitted on land where development is restricted.

DEFINITIONS (to be added to Section 2.2):

FIXED RACK – Structure which holds solar modules stationary at a fixed angle and orientation.

FIXED TRACKER – Structure that senses the direction of the sun and tilts the modules as needed for maximum exposure to the light.

GROUND-MOUNTED SOLAR ARRAY (small scale) – A free-standing, ground-mounted solar collection system consisting of a linked series of photovoltaic modules, serving a residential or commercial facility which is accessory to the principal use and does not exceed one-half of the footprint of the principal structure.

GROUND-MOUNTED SOLAR ARRAY (large scale) – A free-standing, ground-mounted solar collection system consisting of a linked series of photovoltaic modules, which is the principal use of the property or is more than one-half (50%) of the footprint of the principal structure.

ROOF-MOUNTED SOLAR ARRAY – Any accessory solar energy collection system, photovoltaic or thermal, that is mounted on a structure which may or may not be interconnected to the utility grid.

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ZONING COMMISSION

Referral 2.2: City of West Haven

Subject:

Proposed Zoning Regulation Amendments pertaining to Cottage Food Operation, and Manufacturing of Beer

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 City of West Haven has proposed amendments allow cottage food operation as a use in all residential and mixed use districts, except for the TOD zone. The manufacturer of beer (brewery, microbrewery, and brew pub) would be permitted via special permit in commercial and mixed use zoning districts, including the PRD zone, and as of right in industrial districts. The following definitions have been added or modified Beer, Club, Craft Café Permit, Manufacturer Permit for Spirits, Beer, Farm Winery, Restaurant Permit. Section 45.3 Spirits, Beer, and Wine Manufacturer Provisions have been added. There is a 1,000 feet distance requirement from a school, child daycare, public library, playground, playfield, or house of worship for a building or premises that is used for the sale of alcoholic liquor at retail under a manufacturer permit, except for when the permit is for a farm winery. Additional requirements can be reviewed in the Agenda Packet.

Section 49. 2 – Cottage Food Operations has been added along with applicable definitions and requirements. A cottage food operation is any person who produces cottage food products only in the home kitchen of such person's private residential dwelling.

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.

#ZR 21-100

DEC 6 2021 RCVD



CITY OF WEST HAVEN, CONNECTICUT

Planning and Development Department

City Hall | 355 Main Street | Third Floor
Phone 203.937.3580 Fax 203.937.3742

West Haven, Connecticut 06516-0312
E-Mail: planning@cityofwesthaven.com



CITY HALL 1898-1967

APPLICATION FOR CHANGE TO ZONING REGULATIONS

1. Article and Section of Zoning Regulations

Table 39.1; Table 39.2; Sections 45 (Liquor Uses), 49.2 (Miscellaneous Provisions: Cottage Food Operations);
Table of Contents; Appendix A-1

2. What special condition or reason makes passage of this amendment necessary?

The proposed regulations seek to make cottage food operations an as of right use within a dwelling, allow plant nurseries as of right within the TOD district, as well as allow breweries, distilleries, and farm wineries throughout various zoning districts within the City. These changes are in part a modernization of the zoning regulations to allow for uses that are already allowed by state statute (cottage food operations) and as a way to spur economic development and new industries within the City. Specifically as a response to development options for City owned vacant and underutilized properties.

3. What other circumstances (i.e., public health, safety or general welfare) would justify the amendment?

4. Applicant Information

Name Planning and Zoning Commission

Firm City of West Haven

Street Address 355 Main Street

City West Haven State CT ZIP 06516

Dated: December 6, 2021

Daytime Phone: 203-937-3580

☒ Business ☐ Home

☐ Fax: ☐ Cell:

☒ E-mail csoto@westhaven-ct.gov

Signature of APPLICANT

5. Counsel Information

Name Lee Tiernan, Corporation Counsel

Firm City of West Haven

Street Address 355 Main Street

City West Haven State CT ZIP 06516

Daytime Phone: 203-937-3600

☒ Business ☐ Home

☐ Fax: ☐ Cell:

☒ E-mail ltiernan@westhaven-ct.gov

6. Provide Text of Proposed Change

Please see attached sections of the text. A copy of the text with changes tracked in line with the text has been provided so that changes can easily be identified and compared to the original text. A final draft version has also been included.

(Please additional sheets as necessary to provide the Planning and Zoning Commission with a complete set of amendments and a thorough understanding of the proposed changes.)

CITY OF WEST HAVEN HONORABLE NANCY R. ROSSI, MAYOR

PLANNING AND ZONING COMMISSION

Kathleen HendricksChairman
 John BiancurVice-
 Chairman
 Christopher SuggsSecretary
 Steven R. MullinsCommissioner
 Gene F. Sullivan
 Commissioner
 Gregory Milano.....Alternate
 Joseph Vecellio.....Alternate
 Michael T. Taylor.....Alternate

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ZONING BOARD OF APPEALS

John CliffordChairman
 Edward WiseSecretary
 Carole PortoMember
 Aleshia Caple.....Member
 Brent Coscia.....Member
 Richard DeLeoAlternate
 Charles Zentarski.....
 Alternate
 Sammy Rivera.....Member

PLANNING AND DEVELOPMENT DEPARTMENT

—Christopher Soto.....
 Director.....Director
 Catherine Conniff.....Assistant Planner
 Stephen HotchkissZoning Enforcement Officer
 Kim LeindorfAdministrative Secretary

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TABLE 39.1 SUMMARY TABLE OF USES IN RESIDENTIAL AND MIXED USE DISTRICTS

KEY	USE CATEGORY	RESIDENTIAL				MIXED USES					
		R-1	R-2	R-3	R-4	R-5	RPD	RCPD	SRR	WD	TOD
1.	RESIDENTIAL USES										
	Single Family Dwellings:										
	Detached	R	R	R	R	R	R	R	R	SP	R
	Attached	X	X	R	R	R	SP	R	R	SP	R
	Accessory Apartments in Single Family Detached Dwelling	SU	SU	X	X	X	X	X	X	X	X
	Short-Term Rental	SU	SU	X	X	X	X	X	X	X	X
	Home Occupation	SU	SU	SU	SU	SU	SU	SU	SU	SP	R
	Cottage Food Operation	R	R	R	R	R	R	R	R	R	
	Two and three family dwellings	X	X	R	R	R	R	R	R	SP	R
	Multi-family dwellings	X	X	X	R	R	R	SP	R	SP	R
	Daycare	SP	SP	SP	SP	SP	SP	SP	X	SP	SP
2.	Rooming House	X	X	SU	SU	SU	X	X	X	X	X
	Congregate Housing, Assisted Living, Managed Residential Community	SP	SP		SP	SP	SP	SP	SP	X	X
	INSTITUTIONAL & SUPPORTIVE USES										
	Nursing, rest or convalescent home	SP	SP	SP	SP	SP	SP	SP	X	X	X
	Elementary/Secondary School, Private or Public	R	R	R	R	R	R	R	X	X	R
	University or college, including related facility such as dormitory, sports complex, etc.	X	X	X	X	X	X	R	X	R	R
	Library, museum or cultural center	R	R	R	R	R	R	R	R	R	R
	Hospital or medical office providing in-patient treatment, but <u>not</u> animal hospital veterinary office or other facility for care or treatment of animals	X	X	X	SP	SP	X	X	X	SP	SP
	Park, ball field, tennis course, golf course, other open space recreational facility	R	R	R	R	R	R	R	R	R	R
	Open Space or Conservation Area	R	R	R	R	R	R	R	R	R	R
	Neighborhood Park - Less than 1 acre	R	R	R	R	R	R	R	R	R	R
	Municipal Fire or Police Stations	R	R	R	R	R	R	R	R	R	R
	Cemetery	X	X	X	SP	SP	X	X	X	X	X
	Farms, minimum of 3 acres.	R	R	R	R	R	R	R	X	X	X
	Easements, utility or drainage facility rights-of-way serving the immediate area provided same are part of an approved subdivision, site plan or part of a municipal improvement.	R	R	R	R	R	R	R	R	R	R
3.	ACCESSORY USES										
	Detached Garage, Storage or tool shed	R	R	R	R	R	R	R	R	R	R
	Off-Street surface parking	R	R	R	R	R	R	R	R	R	R
	Multi level structured parking	X	X	X	X	X	SP	SP	SP	R	R

KEY: R = PERMITTED AS-OF-RIGHT SU = SPECIAL USE EXCEPTION SP = SPECIAL PERMIT
 A = ADMINISTRATIVE REVIEW & APPROVAL REQUIRED NA = NOT APPLICABLE X = NOT PERMITTED

TABLE 39.2 SUMMARY TABLE OF USES IN COMMERCIAL, MIXED USE, INDUSTRIAL & OTHER DISTRICTS

KEY	USE CATEGORY	Commercial		Mixed Use								Industrial		Other		
		NB	RB	RPD	RCPD	CBD	CD	SCR	SRR	WD	TOD	LM	IPD	OS	PF	PRD
A.	USES AS PERMITTED IN RESIDENCE DISTRICTS															
	Single Family Dwellings:															
	Detached	R	R	R	R	R	SP	X	R	SP	R	X	X	X	X	X
	Attached	SP	SP	SP	SP	R	SP	X	R	SP	R	X	X	X	X	X
	Dwellings Above Ground Floor Only	SP	R	X	X	R	X	X	X	X	X	X	X	X	X	X
	Accessory Apartments in Single Family Detached Dwelling	SU	SU	X	X	X	X	X	X	X	X	X	X	X	X	X
	Short-Term Rental	SU	SU	X	X	X	X	X	X	X	X	X	X	X	X	X
	Home Occupation	X	X	R	R	R	R	X	SU	SP	R	X	X	X	X	X
	Two and three family dwellings	X	X	X	R	R	R	X	R	SP	R	X	X	X	X	X
	Multi-family dwellings	SP	X	SP	SP	SP	X	X	R	SP	R	X	X	X	SP	X
	Congregate Housing, Assisted Living	SP	SP	SP	SP	SP	SP	X	SP	X	X	X	X	X	X	X
B.	TRANSIENT LODGING															
	Bed & Breakfast or Tourist Home	X	X	X	X	SP	X	SP	SP	SP	SP	X	X	X	X	X
	Rooming, Boarding, Lodging House	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	Hotels, Motels, Boatels or Inns	X	R	X	SP	R	R	R	R	R	SP	X	X	X	X	R
C.	FOOD, DRINK & ENTERTAINMENT															
	Banquet Hall	SP	R	X	R	R	R	R	SP	R	SP	X	X	X	X	R
	Convention Center	SP	SP	SP	SP	R	SP	SP	SP	R	SP	X	X	X	X	R
	Liquor, Package Store, Grocery Beer	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X	X	X	X
	Nightclubs, Taverns, Cafes or Bars	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X	X	X	X
	Restaurant	R	R	R	R	R	R	R	R	R	R	R	R	X	X	R
	With Outdoor Seating ≤25% Total Seating	R	R	R	R	R	R	R	R	R	R	R	R	X	X	X
	With Drive-In or Drive-Thru Service	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X	X	X	X
D.	PERSONAL SERVICES															
	Bank or Credit Union	R	R	R	R	R	R	R	R	R	R	R	R	X	X	R
	Barber and Beauty Shops	R	R	R	R	R	R	R	R	R	R	X	X	X	X	X
	Child Care Facilities	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X	R
	Craft Shops (i.e. potter, woodworking, tailor)	R	R	R	R	R	R	R	R	R	R	X	X	X	X	X
	Flea Markets	SP	SP	SP	SP	X	SP	X	X	SP	X	SP	SP	X	X	X
	Funeral Parlors	R	R	SP	SP	X	SP	SP	X	X	X	X	X	X	X	X
	Laundry or Dry Cleaning Establishment	SP	SP	SP	SP	SP	SP	SP	X	SP	SP	SP	SP	X	X	X
	Massage Therapy Parlor	SP	SP	SP	SP	SP	SP	SP	X	X	X	X	X	X	X	X
	Nail Salon *	SP	SP	X	X	SP	X	X	X	X	X	X	X	X	X	X
	Pawn or Swap Shop, Second hand, used, pre-owned goods dealer	X	SP	SP	SP	X	SP	SP	X	X	X	X	X	X	X	X
	Consignment Shop for Clothing, Furniture and Sporting Goods	SP	SP	SP	SP	X	SP	SP	X	X	X	X	X	X	X	X
	Pet Shop/Grooming Facility (non-boarding)	SP	SP	SP	SP	SP	SP	SP	SP	X	SP	X	X	X	X	X
E.	COMMERCIAL															
	Neighborhood Shopping Area	X	R	X	R	R	R	R	R	R	X	X	X	X	X	X
	Regional Shopping Center	X	R	X	R	R	X	X	X	R	R	X	X	X	X	X
	Retail Store, Shop or Boutique	R	R	X	R	R	R	R	R	R	R	R	R	X	X	X
	Small Appliance, TV, Repair Shops, etc.	R	R	X	R	R	R	R	R	R	R	R	R	X	X	X

TABLE OF USES IN COMMERCIAL, INDUSTRIAL, MIXED-USE & OTHER DISTRICTS

TABLE 39.2 SUMMARY TABLE OF USES IN COMMERCIAL, MIXED USE, INDUSTRIAL & OTHER DISTRICTS

KEY	USE CATEGORY	Commercial			Mixed Use							Industrial		Other		
		NB	RB	RPD	RCPD	CBD	CD	SCR	SRR	WD	TOD	LM	IPD	OS	PF	PRD
	Vehicle Service, Repair, including Body Work	SP	SP	SP	SP	X	SP	X	X	X	X	SP	X	X	X	X
	Carwash	SP	SP	SP	SP	X	SP	X	X	X	X	SP	X	X	X	X
	Gas or Fuel station, incl. Convenience Store	SP	SP	SP	SP	X	SP	X	X	X	X	SP	X	X	X	X
	Motor Vehicle Junkyard	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
O.	Heavy Commercial															
	Building Materials or Lumber Yard	X	SP	X	X	X	X	X	X	X	X	R	X	X	X	X
	Farm/Construction Equipment Sale & Service	X	SP	X	X	X	X	X	X	X	X	R	X	X	X	X
	Farm Supply Sale, Service	X	SP	X	X	X	X	X	X	X	X	R	X	X	X	X
	Plant Nursery	X	SP	X	X	X	X	X	X	X	X	R	X	X	X	X
P.	INDUSTRIAL															
	Industrial Offices	X	X	X	X	X	X	X	X	R	X	R	SP	X	X	R
	Marijuana Facilities (Dispensaries and Producers)	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X
	<u>Manufacturer of Beer (Brewery, Microbrewery, Brew Pub)</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>	<u>SP</u>	<u>SP</u>	<u>R</u>	<u>R</u>	<u>X</u>	<u>X</u>	<u>SP</u>
	<u>Manufacturer of Spirits (Distillery)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>X</u>	<u>X</u>	<u>SP</u>
	Light Manufacturing, processing or assembly of goods without vaporous, liquid, or solid discharge	X	X	X	X	X	X	X	X	R	SP	R	SP	X	X	R
	Manufacturing, processing or assembly of goods (not noxious, hazardous or dangerous)	X	X	X	X	X	X	X	X	R	SP	R	SP	X	X	R
	Manufacturing															
	With On-Site Inventory & Material Storage.	X	X	X	X	X	X	X	X	R	X	SP	X	X	X	R
	Involving smelting, forging or plating of metal, rubber or similar materials.	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X
	Processing facility for animals or fish or their by-products.	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X
	Recycling Facility for reuse, bundling, reconstruction of materials such as paper, cans, bottles, bulk vegetation (leaves, wood, etc.).	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X
	Recycling Processing Facility	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X
	Research & Development Laboratories	X	X	X	SP	SP	SP	X	X	R	SP	R	SP	X	X	R
	Waste handling, processing or storage	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X
Q.	STORAGE															
	Interior Storage															
	of Non-Hazardous Materials	R	R	X	R	SP	R	X	X	R	X	R	R	SP	SP	R
	of Hazardous Materials	X	SP	X	X	X	X	X	X	X	X	SP	SP	SP	SP	SP
	Self-Storage	X	SP	X	X	X	X	X	X	X	X	SP	X	X	X	X
	Outside Storage															
	as Accessory Use only	SP	SP	X	SP	SP	X	X	X	SP	X	R	SP	SP	SP	SP
	as Principal Use	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X
	Recycling Facility	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X

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TABLE 39.2 SUMMARY TABLE OF USES IN COMMERCIAL, MIXED USE, INDUSTRIAL & OTHER DISTRICTS

KEY	USE CATEGORY	Commercial		Mixed Use								Industrial		Other		
		NB	RB	RPD	RCPD	CBD	CD	SCR	SRR	WD	TOD	LM	IPD	OS	PF	PRD
	Warehousing	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	R
R.	TRANSPORTATION															
	Bus, Train or other Mass Transit Station	X	R	X	X	X	R	X	X	SP	R	SP	SP	X	SP	R
	Tractor-Trailer Facility, service area or warehouse w. high volume truck operation	X	X	X	X	X	X	X	X	X	X	R	X	X	X	X
	Public Roadway	R	R	R	R	R	R	R	R	R	R	R	R	SP	R	R
S.	OTHER															
	Billboard subject to §43. Limitations	X	SU	X	X	X	X	X	X	X	X	SU	X	X	X	X
	Common and/or Joint Use Parking	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	Inland or Tidal Wetland, Greenbelt, Public Garden or Nursery	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

* Adult Oriented Establishments are subject to Special Permit approval of the Planning and Zoning Commission and the provisions of Section 49.3 of these Regulations.

* The distance between Nail Salons shall be 1500 feet from entrance door to entrance door.

* Marijuana Facilities (Dispensaries and Producers) are subject to Special Permit approval of the Planning and Zoning Commission and the provisions of Section 49.1 of these Regulations.

KEY: R = PERMITTED AS-OF-RIGHT SU = SPECIAL USE EXCEPTION SP = SPECIAL PERMIT
A = ADMINISTRATIVE REVIEW & APPROVAL REQUIRED NA = NOT APPLICABLE X = NOT PERMITTED

45 – LIQUOR USES

45 LIQUOR USES

45.1 Definitions

ALCOHOLIC LIQUOR: The four varieties of liquid defined as alcoholic spirits, wine, **beer**, and every liquid (patented or not) containing alcohol, spirits, wine, or **beer** and capable of being consumed by human beings for beverage purposes.

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BEER: Any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and hops in drinking water.

CLUB: Chartered organizations serving **alcoholic liquor** to members for on premises consumption.

CRAFT CAFÉ PERMIT: A Connecticut craft cafe permit as defined and regulated by Section 30-22d of the Connecticut General Statutes shall allow the retail sale of alcoholic liquor manufactured in this state to be consumed on the premises of such café.

MANUFACTURER PERMIT FOR SPIRITS, BEER, or FARM WINERY: A manufacturer permit for spirits, **beer**, or farm winery as defined in Section 30-16(a), 30-16(b), and 30-16(c) respectively of the Connecticut General Statutes as issued or to be issued from time to time by the Liquor Control Commission. Such permit shall allow the manufacturing, the storage, bottling and wholesale distribution and sale of spirits, **beer**, and wine manufactured or bottled on the premises as permissible by Connecticut General Statute 30-16 as amended from time to time. Such permits may also be referred to as "distilleries", "brewery, microbrewery, or brew pub", or "farm winery" respectively.

PACKAGE PERMIT: A package store permit, a package store beer permit, a grocery store beer permit, a druggist liquor permit, a druggist permit for beer only, or any combination of the same, as issued or to be issued from time to time by the Liquor Control Commission. In addition this term shall include any other permit which shall from time to time be authorized by the General Statutes of the State of Connecticut and issued by the Liquor Control Commission, which permit shall be for the purpose of permitting the sale of any type of **alcoholic liquor** in sealed containers at retail for consumption off the premises.

RESTAURANT PERMIT: Restaurant liquor, beer, and wine and beer permits as issued by the Liquor Control Commission. In addition the term **restaurant permit** shall include any additional type of permit that may be authorized by the State of Connecticut General Statutes and issued by the Liquor Control Commission, which permit shall be for the purpose of permitting the sale of any type of **alcoholic liquor** at retail for consumption on the premises of an establishment organized as and meeting all requirements of state and local statutes pertaining to restaurants.

SPECIAL LIQUOR PERMIT: A tavern permit, ~~or eatery~~, ~~or craft café~~ permit as issued or to be issued from time to time by the Liquor Control Commission. In addition, this term shall include any similar permit with the exception of those permits labeled **manufacturer, restaurant, restaurant** or **club**, that shall be authorized by the State of Connecticut General Statutes and issued by the Liquor Control Commission, which permit shall be for the purpose of permitting the sale of any type of **alcoholic liquor** at retail for consumption on the premises.

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~~RESTAURANT PERMIT: Restaurant liquor, beer, and wine and beer permits as issued by the Liquor Control Commission. In addition the term **restaurant permit** shall include~~

~~any additional type of permit that may be authorized by the State of Connecticut General Statutes and issued by the Liquor Control Commission, which permit shall be for the purpose of permitting the sale of any type of **alcoholic liquor** at retail for consumption on the premises of an establishment organized as and meeting all requirements of state and local statutes pertaining to restaurants.~~

~~CLUB: Chartered organizations serving **alcoholic liquor** to members for on premises consumption.~~

45.2 General Provisions

1. No **building** or premises which prior to the effective date of these regulations, is not the site of a business where **alcoholic liquor** is sold at retail for consumption off or on the **premises** under a **package permit** or **special liquor permit** as issued by the Liquor Control Commission shall be used either in whole or in part for the sale of **alcoholic liquor** at retail for consumption off or on **premises** under a **package permit** or **special liquor permit** if any entrance to such **building** or **premises** shall be within fifteen hundred (1500) feet from any entrance to any other **building** or **premises** that is legally being used for the sale of **alcoholic liquor** at retail for consumption off or on the **premises** under a valid **package permit** or **special liquor permit**.
2. This Regulation shall permit any permittee using any **building** or **premises** for the sale of **alcoholic liquor** under a **package permit** or **special liquor permit** to move said place of business to any other **building** or **premises** within the fifteen hundred (1500) foot radius described above provided said other **building** or **premises** is within a five hundred (500) foot radius from the **building** or **premises** formerly occupied by said permittee for **alcoholic liquor** sale under a **package** or **special liquor permit**; provided that said location shall be in accordance with the Liquor Control Act of the State of Connecticut and the rules and regulations of the Liquor Control Commission.

3. In the event that the site of any **building** or **premises** shall be removed from such use for a public or semi-public use at condemnation proceedings the above limitation shall be increased to a radius of one thousand (1000) feet from the present site, such location to be in accordance with the Liquor Control Act of the State of Connecticut and the rules and regulations of the Liquor Control Commission.
4. In no event shall any **building** or **premises** located within one thousand (1000) feet of a public or private school, **child daycare center**, public library, playground, playfield, or house of worship be used for the sale of **alcoholic liquor** at retail under a **package permit** or a **special liquor permit**.
5. Any Permittee using any building or premises for the sale of **alcoholic liquor** at retail under a **package permit** or **special liquor permit** as a **non-conforming use** under the provisions of Section 81 Nonconforming Uses, Lots, or Structures shall be permitted to continue a **non-conforming use** when said **package permit** expires and application for renewal of the exact same type of permit is made; no change from one type of permit to another type of permit shall be permitted for such **non-conforming use**.
6. If the **use** of any **building** or **premises** for the sale of **alcoholic liquor** at retail under a **package permit** or **special liquor permit** as a **non-conforming use** actually ceases for more than thirty (30) days the **use** shall be determined abandoned.

45.3 SPIRITS, BEER, and WINE MANUFACTURER PROVISIONS

1. A premises that has obtained a **manufacturer permit** shall operate according to Section 30-16 as may be amended from time to time. A holder of such permit may also sell at retail for off premises consumption sealed bottles or other sealed containers of spirits, **beer**, or wine brewed or made on the premises, but no more than as allowed by Sections 30-16(a), 30-16(b), and 30-16(c) per person, per day and shall comply with Section 30-91(d) of the Connecticut General Statutes.
2. In no event shall any **building** or **premises** located within one thousand (1000) feet of a public or private school, **child daycare center**, public library, playground, playfield, or house of worship be used for the sale of **alcoholic liquor** at retail solely under a **manufacturer permit** except for when such a permit is for a **farm winery** as per Section 30-16(c).
3. A holder of a **manufacturer permit** may have tasting rooms with food service, full service restaurants, food trucks, delivery services and/or retail sales, and may also be designed to hold events or provide entertainment to their guests provided that such other uses are also approved in accordance with the West Haven Zoning Regulations.
4. A holder of a **manufacturer permit** may combine such permit with a **restaurant permit** as defined in this section. The distance requirements of Sections 45.2.4 and 45.3.2 will not apply to a **building** or **premises** that holds both a **manufacturer** and a **restaurant permit**.
5. A **farm winery** permit may only be obtained at such locations where a farm may exist as allowable per Table 39.1. Where such a farm may exist per Table

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39.1, the **farm winery** use will require a special permit in order to operate at such location.

6. A **manufacturer permit** may only be issued to those premises that have obtained a special permit as allowed by Table 39.2. In the event that a holder of a **manufacturer permit** where to combine additional **manufacturer permit(s)** at a premises where one of such permits is already held; such additional permits will also require a special permit as allowable by Table 39.2.

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45.443 **Scope**

This Regulation shall affect all **buildings** or **premises**, **package permits**, ~~and special liquor permits~~, and **MANUFACTURER PERMITS** which may be used in the future as authorized by the Liquor Control Commission of the State of Connecticut.

uses set forth in Section 49.1 (D)(1) through (5) inclusive, thence proceeding in a straight line to the nearest public entrance or residential zone lot line.

E. Sign and exterior display requirements shall be as required by State Statute for such facilities.

F. All vehicle parking for these uses must be on the proposed property and not on the street.

49.2 Cottage Food Operations(Reserved)

49.2.1 Purpose.

The intent of this section is to regulate the location of Cottage Food Operations within a dwelling unit as allowed by the Connecticut General Statutes, Sections 21a-62b to 21a-62 as may be amended from time to time.

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49.2.2 Definitions.

COTTAGE FOOD OPERATION: Shall mean any person who produces cottage food products only in the home kitchen of such person's private residential dwelling and only for sale directly to the consumer as defined by Connecticut State Statute, Section 21a-62b.

HOME KITCHEN: means a kitchen designed and intended for use by the residents of a home but that is also used by a resident for the production of cottage food products and that may contain one or more stoves or ovens, which may be a double oven, designed for residential use. "Home kitchen" does not include commercial equipment typically used for large wholesale manufacturing.

PRIVATE RESIDENTIAL DWELLING: Shall have the same meaning as **dwelling unit** as defined in Section 2.2 of the West Haven zoning regulations. This definition shall exclude any rooming, boarding, group or communal residential setting within any structure or dwelling. The **private residential unit** shall only be occupied by one family.

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49.2.3 General Requirements.

Any person engaging in a **cottage food operation** shall first obtain a permit to conduct such operation, and will be allowed as of right provided that the operation meets the standards as set forth in Section 49.2 of these regulations and Sections 21a-62b to 21a-62 of the Connecticut General Statutes. The form will be prescribed by the **Commissioner**. All **cottage food operations** must meet the following standards.

1. All **cottage food operations** shall take place solely within a **private residential dwelling** which must include the **home kitchen** and storage of ingredients and finished product may occur in a spare room or basement. At no time will any part of a **cottage food operation** be allowed to take place within an accessory structure.

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2. An application for **cottage food operation** shall consist of an application, a detailed floor plan, and a list of the cottage foods to be produced.
3. All signs must conform to the residential sign standards as set forth in these regulations.
4. A **cottage food operation** may only be allowed within the **private residential dwelling** of the person conducting the operation.
5. Only those foods allowed per the Connecticut Department of Consumer Protection and as defined per Section 21a-62b.
6. Food products shall not be served for on premises consumption, nor shall any seating arrangements be made for customers at a location having a **cottage food operation**. This shall also apply to any accessory structures on the property.
7. All operations shall also be compliant with the Connecticut State Building Code.

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49.3 Adult Oriented Establishments

49.3.1 Definitions

For the purpose of this regulation, the words and phrases used herein shall have the following meanings unless otherwise clearly or plainly required by context:

- (1) "Adult Oriented Establishment" shall include:
 - (a) Adult Cabaret
 - (b) Adult Bookstore, Adult Novelty Store, Adult Video Store
 - (c) Adult Motion Picture Theatre
 - (d) Any commercial establishment that *regularly features* adult entertainment.
- (2) "Adult Entertainment" means exhibition of motion pictures, displays, or live performances which are characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" as defined herein.
- (3) "Adult Bookstore, Adult Novelty Store, or Adult Video Store" means a commercial establishment which has a significant or substantial portion of its inventory (more than 25%), or derives a significant or substantial section of its sales and display space, to the sale or rental, for any form of consideration, if any one or more of the following:
 - (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides or other visual representations which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas";
 - (b) Instruments, Devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

For purposes of this definition, "significant or substantial portion" means twenty-five percent (25%) or more of the term modified by such phrase.

DEC 6 2021 RCVD

CITY OF WEST HAVEN HONORABLE NANCY R. ROSSI, MAYOR

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John Biancur Vice-Chairman
Christopher Suggs Secretary
Steven R. Mullins Commissioner
Gene F. Sullivan Commissioner
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Joseph Vecellio Alternate
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Sammy Rivera Member

PLANNING AND DEVELOPMENT DEPARTMENT

Christopher Soto Director
Catherine Conniff Assistant Planner
Stephern Hotchkiss Zoning Enforcement Officer
Kim Leindorf Administrative Secretary

TABLE 39.1 SUMMARY TABLE OF USES IN RESIDENTIAL AND MIXED USE DISTRICTS

KEY	USE CATEGORY	RESIDENTIAL				MIXED USES					
		R-1	R-2	R-3	R-4	R-5	RPD	RCPD	SRR	WD	TOD
1.	RESIDENTIAL USES										
	Single Family Dwellings:										
	Detached	R	R	R	R	R	R	R	R	SP	R
	Attached	X	X	R	R	R	SP	R	R	SP	R
	Accessory Apartments In Single Family Detached Dwelling	SU	SU	X	X	X	X	X	X	X	X
	Short-Term Rental	SU	SU	X	X	X	X	X	X	X	X
	Home Occupation	SU	SU	SU	SU	SU	SU	SU	SU	SP	R
	Cottage Food Operation	R	R	R	R	R	R	R	R	R	
	Two and three family dwellings	X	X	R	R	R	R	R	R	SP	R
	Multi-family dwellings	X	X	X	R	R	R	SP	R	SP	R
	Daycare	SP	SP	SP	SP	SP	SP	SP	X	SP	SP
	Rooming House	X	X	SU	SU	SU	X	X	X	X	X
	Congregate Housing, Assisted Living, Managed Residential Community	SP	SP	SP	SP	SP	SP	SP	SP	X	X
2.	INSTITUTIONAL & SUPPORTIVE USES										
	Nursing, rest or convalescent home	SP	SP	SP	SP	SP	SP	SP	X	X	X
	Elementary/Secondary School, Private or Public	R	R	R	R	R	R	R	X	X	R
	University or college, including related facility such as dormitory, sports complex, etc.	X	X	X	X	X	X	R	X	R	R
	Library, museum or cultural center	R	R	R	R	R	R	R	R	R	R
	Hospital or medical office providing in-patient treatment, but <u>not</u> animal hospital veterinary office or other facility for care or treatment of animals	X	X	X	SP	SP	X	X	X	SP	SP
	Park, ball field, tennis course, golf course, other open space recreational facility	R	R	R	R	R	R	R	R	R	R
	Open Space or Conservation Area	R	R	R	R	R	R	R	R	R	R
	Neighborhood Park - Less than 1 acre	R	R	R	R	R	R	R	R	R	R
	Municipal Fire or Police Stations	R	R	R	R	R	R	R	R	R	R
	Cemetery	X	X	X	SP	SP	X	X	X	X	X
	Farms, minimum of 3 acres.	R	R	R	R	R	R	R	X	X	X
	Easements, utility or drainage facility rights-of- way serving the immediate area provided same are part of an approved subdivision, site plan or part of a municipal improvement.	R	R	R	R	R	R	R	R	R	R
3.	ACCESSORY USES										
	Detached Garage, Storage or tool shed	R	R	R	R	R	R	R	R	R	R
	Off-Street surface parking	R	R	R	R	R	R	R	R	R	R
	Multi level structured parking	X	X	X	X	X	SP	SP	SP	R	R

KEY: R = PERMITTED AS-OF-RIGHT SU = SPECIAL USE EXCEPTION SP = SPECIAL PERMIT
A = ADMINISTRATIVE REVIEW & APPROVAL REQUIRED NA = NOT APPLICABLE X = NOT PERMITTED

TABLE 39.2 SUMMARY TABLE OF USES IN COMMERCIAL, MIXED USE, INDUSTRIAL & OTHER DISTRICTS

KEY	USE CATEGORY	Commercial		Mixed Use								Industrial		Other		
		NB	RB	RPD	RCPD	CBD	CD	SCR	SRR	WD	TOD	LM	IPD	OS	PF	PRD
A.	USES AS PERMITTED IN RESIDENCE DISTRICTS															
	Single Family Dwellings:															
	Detached	R	R	R	R	R	SP	X	R	SP	R	X	X	X	X	X
	Attached	SP	SP	SP	SP	R	SP	X	R	SP	R	X	X	X	X	X
	Dwellings Above Ground Floor Only	SP	R	X	X	R	X	X	X	X	X	X	X	X	X	X
	Accessory Apartments in Single Family Detached Dwelling	SU	SU	X	X	X	X	X	X	X	X	X	X	X	X	X
	Short-Term Rental	SU	SU	X	X	X	X	X	X	X	X	X	X	X	X	X
	Home Occupation	X	X	R	R	R	R	X	SU	SP	R	X	X	X	X	X
	Two and three family dwellings	X	X	X	R	R	R	X	R	SP	R	X	X	X	X	X
	Multi-family dwellings	SP	X	SP	SP	SP	X	X	R	SP	R	X	X	X	SP	X
	Congregate Housing, Assisted Living	SP	SP	SP	SP	SP	SP	X	SP	X	X	X	X	X	X	X
B.	TRANSIENT LODGING															
	Bed & Breakfast or Tourist Home	X	X	X	X	SP	X	SP	SP	SP	SP	X	X	X	X	X
	Rooming, Boarding, Lodging House	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	Hotels, Motels, Boatels or Inns	X	R	X	SP	R	R	R	R	R	SP	X	X	X	X	R
C.	FOOD, DRINK & ENTERTAINMENT															
	Banquet Hall	SP	R	X	R	R	R	R	SP	R	SP	X	X	X	X	R
	Convention Center	SP	SP	SP	SP	R	SP	SP	SP	R	SP	X	X	X	X	R
	Liquor, Package Store, Grocery Beer	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X	X	X	X
	Nightclubs, Taverns, Cafes or Bars	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X	X	X	X
	Restaurant	R	R	R	R	R	R	R	R	R	R	R	R	X	X	R
	With Outdoor Seating ≤25% Total Seating	R	R	R	R	R	R	R	R	R	R	R	R	X	X	X
	With Drive-In or Drive-Thru Service	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X	X	X	X
D.	PERSONAL SERVICES															
	Bank or Credit Union	R	R	R	R	R	R	R	R	R	R	R	R	X	X	R
	Barber and Beauty Shops	R	R	R	R	R	R	R	R	R	R	X	X	X	X	X
	Child Care Facilities	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X	R
	Craft Shops (i.e. potter, woodworking, tailor)	R	R	R	R	R	R	R	R	R	R	X	X	X	X	X
	Flea Markets	SP	SP	SP	SP	X	SP	X	X	SP	X	SP	SP	X	X	X
	Funeral Parlors	R	R	SP	SP	X	SP	SP	X	X	X	X	X	X	X	X
	Laundry or Dry Cleaning Establishment	SP	SP	SP	SP	SP	SP	SP	X	SP	SP	SP	SP	X	X	X
	Massage Therapy Parlor	SP	SP	SP	SP	SP	SP	SP	X	X	X	X	X	X	X	X
	Nail Salon *	SP	SP	X	X	SP	X	X	X	X	X	X	X	X	X	X
	Pawn or Swap Shop, Second hand, used, pre-owned goods dealer	X	SP	SP	SP	X	SP	SP	X	X	X	X	X	X	X	X
	Consignment Shop for Clothing, Furniture and Sporting Goods	SP	SP	SP	SP	X	SP	SP	X	X	X	X	X	X	X	X
	Pet Shop/Grooming Facility (non-boarding)	SP	SP	SP	SP	SP	SP	SP	SP	X	SP	X	X	X	X	X
E.	COMMERCIAL															
	Neighborhood Shopping Area	X	R	X	R	R	R	R	R	R	X	X	X	X	X	X
	Regional Shopping Center	X	R	X	R	R	X	X	X	R	R	X	X	X	X	X
	Retail Store, Shop or Boutique	R	R	X	R	R	R	R	R	R	R	R	R	X	X	X
	Small Appliance, TV, Repair Shops, etc.	R	R	X	R	R	R	R	R	R	R	R	R	X	X	X

TABLE OF USES IN COMMERCIAL, INDUSTRIAL, MIXED-USE & OTHER DISTRICTS

TABLE 39.2 SUMMARY TABLE OF USES IN COMMERCIAL, MIXED USE, INDUSTRIAL & OTHER DISTRICTS

KEY	USE CATEGORY	Commercial		Mixed Use								Industrial		Other		
		NB	RB	RPD	RCPD	CBD	CD	SCR	SRR	WD	TOD	LM	IPD	OS	PF	PRD
	Temporary Vending Stand or Cart	A	A	X	A	A	A	A	A	A	A	A	A	A	A	X
	Adult Oriented Establishment	X	X	X	X	X	X	X	X	X	X	SP*	SP*	X	X	X
F.	EDUCATION															
	Public Elementary or Secondary School,	SP	SP	SP	SP	SP	SP	SP	X	X	X	SP	X	X	SP	X
	University or College, Including Related Facility (dorm, Sports complex, etc.)	SP	SP	SP	SP	SP	SP	SP	X	X	X	SP	X	X	SP	R
	Trade School	X	X	X	X	R	X	X	X	X	X	SP	SP	X	X	X
G.	GOVERNMENT															
	Government Office, Building, Public Facility	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	SP	X
	Municipal or Quasi-Municipal Facilities	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	SP	X
	Public Park, Playground/Field, Walkway, Trail; Beach, Boating or Fishing Facility; Natural Resource Education Area; Required Parking & Structures	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	R	SP	R	R
H.	HEALTH CARE															
	Animal Hospital, Veterinary Office, Other Facility for animal care and/or treatment	SP	SP	SP	SP	SP	SP	SP	X	SP	SP	SP	X	X	X	X
	Community, Health, Welfare Office	SP	SP	SP	SP	X	SP	X	X	SP	SP	SP	X	X	X	X
	Hospital or Medical Office with In-Patient Treatment (no residential treatment Center)	X	SP	X	X	X	X	X	X	X	X	X	R	X	X	R
	Walk-In Medical Clinic	SP	SP	SP	SP	X	SP	X	X	SP	SP	X	R	X	X	R
	Medical Offices (Outpatient)	R	R	X	R	SP	R	R	R	R	R	X	R	X	X	R
	Medical Regional Operations Center	X	X	X	X	X	X	X	X	X	X	X	SP	X	X	X
	Nursing, Rest or Convalescent Home	X	SP	SP	SP	SP	SP	X	X	X	X	X	X	X	X	X
I.	OFFICE															
	Business or Professional (not Medical)	R	R	X	R	R	R	R	R	R	R	R	R	X	X	R
	General, Corporate or Headquarters	R	R	X	R	R	R	R	R	R	R	R	R	X	X	R
K.	PLACES OF ASSEMBLY															
	Private Club/Hall, Place of Worship or Similar Facility	X	X	SP	SP	SP	SP	SP	SP	X	X	X	SP	X	X	X
	Theater	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	R	SP	SP	X
L.	INSTITUTIONAL															
	Public or Private Utility Facility	R	R	R	R	R	R	R	R	R	R	R	R	X	X	R
	Substation	R	R	R	R	R	R	R	R	R	R	R	SP	X	X	R
M.	AMUSEMENTS															
	Amusement Center, including Bowling Alley, billiard or pool hall, indoor golf, arcade or other commercial recreation facility	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X	X
	Legalized Gaming Facility (not lottery outlet)	X	SP	X	SP	SP	SP	SP	X	X	SP	X	X	X	X	X
N.	Automotive															
	Auto Dealer – New Cars (Min. 5 Acres)	SP	SP	SP	SP	X	SP	X	X	X	X	SP	X	X	X	X
	Auto Dealer – Used Cars (Min. 2 Acres)	SP	SP	SP	SP	X	SP	X	X	X	X	SP	X	X	X	X
	Automobile or Truck Rental, including Sales and Service	SP	SP	X	X	X	X	X	X	X	X	SP	X	X	X	X
	Auto Parts Supply	SP	SP	SP	SP	X	SP	X	X	X	X	SP	X	X	X	X

TABLE OF USES IN COMMERCIAL, INDUSTRIAL, MIXED-USE & OTHER DISTRICTS

TABLE 39.2 SUMMARY TABLE OF USES IN COMMERCIAL, MIXED USE, INDUSTRIAL & OTHER DISTRICTS

KEY	USE CATEGORY	Commercial		Mixed Use								Industrial		Other		
		NB	RB	RPD	RCPD	CBD	CD	SCR	SRR	WD	TOD	LM	IPD	OS	PF	PRD
	Vehicle Service, Repair, including Body Work	SP	SP	SP	SP	X	SP	X	X	X	X	SP	X	X	X	X
	Carwash	SP	SP	SP	SP	X	SP	X	X	X	X	SP	X	X	X	X
	Gas or Fuel station, incl. Convenience Store	SP	SP	SP	SP	X	SP	X	X	X	X	SP	X	X	X	X
	Motor Vehicle Junkyard	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
O.	Heavy Commercial															
	Building Materials or Lumber Yard	X	SP	X	X	X	X	X	X	X	X	R	X	X	X	X
	Farm/Construction Equipment Sale & Service	X	SP	X	X	X	X	X	X	X	X	R	X	X	X	X
	Farm Supply Sale, Service	X	SP	X	X	X	X	X	X	X	X	R	X	X	X	X
	Plant Nursery	X	SP	X	X	X	X	X	X	X	R	R	X	X	X	X
P.	INDUSTRIAL															
	Industrial Offices	X	X	X	X	X	X	X	X	R	X	R	SP	X	X	R
	Marijuana Facilities (Dispensaries and Producers)	X	X	X	X	X	X	X	X	X	X	SP*	X	X	X	X
	Manufacturer of Beer (Brewery, Microbrewery, Brew Pub)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	R	R	X	X	SP
	Manufacturer of Spirits (Distillery)	X	X	X	X	X	X	X	X	X	SP	SP	SP	X	X	SP
	Light Manufacturing, processing or assembly of goods without vaporous, liquid, or solid discharge	X	X	X	X	X	X	X	X	R	SP	R	SP	X	X	R
	Manufacturing, processing or assembly of goods (not noxious, hazardous or dangerous)	X	X	X	X	X	X	X	X	R	SP	R	SP	X	X	R
	Manufacturing															
	With On-Site Inventory & Material Storage.	X	X	X	X	X	X	X	X	R	X	SP	X	X	X	R
	Involving smelting, forging or plating of metal, rubber or similar materials.	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X
	Processing facility for animals or fish or their by-products.	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X
	Recycling Facility for reuse, bundling, reconstruction of materials such as paper, cans, bottles, bulk vegetation (leaves, wood, etc.).	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X
	Recycling Processing Facility	X	X	X	X	X	X	X	X	X	X	X	SP	X	X	X
	Research & Development Laboratories	X	X	X	SP	SP	SP	X	X	R	SP	R	SP	X	X	R
	Waste handling, processing or storage	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X
Q.	STORAGE															
	Interior Storage															
	of Non-Hazardous Materials	R	R	X	R	SP	R	X	X	R	X	R	R	SP	SP	R
	of Hazardous Materials	X	SP	X	X	X	X	X	X	X	X	SP	SP	SP	SP	SP
	Self-Storage	X	SP	X	X	X	X	X	X	X	X	SP	X	X	X	X
	Outside Storage															
	as Accessory Use only	SP	SP	X	SP	SP	SP	X	X	SP	X	R	SP	SP	SP	SP
	as Principal Use	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X
	Recycling Facility	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X
	Warehousing	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	R
R.	TRANSPORTATION															

TABLE OF USES IN COMMERCIAL, INDUSTRIAL, MIXED-USE & OTHER DISTRICTS

TABLE 39.2 SUMMARY TABLE OF USES IN COMMERCIAL, MIXED USE, INDUSTRIAL & OTHER DISTRICTS

KEY	USE CATEGORY	Commercial		Mixed Use								Industrial		Other		
		NB	RB	RPD	RCPD	CBD	CD	SCR	SRR	WD	TOD	LM	IPD	OS	PF	PRD
	Bus, Train or other Mass Transit Station	X	R	X	X	X	R	X	X	SP	R	SP	SP	X	SP	R
	Tractor-Trailer Facility, service area or warehouse w. high volume truck operation	X	X	X	X	X	X	X	X	X	X	R	X	X	X	X
	Public Roadway	R	R	R	R	R	R	R	R	R	R	R	R	SP	R	R
S.	OTHER															
	Billboard subject to §43. Limitations	X	SU	X	X	X	X	X	X	X	X	SU	X	X	X	X
	Common and/or Joint Use Parking	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	Inland or Tidal Wetland, Greenbelt, Public Garden or Nursery	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

* Adult Oriented Establishments are subject to Special Permit approval of the Planning and Zoning Commission and the provisions of Section 49.3 of these Regulations.

* The distance between Nail Salons shall be 1500 feet from entrance door to entrance door.

* Marijuana Facilities (Dispensaries and Producers) are subject to Special Permit approval of the Planning and Zoning Commission and the provisions of Section 49.1 of these Regulations.

KEY: R = PERMITTED AS-OF-RIGHT SU = SPECIAL USE EXCEPTION SP = SPECIAL PERMIT
A = ADMINISTRATIVE REVIEW & APPROVAL REQUIRED NA = NOT APPLICABLE X = NOT PERMITTED

45 – LIQUOR USES

45 LIQUOR USES

45.1 Definitions

ALCOHOLIC LIQUOR: The four varieties of liquid defined as alcoholic spirits, wine, **beer**, and every liquid (patented or not) containing alcohol, spirits, wine, or **beer** and capable of being consumed by human beings for beverage purposes.

BEER: Any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and hops in drinking water.

CLUB: Chartered organizations serving **alcoholic liquor** to members for on premises consumption.

CRAFT CAFÉ PERMIT: A Connecticut craft cafe permit as defined and regulated by Section 30-22d of the Connecticut General Statutes shall allow the retail sale of alcoholic liquor manufactured in this state to be consumed on the premises of such café.

MANUFACTURER PERMIT FOR SPIRITS, BEER, or FARM WINERY: A manufacturer permit for spirits, **beer**, or farm winery as defined in Section 30-16(a), 30-16(b), and 30-16(c) respectively of the Connecticut General Statutes as issued or to be issued from time to time by the Liquor Control Commission. Such permit shall allow the manufacturing, the storage, bottling and wholesale distribution and sale of spirits, **beer**, and wine manufactured or bottled on the premises as permissible by Connecticut General Statute 30-16 as amended from time to time. Such permits may also be referred to as "distilleries", "brewery, microbrewery, or brew pub", or "farm winery" respectively.

PACKAGE PERMIT: A package store permit, a package store beer permit, a grocery store beer permit, a druggist liquor permit, a druggist permit for beer only, or any combination of the same, as issued or to be issued from time to time by the Liquor Control Commission. In addition this term shall include any other permit which shall from time to time be authorized by the General Statutes of the State of Connecticut and issued by the Liquor Control Commission, which permit shall be for the purpose of permitting the sale of any type of **alcoholic liquor** in sealed containers at retail for consumption off the premises.

RESTAURANT PERMIT: Restaurant liquor, beer, and wine and beer permits as issued by the Liquor Control Commission. In addition the term **restaurant permit** shall include any additional type of permit that may be authorized by the State of Connecticut General Statutes and issued by the Liquor Control Commission, which permit shall be for the purpose of permitting the sale of any type of **alcoholic liquor** at retail for consumption on the premises of an establishment organized as and meeting all requirements of state and local statutes pertaining to restaurants.

SPECIAL LIQUOR PERMIT: A tavern permit, café, or craft café permit as issued or to be issued from time to time by the Liquor Control Commission. In addition, this term shall include any similar permit with the exception of those permits labeled **manufacturer**, **restaurant** or **club**, that shall be authorized by the State of Connecticut General Statutes and issued by the Liquor Control Commission, which permit shall be for the purpose of permitting the sale of any type of **alcoholic liquor** at retail for consumption on the premises.

45.2 General Provisions

1. No **building** or premises which prior to the effective date of these regulations, is not the site of a business where **alcoholic liquor** is sold at retail for consumption off or on the **premises** under a **package permit** or **special liquor permit** as issued by the Liquor Control Commission shall be used either in whole or in part for the sale of **alcoholic liquor** at retail for consumption off or on **premises** under a **package permit** or **special liquor permit** if any entrance to such **building** or **premises** shall be within fifteen hundred (1500) feet from any entrance to any other **building** or **premises** that is legally being used for the sale of **alcoholic liquor** at retail for consumption off or on the **premises** under a valid **package permit** or **special liquor permit**.
2. This Regulation shall permit any permittee using any **building** or **premises** for the sale of **alcoholic liquor** under a **package permit** or **special liquor permit** to move said place of business to any other **building** or **premises** within the fifteen hundred (1500) foot radius described above provided said other **building** or **premises** is within a five hundred (500) foot radius from the **building** or **premises** formerly occupied by said permittee for **alcoholic liquor** sale under a **package** or **special liquor permit**; provided that said location shall be in accordance with the Liquor Control Act of the State of Connecticut and the rules and regulations of the Liquor Control Commission.
3. In the event that the site of any **building** or **premises** shall be removed from such use for a public or semi-public use at condemnation proceedings the above limitation shall be increased to a radius of one thousand (1000) feet from the present site, such location to be in accordance with the Liquor Control Act of the State of Connecticut and the rules and regulations of the Liquor Control Commission.
4. In no event shall any **building** or **premises** located within one thousand (1000) feet of a public or private school, **child daycare center**, public library, playground, playfield, or house of worship be used for the sale of **alcoholic liquor** at retail under a **package permit** or a **special liquor permit**.
5. Any Permittee using any building or premises for the sale of **alcoholic liquor** at retail under a **package permit** or **special liquor permit** as a **non-conforming use** under the provisions of Section 81 Nonconforming Uses, Lots, or Structures shall be permitted to continue a **non-conforming use** when said **package permit** expires and application for renewal of the exact same type of permit is made; no change from one type of permit to another type of permit shall be permitted for such **non-conforming use**.
6. If the **use** of any **building** or **premises** for the sale of **alcoholic liquor** at retail under a **package permit** or **special liquor permit** as a **non-conforming use** actually ceases for more than thirty (30) days the **use** shall be determined abandoned.

45.3 SPIRITS, BEER, and WINE MANUFACTURER PROVISIONS

1. A premises that has obtained a **manufacturer permit** shall operate according to Section 30-16 as may be amended from time to time. A holder of such permit may also sell at retail for off premises consumption sealed bottles or other sealed containers of spirits, **beer**, or wine brewed or made on the premises, but no more

than as allowed by Sections 30-16(a), 30-16(b), and 30-16(c) per person, per day and shall comply with Section 30-91(d) of the Connecticut General Statutes.

2. In no event shall any **building** or **premises** located within one thousand (1000) feet of a public or private school, **child daycare center**, public library, playground, playfield, or house of worship be used for the sale of **alcoholic liquor** at retail solely under a **manufacturer permit** except for when such a permit is for a **farm winery** as per Section 30-16(c).
3. A holder of a **manufacturer permit** may have tasting rooms with food service, full service restaurants, food trucks, delivery services and/or retail sales, and may also be designed to hold events or provide entertainment to their guests provided that such other uses are also approved in accordance with the West Haven Zoning Regulations.
4. A holder of a **manufacturer permit** may combine such permit with a **restaurant permit** as defined in this section. The distance requirements of Sections 45.2.4 and 45.3.2 will not apply to a **building** or **premises** that holds both a **manufacturer** and a **restaurant permit**.
5. A **farm winery** permit may only be obtained at such locations where a farm may exist as allowable per Table 39.1. Where such a farm may exist per Table 39.1, the **farm winery** use will require a special permit in order to operate at such location.
6. A **manufacturer permit** may only be issued to those premises that have obtained a special permit as allowed by Table 39.2. In the event that a holder of a **manufacturer permit** where to combine additional **manufacturer permit(s)** at a premises where one of such permits is already held; such additional permits will also require a special permit as allowable by Table 39.2.

45.44 **Scope**

This Regulation shall affect all **buildings** or **premises**, **package permits**, **special liquor permits**, and **MANUFACTURER PERMITS** which may be used in the future as authorized by the Liquor Control Commission of the State of Connecticut.

uses set forth in Section 49.1 (D)(1) through (5) inclusive, thence proceeding in a straight line to the nearest public entrance or residential zone lot line.

E. Sign and exterior display requirements shall be as required by State Statute for such facilities.

F. All vehicle parking for these uses must be on the proposed property and not on the street.

49.2 Cottage Food Operations

49.2.1 Purpose.

The intent of this section is to regulate the location of Cottage Food Operations within a dwelling unit as allowed by the Connecticut General Statutes, Sections 21a-62b to 21a-62 as may be amended from time to time.

49.2.2 Definitions.

COTTAGE FOOD OPERATION: Shall mean any person who produces cottage food products only in the home kitchen of such person's private residential dwelling and only for sale directly to the consumer as defined by Connecticut State Statute, Section 21a-62b.

HOME KITCHEN: means a kitchen designed and intended for use by the residents of a home but that is also used by a resident for the production of cottage food products and that may contain one or more stoves or ovens, which may be a double oven, designed for residential use. "Home kitchen" does not include commercial equipment typically used for large wholesale manufacturing.

PRIVATE RESIDENTIAL DWELLING: Shall have the same meaning as **dwelling unit** as defined in Section 2.2 of the West Haven zoning regulations. This definition shall exclude any rooming, boarding, group or communal residential setting within any structure or dwelling. The **private residential unit** shall only be occupied by one family.

49.2.3 General Requirements.

Any person engaging in a **cottage food operation** shall first obtain a permit to conduct such operation, and will be allowed as of right provided that the operation meets the standards as set forth in Section 49.2 of these regulations and Sections 21a-62b to 21a-62 of the Connecticut General Statutes. The form will be prescribed by the **Commissioner**. All **cottage food operations** must meet the following standards.

1. All **cottage food operations** shall take place solely within a **private residential dwelling** which must include the **home kitchen** and storage of ingredients and finished product may occur in a spare room or

basement. At no time will any part of a **cottage food operation** be allowed to take place within an accessory structure.

2. An application for **cottage food operation** shall consist of an application, a detailed floor plan, and a list of the cottage foods to be produced.
3. All signs must conform to the residential sign standards as set forth in these regulations.
4. A **cottage food operation** may only be allowed within the **private residential dwelling** of the person conducting the operation.
5. Only those foods allowed per the Connecticut Department of Consumer Protection and as defined per Section 21a-62b.
6. Food products shall not be served for on premises consumption, nor shall any seating arrangements be made for customers at a location having a **cottage food operation**. This shall also apply to any accessory structures on the property.
7. All operations shall also be compliant with the Connecticut State Building Code.

49.3 Adult Oriented Establishments

49.3.1 Definitions

For the purpose of this regulation, the words and phrases used herein shall have the following meanings unless otherwise clearly or plainly required by context:

- (1) "Adult Oriented Establishment" shall include:
 - (a) Adult Cabaret
 - (b) Adult Bookstore, Adult Novelty Store, Adult Video Store
 - (c) Adult Motion Picture Theatre
 - (d) Any commercial establishment that *regularly features* adult entertainment.
- (2) "Adult Entertainment" means exhibition of motion pictures, displays, or live performances which are characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" as defined herein.
- (3) "Adult Bookstore, Adult Novelty Store, or Adult Video Store" means a commercial establishment which has a significant or substantial portion of its inventory (more than 25%), or derives a significant or substantial section of its sales and display space, to the sale or rental, for any form of consideration, if any one or more of the following:
 - (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides or other visual representations which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas";

Referral 2.3: City of West Haven

Subject:

Proposed Zoning Regulation Amendments pertaining to Section 44.4 – Distance Restrictions for Specific Uses

Staff Recommendation:

The proposed zoning regulation amendment does 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:

A private applicant in the City of West Haven has proposed amendments to Section 44.4. The amendment would remove a 100 feet distance requirement for a gas station that has a convenience store on the same lot.

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.

Joseph P. Williams
jwilliams@goodwin.com
Phone: (203) 836-2804

New Haven
265 Church Street, Suite 1207
New Haven, CT 06510-7013

December 21, 2021

Ms. Kathleen Hendricks, Chair
West Haven Planning and Zoning Commission
355 Main Street, 1st Floor
West Haven, CT 06516

Re: Application of Cumberland Farms, Inc. to Amend Article 3, Section 44 of the
West Haven Zoning Regulations

Dear Ms. Hendricks:

On behalf of my client, Cumberland Farms, Inc. ("Cumberland Farms"), I have enclosed an application to amend the West Haven Zoning Regulations. Cumberland Farms is proposing an amendment to Article 3, Section 44 of the West Haven Zoning Regulations to remove the restriction on siting gasoline filling stations within 100 feet of a residentially-zoned lot for developments proposing a convenience store on the same property.

Background

As you know, Article 3, Section 44.4 of the West Haven Zoning Regulations, entitled "Distance Restrictions from Specific Uses," currently provides that "Gasoline, Diesel or Other Filling Stations" and certain other automotive uses shall not be allowed if the premises are located within:

1. A radius of 200 feet of any lot used or reserved for the purpose of a house of worship, school library or playground.
2. A radius of 100 feet of any lot (on the same streetface) located within a Residential District.
3. A Flood Hazard Area, Flood Plain or Floodway.

Section 44.1 states that the intent of Section 44 is "to provide controls for the storage, sale, rental, service, parking and repair of vehicles" because "regulation of vehicles is necessary to promote the public safety, health, and general welfare, including protection of property

values.” Section 44.2 requires that automotive uses obtain a Certificate of Approval of Location and a Special Permit from the Planning and Zoning Commission.

Section 44.4 is similar to and appears to have been based on former Connecticut General Statutes § 14-322, which provided:

No certificate of approval shall be issued unless the local authority finds that the location is suitable for the sale of gasoline ... due consideration being given to the proximity of schools, churches, theaters or playhouses or other places of public gatherings, intersecting streets, traffic conditions, width of highway and effect of public travel, and that such use of the proposed location will not imperil the safety of the public.

Section 14-322 was enacted in 1949, when gasoline stations were very different than today's convenience store with gas pumps model. In 2003, the General Assembly repealed Section 14-322 of the statutes and amended Section 14-321 to require that an applicant seeking to obtain a state license for the sale of gasoline obtain approval from the town's planning and zoning commission or other applicable local authority. Section 14-321 contains no mandatory considerations regarding the proximity of a gas station to other uses.

The removal of such considerations from General Statutes § 14-321 is replicated in the regulations of several municipalities surrounding the City of West Haven. We have reviewed the current zoning regulations in Milford, Orange, New Haven, East Haven, Woodbridge and Hamden. Of those municipalities, only Milford has a minimum separation requirement between gas stations and a residential district. East Haven and Woodbridge merely require a 10 foot-wide landscape buffer between a gas station and a lot in a residence district.

The decisions by the state legislature and most towns in Connecticut to eliminate restrictions on locating gas stations near residential districts reflects the evolution of the business model for offering gasoline filling. In the 1950's, 60's and 70's, gas stations typically contained a garage offering vehicle repairs as the principal use, with retail sales relegated to a small counter space. The aesthetics and safety protocols of those businesses drove the state and many towns to require that they be separated from certain sensitive users.

Today, in new facilities, the retail convenience store is the principal use at the site, and self-serve gas pumps are offered as an accessory to the retail use as a convenience for the customer. Convenience stores have expanded their offerings over time in an effort to meet customer demands for one-stop shopping, with stores becoming part supermarket, restaurant, gas station, and even bank or drugstore. The new model is not your father's gas station. Most sales at new facilities are in the store: the National Association of Convenience Stores (“NACS”) recently reported that nationally, the average contribution of fuel to gross margins at convenience stores is only 28.64%.

Cumberland Farms, as just one example, grew up under the modern convenience store model, and has come to exemplify it. The company began as a family-owned dairy operation that grew into milk stores and became New England's first convenience store. It eventually added self-serve gas pumps as people's needs and customer demands changed during the growth of the suburbs. Consistent with this history, Cumberland Farms considers fuel as one of its retail offerings, much like food service and the many other products that are part of its diverse product mix. At many Cumberland Farms stores today, for every four retail store transactions, there is one fuel transaction.

Modern convenience store/gas stations provide substantially greater protection to their neighbors and the environment than the old model. For example, Cumberland Farms employs state-of-the-art technology that meets or exceeds state and federal requirements for safe storage and dispensing of fuels, including vapor recovery, which essentially eliminates gasoline odors from refueling. Any developer of a new convenience store/gas station should commit to installing this level of protection. Modern facilities also typically provide far better stormwater management, landscaping, architectural quality and control of lighting than their predecessors.

Proposed Amendment

We are proposing the following amendment to the West Haven Zoning Regulations:

44.4 Distance Restrictions from Specific Uses

None of the above uses shall be allowed if the premises are located within:

1. A radius of 200 feet of any lot used or reserved for the purpose of a house of worship, school library or playground.
2. A radius of 100 feet of any lot (~~on the same streetface~~)-located within a Residential District.
3. **Notwithstanding any other provision of these Regulations, the distance restrictions set forth in subsections 44.4.1 and 44.4.2, above, shall not apply to a Gasoline, Diesel or Other Filling Station having a convenience store on the same lot.**
4. **A Flood Hazard Area, Flood Plain or Floodway.**

This amendment will update your Zoning Regulations to respond to modern conditions in today's marketplace and promote economic growth while sufficiently protecting residential neighborhoods from adverse impacts. As you can see, we propose to maintain the distance restrictions between automotive uses and the specified uses, *unless* a gasoline filling station is paired with a convenience store on the same lot. If the modern convenience store/gas station model is proposed, then an application for a Certificate of Approval of Location and a Special Permit will be allowed to proceed.

Amending Section 44.4 as we propose will respect the intent and purpose of Section 44. As Section 44.1 makes clear, the policy behind the minimum distance restriction is to control the

“storage, sale, rental, service, parking and repair of vehicles” in order to promote public health and safety. With the exception of brief customer parking for purchasing items in the store, *the modern convenience store/gas station does not do any of those things*. The regulation as it exists now is clearly directed at vehicular services provided under the old model, which are not offered at Cumberland Farms or similar establishments.

Moreover, at least eight gas stations in West Haven are located within 100 feet of a residential district, without any apparent negative effects on public safety. See the attached document for a summary. Most of those gas stations actually abut a residential district. The Noble gas station at 949 Orange Avenue sits approximately 25 feet from property zoned R2, with a residential neighborhood immediately behind it, along Dalton Street. It has obviously become commonplace over the years in West Haven (as in many other Connecticut towns) for gas stations to be permitted in close proximity to residences.

Consistency with POCD

Our proposed text amendment is consistent with the 2017 West Haven Plan of Conservation and Development (“POCD”). Specifically, the POCD at page 44 explains that in a workshop discussion with West Haven residents: “Economic development was one of the priorities identified most frequently and as the most important.” At page 54, the POCD offers: “An appropriate working definition of economic development for West Haven might be: “a sustained community effort to improve both the local economy and the quality of life by building [a city’s] capacity to adapt to economic change” (George Morse and Scott Loveridge).” The current zoning regulation unnecessarily stifles economic development, while our amendment will remove a barrier to it.

The POCD also encourages and supports regional efforts to improve the Route 1 corridor, and incorporates the following stated goals: improve the overall appearance of this corridor; and provide appropriate buffers between commercial operations and residential properties. See POCD at p. 60. All of these goals will be achieved by this proposal.

Additionally, please note that if you grant the requested amendment, the Commission will retain the authority to review gas station proposals for compliance with the special permit criteria in the regulations, and for public safety issues when considering location approval for the sale of gasoline under General Statutes § 14-321. The Commission would still hold a public hearing on a special permit application for a proposed gasoline station, and could consider whether the proposed plan provides sufficient protections to neighboring residential uses. Thus, the proposed amendment would expand the Commission’s discretion in evaluating applications for new gas stations but would not lessen an applicant’s obligations on such an application.

Lastly, this proposed amendment would enhance the general health, safety and welfare of the City of West Haven. First, allowing new business proposals to come forward fosters free competition, which results in lower prices and increased accessibility for the residents of West

Haven, and contributes to the economic vitality and momentum in the city. Second, the construction of new, attractive retail stores and gasoline stations is compliant with the POCD, for the reasons discussed above. The limited nature of the amendment preserves the Commission's ability to protecting surrounding residential properties.

In addition to this letter and its attachments, we are submitting to you today fifteen (15) copies of the Application for Change of Zoning Regulations, Proposed Zoning Regulation Amendment, and authorization letter from Cumberland Farms, along with a check in the amount of \$610.00 for the application filing fee.

We look forward to presenting this application to you and we thank you in advance for your consideration. If you or your staff should need anything else from us, please do not hesitate to contact me. Thank you for your consideration.

Very Truly Yours,

A handwritten signature in blue ink that reads "Joseph P. Williams". The signature is written in a cursive, flowing style.

Joseph P. Williams

Enclosures

**GAS STATIONS IN WEST HAVEN THAT ARE LOCATED
WITHIN 100 FEET OF RESIDENTIALLY-ZONED PROPERTY**

1. Valero Gas Station – 528 Main Street
Owner: Getty CT Leasing Inc.
Zoned: NB
 - R2 abuts this property on two sides
2. Mobil Gas Station – 261 Sawmill Road
Owner: Hameed Rafiq
Zoned: NB
 - R2 located across Greta Street
3. Shell – 261 Platt Avenue
Owner: United Petroleum LLC
Zoned: NB
 - R2 district abuts this property on one side
4. Sunoco Gas Station – 435 Derby Avenue
Owner: Four Hundred Thirty Five Derby-Haven LLC
Zoned: RB
 - R2 district abuts this property on one side
5. Best Gas – 147 Campbell Avenue
Owner: New Haven Best, LLC
Zoned: CBD
 - R3 district abuts this property on one side
6. First Fuel – 810 First Avenue
Owner: Roger P. Rossi
Zoned: NB
 - R4 district abuts this property along almost the entire length of one side
7. Gulf Gas Station – 5 Jones Hill Road
Owner: Global Montello Group Corp
Zoned: NB
 - R2 district abuts this property on 2 sides and most of the length of a third side
8. Noble Gas Station – 949 Orange Avenue
Owner: 949 Boston Post Road LLC
Zoned: RB
 - R2 is located approximately 25 feet from this property at the center of Dalton Street



CITY OF WEST HAVEN, CONNECTICUT

Planning and Development Department

City Hall | 355 Main Street | Third Floor
Phone 203.937.3580 Fax 203.937.3742

West Haven, Connecticut 06516-0312
E-Mail: planning@cityofwesthaven.com



CITY HALL 1898-1967

APPLICATION FOR CHANGE TO ZONING REGULATIONS

1. Article and Section of Zoning Regulations

Article 3 Section 44

2. What special condition or reason makes passage of this amendment necessary?

See attached letter.

3. What other circumstances (i.e., public health, safety or general welfare) would justify the amendment?

See attached letter.

4. Applicant Information

Name Cumberland Farms, Inc.
c/o Joseph P. Williams, Esq.
Firm Shipman & Goodwin LLP
Street Address 265 Church Street
City New Haven State CT ZIP 06510

Daytime Phone: 203-836-2804

☒ Business ☐ Home

☒ Fax: 203-836-2802

☐ Cell:

☒ E-mail jwilliams@goodwin.com

Dated: 12/21/21


Signature of APPLICANT

By: Joseph P. Williams, Applicant's Attorney-In-Fact

5. Counsel Information

Name Joseph P. Williams, Esq.
Firm Shipman & Goodwin LLP
Street Address 265 Church Street
City New Haven State CT ZIP 06510

Daytime Phone: 203-836-2804

☒ Business ☐ Home

☒ Fax: 203-836-2802

☐ Cell:

☒ E-mail jwilliams@goodwin.com

6. Provide Text of Proposed Change

Please see attached Proposed Zoning Regulation Amendment.

(Please additional sheets as necessary to provide the Planning and Zoning Commission with a complete set of amendments and a thorough understanding of the proposed changes.)

**PROPOSED ZONING REGULATION AMENDMENT
BY CUMBERLAND FARMS, INC.
December 2021**

Proposed additions are **in boldface and underlined** and deletions are ~~stricken out~~:

ARTICLE 3, SECTION 44 – AUTOMOTIVE USES

* * *

44.3 Automotive Use Types that Require a Certificate of Approval of Location (CAL).

The following uses shall require a CAL from the Planning and Zoning Commission:

1. New or Used Vehicle Dealerships.
2. Gasoline, Diesel or Other Filling Stations.
3. Vehicle Wash (i.e., Car and/or Truck Wash).
4. Limited or General Vehicle Repair.

44.4 Distance Restrictions from Specific Uses

None of the above uses shall be allowed if the premises are located within:

1. A radius of 200 feet of any lot used or reserved for the purpose of a house of worship, school library or playground.
2. A radius of 100 feet of any lot ~~(on the same streetface)~~ located within a Residential District.
3. **Notwithstanding any other provision of these Regulations, the distance restrictions set forth in subsections 44.4.1 and 44.4.2, above, shall not apply to a Gasoline, Diesel or Other Filling Station having a convenience store on the same lot.**
4. A Flood Hazard Area, Flood Plain or Floodway.

No permit for the above stated uses shall be issued, nor shall any area, lot, or property shall be used for these uses until the Planning and Zoning Commission, following a Public Hearing, has granted approval. These uses shall be considered Special Permit uses and shall be required to meet all of the General and Specific Findings.



December 9, 2021

Ms. Kathleen Hendricks, Chair
West Haven Planning and Zoning Commission
City Hall
355 Main Street, 1st Floor
West Haven, CT 06516

Re: Application of Cumberland Farms, Inc. to Amend Article 3, Section 44 of the
West Haven Zoning Regulations

Dear Ms. Hendricks:

Cumberland Farms, Inc. ("Cumberland Farms") is filing an application for change to the West Haven Zoning Regulations regarding a proposed amendment to Article 3, Section 44 regarding Automotive Uses.

First Hartford Realty Corporation ("First Hartford") is our preferred developer and is the authorized representative of Cumberland Farms for this project, and the law firm of Shipman & Goodwin LLP is our legal counsel. Cumberland Farms hereby authorizes First Hartford and Shipman & Goodwin LLP to execute any application forms or other documents in connection with this application and to submit documentation pertaining to this application on its behalf. Attorney Joseph Williams of Shipman & Goodwin LLP will be the primary contact on this matter.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Cacciola", written over a horizontal line.

Thomas Cacciola
Chief Real Estate Officer

Referral 2.4: City of Meriden**Subject:**

Proposed Zoning Map Amendment to 850 Murdock Avenue (RDD to M-4)

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:

A private applicant in the City of Meriden has proposed to rezone 850 Murdock from RDD to M-4. The RDD is the Regional Development District, while the M-4 is the Planned Industrial District. The parcel is adjacent to a M-4 District, and to the Industrial Expansion (IX) District in the Town of Wallingford.

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.

**ZONE CHANGE
PETITION**

2021 DEC 16 PM 1:17

DECEMBER 13, 2021

Meriden, Connecticut


TO THE HONORABLE CITY COUNCIL OF THE CITY OF MERIDEN:

The undersigned respectfully petitions that the City Council of the City of Meriden acting as the Zoning Commission grant a change of zone for the properties identified on the Plan attached hereto, being **No. 850 MURDOCK AVENUE** from the present Zoning District of RDD (Regional Development District) to the Zoning District of M-4 (Planned Industrial District) for the following reasons:

- 1) The area in question is in the vicinity of other properties on Research Parkway zoned M-4;
- 2) The location is a factor in favor of the proposed M-4 zone, as the Property offers significant industrial development opportunities which is consistent with the current 2019 Plan of Conservation and Development ("POCD") as further shown on Figure 60 of said Plan.
- 3) The new zone would be consistent with the 2009 POCD's position that the RDD zone is no longer needed or viable, and that this parcel should be zoned consistently with Research Parkway zoning.
- 4) The M-4 Zone would permit the highest and best use of land described herein, all as set forth in the POCD.

Dated at Meriden, Connecticut this 13th day of December, 2021.

MARK DEVELOPMENT, LLC


By: Dennis A. Ceneviva, Esq.
Its Attorney, duly authorized

RECEIVED

DEC 16 2021

**CITY OF MERIDEN
PLANNING DEPARTMENT**

LEGAL DESCRIPTION

A certain piece or parcel of land in the City of Meriden, County of New Haven, and State of Connecticut, shown as on a plan or map entitled "Property/Topographic Survey Showing Existing Conditions Prepared For: Mark Development LLC & John Orsini Property Located at: 850 Murdock Ave. Meriden, Connecticut" prepared by Hallisey, Pearson & Cassidy Civil Engineers & Land Surveyors 630 Main Street, Unit #1A Cromwell, Connecticut 06416 Dated Sept. 14, 2020, and revised through March 19, 2021, Sheet 2 through 4 of 23. Said parcel is more particularly bounded and described as follows:

Beginning at a point being the southernmost corner of the parcel herein described, and proceeding N 16° 53' 30" E, a distance of eight hundred sixteen and 71/100 feet (816.71') to an iron pin set by other;

Thence N 60° 27' 14" W, a distance of seven hundred twelve and 99/100 feet (712.99') to an iron pin set by other;

Thence S 62° 53' 40" W, a distance of four hundred thirty and 84/100 feet (430.84') to an iron pin set by other;

Thence N 72° 15' 01" W, a distance of two hundred thirteen and 65/100 feet (213.65') to an iron pin found;

The last four courses are along the easterly and northerly property line of land now or formerly of FLEXO Converters Meriden;

Thence N 17° 44' 59" E, along the easterly street line of Murdock Ave., a distance of two hundred and 00/100 feet (200.00') to an iron pin found;

Thence S 72° 15' 01" E, a distance of two hundred and 00/100 feet (200.00') to an iron pin found;

Thence N 13° 45' 44" E, a distance of one hundred eight seven and 91/100 feet (187.91') to an iron pin found;

The last two courses are along the southerly and easterly property line of land now or formerly Paul & Jennifer DeMerchant;

Thence S 83° 10' 15" E, along the southerly property line of land now or formerly of Christopher Boucher, a distance of seventeen and 00/100 feet (17.00') to an iron pin found;

Thence N 11° 50' 57" E, along the easterly property line, in part of land now or formerly of Christopher Boucher, and Charles Greenbacker and Sons distance of six hundred and sixty-seven and 89/100 feet (667.89') to an iron pin found;

Thence S 68° 12' 10" E, along the southerly property line of land now or formerly of Daniel J. Deshaies, a distance of fifty-nine and 96/100 feet (59.96') to a point;

Thence S 62° 40' 23" E, along the southerly property line of land now or formerly of Joseph P. Kim M. Bates, a distance of eight six and 94/100 feet (86.94') to a point;

Thence S 60° 28' 51" E, along the southerly property line, in part by of land now or formerly of Joseph P. Kim M. Bates and James & Shylene Salvati , a distance of ninety one and 12/100 feet (91.12') to a point;

Thence S 63° 17' 16" E, along the southerly property line, in part by of land now or formerly of James & Shylene Salvati , a distance of eighty-seven and 47/100 feet (87.47') to a point;

Thence S 56° 59' 44" E, along the southerly property line of land now or formerly of Lee G. & Sabrina T. Vernon, a distance of thirty-nine and 90/100 feet (39.90') to a point;

Thence S 60° 52' 47" E, along the southerly property line, in part by of land now or formerly of Jessica L. Bavin and Lee G. & Sabrina T. Vernon, a distance of three hundred twenty-eight and 44/100 feet (328.44') to an iron pin found;

Thence S 60° 52' 47" E, along the southerly property line, in part by of land now or formerly of Jessica L. Bavin and Lee G. & Sabrina T. Vernon, a distance of three hundred twenty-eight and 44/100 feet (328.44') to a point;

Thence S 61° 37' 02" E, along the southerly property line of land now or formerly of Katharina Mayer, a distance of seventy-one and 39/100 feet (71.39') to an iron pin found;

Thence S 31° 57' 43" E, along the southerly property line of land now or formerly of Katharina Mayer, a distance of fifteen and 77/100 feet (15.77') to an iron pin found;

Thence S 58° 27' 05" E, along the southerly property line of land now or formerly of Katharina Mayer, a distance of sixty-three and 77/100 feet (63.77') to an iron pin found;

Thence N 25° 08' 34" E, along the easterly property line of land now or formerly of Katharina Mayer, David A. Lochowski & Dawn L. Gayton, Diane L. Carroll and Robert C. & Gertrude N. Gladney , a distance of four hundred forty nine and 07/100 feet (449.07') to an iron pin found;

Thence S 78° 17' 04" E, along the southerly property lines, in part of land now or formerly of Jeanette M. & Samuel Resto, Richard W. Jr & Melanie Baribaulta, Nicholas J. Russo, Jr. et al, Bounthong Chanthavilaychit, and Scott & Lisa A. Proctor distance of four hundred eighty-four and 09/100 feet (484.09) to a CHD found;

Thence S 06° 03' 48" E, a distance of two hundred twenty-eight and 81/100 feet (228.81') to an CHD found;

Thence S 83° 56' 12" W, a distance of one hundred and 00/100 feet (100.00') to an CHD found;

Thence S 06° 03' 48" E, a distance of five hundred seventy and 00/100 feet (570.00') to an CHD found;

Thence N 83° 56' 12" E, a distance of one hundred and 00/100 feet (100.00') to an CHD found;

Thence S 06° 03' 48" E, a distance of one hundred fifteen and 70/100 feet (115.70') to an CHD found;

Thence S 03° 37' 32" E, a distance of three hundred fifty and 30/100 feet (350.30') to an CHD found;

Thence S 09° 28' 30" E, a distance of two hundred fifty and 42/100 feet (250.42') to an CHD found;

Thence S 06° 02' 35" E, a distance of two hundred eight-four and 48/100 feet (284.48') to an CHD found;

The last eight courses are along the westerly highway line of Interstate 91;

Thence S 85° 55' 43" W, along the northerly property line of other land of Mark Development, LLC , a distance of one thousand sevety-three and 87/100 feet (1,073.87') to the point of beginning.

Said parcel containing 2,124,041 sq. ft. or 48.7613 acres.

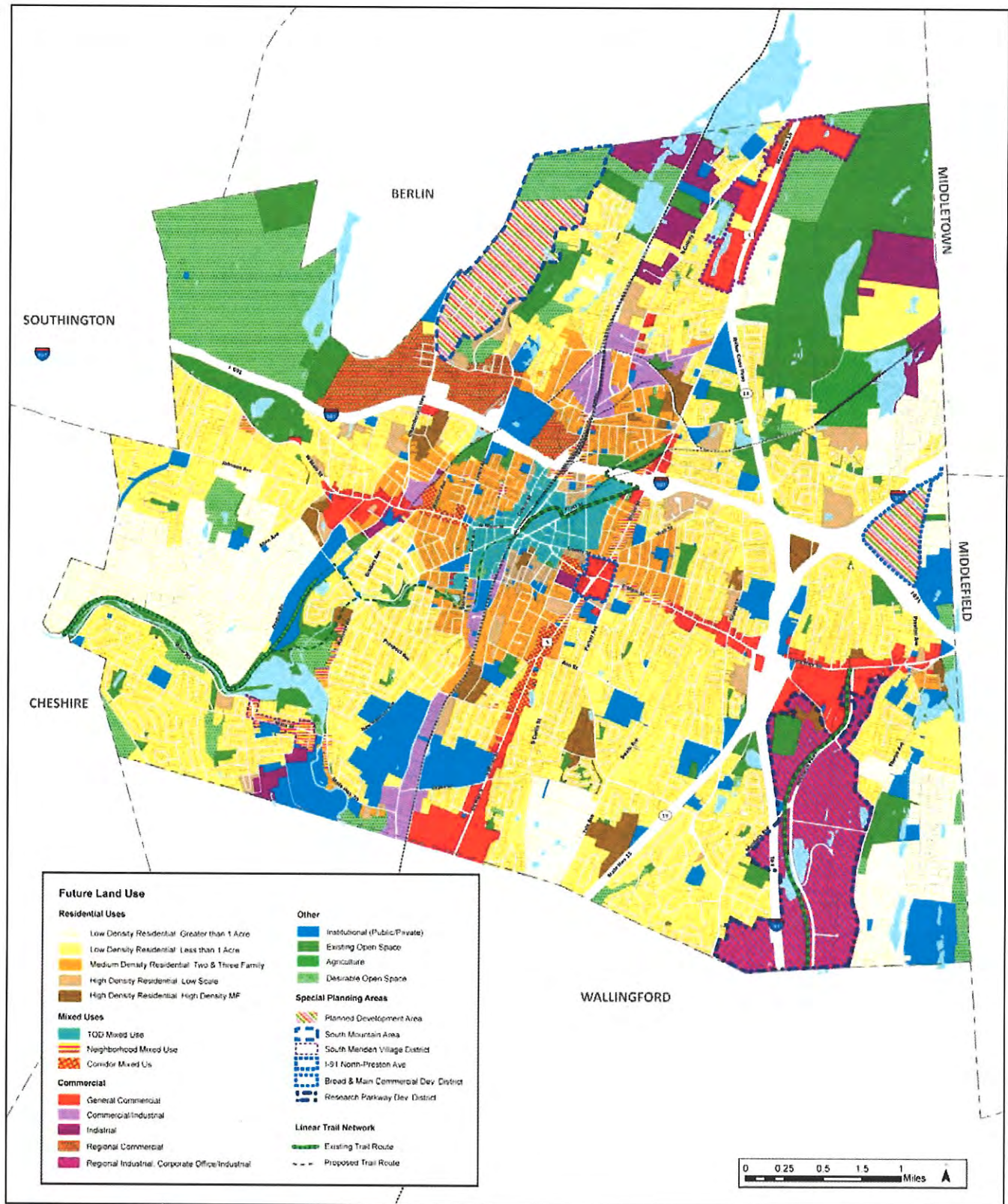


Figure 60. Generalized Future Land Use Plan

Referral 2.5: City of Derby**Subject:**

Proposed Zoning Regulation Amendments pertaining to Cannabis Establishments

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 City of Derby has proposed amendments to add definitions pertaining to Cannabis Establishments, and permit the use via site plan in the B-1, B-2, MDD, I-1 and IC zoning districts. The establishments must be approved by the Commission, and license granted to the applicant by the CT Dept. of Consumer Protection.

The cannabis establishment cannot be located within 1,500 feet of another cannabis establishment, church, school, or playground. Only one cannabis establishment may be located in a shopping center (single design unit) having a gross floor area for retail stores of 50,000 square feet. The IC district is adjacent to the Town of Woodbridge, while the B-1, B-2 and I1 districts are adjacent to the Town of Orange.

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.

Proposed Amendments to Zoning Regulations Regarding Cannabis Establishments

ADDED DEFINITIONS

Section 195-7

Cannabis - marijuana, as defined in section 21a-240 of the 24 Connecticut general statutes

Cannabis Cultivator - an establishment with not less than 15,000 sf of grow space operated by a person licensed by the State of Connecticut to engage in the cultivation, growing and propagation of the cannabis plant

Cannabis Delivery Service - an establishment that is operated by a person that is licensed by the State of Connecticut to deliver cannabis from (A) micro-cultivators, retailers and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, as defined in section 21a-408 of the CT General Statutes, or to hospices or other inpatient care facilities licensed by the CT Department of Public Health pursuant to chapter 368v of the CT General Statutes that have a protocol for the handling and distribution of cannabis that has been approved by the Department, or a combination thereof.

Cannabis Establishment - means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter

Cannabis Food and Beverage Manufacturer – an establishment operated by a person licensed by the State of Connecticut to own and operate a place of business that acquires cannabis and creates food and beverages

Cannabis Grow space - the portion of a cannabis establishment owned and controlled by a producer, cultivator or micro-cultivator that is utilized for the cultivation, growing or propagation of the cannabis plant, and contains cannabis plants in an active stage of growth, measured starting from the outermost wall of the room containing cannabis plants and continuing around the outside of the room. "Grow space" does not include space used to cure, process, store harvested cannabis or manufacture cannabis once the cannabis has been harvested.

Cannabis Micro Cultivator - an establishment containing not less than 2,000 sf and not more than 10,000 sf of grow space, prior to any expansion authorized by the commissioner, operated by a person licensed by the State of Connecticut to engage in the cultivation, growing and propagation of the cannabis plant

Cannabis Product Manufacturer – an establishment operated by person that licensed by the State of Connecticut to obtain cannabis, extract, and manufacture products exclusive to such license type

Cannabis Product Packager – an establishment operated by person that is licensed by the State of Connecticut to package and label cannabis

Cannabis Retailer – an establishment operated by a person, excluding a dispensary facility and hybrid retailer, who is licensed by the State of Connecticut to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research programs

Cannabis Retailer, Hybrid – an establishment operated by person licensed by the State of Connecticut to purchase cannabis and sell cannabis and medical marijuana products

Cannabis Transporter – an establishment operated by a person licensed by the State of Connecticut to transport cannabis between cannabis establishments, laboratories, and research programs

Add / Modify Sections 195-15.B.(15), 195-16.B(17), 195-17.B.(8), 195-17(A).B.(2)(k), 195-22.(B)

- Cannabis Establishments will be added as a permitted use to B-1, B-2, MDD, I-1 and IC, but will not be permitted in all other zones.

Modify Section 195-28 as follows:

§ 195-28. ~~(Reserved)~~

§ 195-28. Cannabis Establishments

A. Applicability.

The following regulations shall apply to the location of any cannabis establishment as defined herein where cannabis and cannabis products are grown, manufactured, distributed, or sold for consumption off the premises under a license issued by the Connecticut Department of Consumer Protection.

B. Application

No land, building or structure may be used as a cannabis establishment unless a site plan for such use, submitted in accordance with Section 195-30 of these Regulation, has been approved by the Commission and a license has been granted to the applicant by the Connecticut Department of Consumer Protection.

Nothing in this article shall be construed to deny any applicant who has duly applied for a cannabis license to the State of Connecticut before the effective date of this article from thereafter receiving such permit pursuant to said application for any land, building or premises in

the City of Derby. Land, building, or premises used pursuant to a permit applied for and received as stated in this section shall be subject to all the provisions of this article in the same manner as if they had been in use under such permit on the effective date of this article.

C. Location of cannabis establishments

No cannabis establishment shall be located within 1,500 feet from another cannabis establishment, church, school, or playground. For the purpose of this regulation, the required 1,500 feet separation distance shall be the shortest total horizontal distance that can be measured beginning at the midpoint of the principal outside public entrance door of the building in which the proposed cannabis establishment is to be located, thence in one or more straight lines, measured along the right-of-way, via the shortest distance to a property line of the lot on which another cannabis establishment is located.

D. Shopping centers.

Notwithstanding the provisions of this article, one cannabis establishment may be located in a shopping center having a gross floor area for retail stores of 50,000 square feet or more, provided that such shopping center was constructed as a single design unit.

Memorandum

TO: Regional Planning Commission

FROM: Nominating Committee:

DATE: January 13, 2022

SUBJECT: Nominations for Officers and Executive Committee Members

The Regional Planning Commission Nominating Committee has nominated the following members as Officers and Executive Committee Members for your consideration. Please note that the proposed Officers also serve on the Executive Committee.

Chairman: Charles Andres
Vice Chairman: Kevin Curry
Secretary: Andrew Skolnick

Executive Committee:

Charles Andres
Kevin Curry
Andrew Skolnick
Tricia Mase
Robert Satti
Theresa Ranciato-Viele
Jeffrey Kohan