To: Regional Planning Commission  
From: Eugene Livshits, Senior Regional Planner  
Subject: Thursday, March 10, 2022 RPC Meeting at 5:15pm at SCRCOG, 127 Washington Ave, 4th Floor West, North Haven, CT 06473 

NOTICE: March 10, 2022 RPC meeting will be held in-person at the SCRCOG Offices. A remote option is available via: https://us02web.zoom.us/j/86113308884

1. Administration

1.1. Minutes of the January 13, 2022 RPC Meeting

2. Action Items


2.3. City of West Haven: Proposed Zoning Regulation Amendments to Section 49.1 (Marijuana Facilities) and Table 39.2P. Submitted by: City of West Haven. Received: February 17, 2022. Public Hearing: March 22, 2022

3. Other Business
SOUTH CENTRAL CONNECTICUT
Regional Planning Commission

DRAFT - Not yet approved by the Commission

MEETING MINUTES
To: Regional Planning Commission
From: Eugene Livshits, Senior Regional Planner
Subject: Minutes for Thursday, January 13, 2022 Meeting

Present: Jeffrey Kohan, Charles Andres, Kevin Curry, Andrew Skolnick, Jay Cruikshank, William Long, John Corbo, Eugene Livshits

The January 13, 2022 RPC meeting was held remotely via Zoom.

1 Administration

1.1 Minutes of the November 18, 2021 RPC meeting.

Motion to accept the minutes as presented: Kevin Curry. Second: Andrew Skolnick. Abstain: Jay Cruikshank, John Corbo. Vote: Unanimous.

2 Statutory Referrals

2.1 Town of Branford: Proposed Zoning Regulation Amendments to add Section 6.16 – Alternative Energy

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.


2.2 City of West Haven: Proposed Zoning Regulation Amendments pertaining to Cottage Food Operation, and Manufacturing of Beer

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

2.3 City of West Haven: Proposed Zoning Regulation Amendment pertaining to Section 44.4 – Distance Restrictions for Specific Uses

By resolution, the RPC has determined that 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.


2.4 City of Meriden: Proposed Zoning Map Amendment to 850 Murdock Avenue (RDD to M-4)
By resolution, the RPC has determined that the proposed zoning map 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.


2.5 City of Derby: Proposed Zoning Regulation Amendments pertaining to Cannabis Establishments

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.

2.6 Election of Officers and Executive Committee Members:

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

Motion to accept slate of Officers and Executive Committee Members: Kevin Curry. Second: Jay Cruikshank. Vote: Unanimous

3 Other Business

Motion to Adjourn: Kevin Curry. Second: Andrew Skolnick. Vote: Unanimous.
Referral 2.1: Town of North Branford

Subject:

Proposed Zoning Regulation Amendments to add Section 39 – Multi-Family Housing District

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 has proposed to add Section 39 – Multi-Family District to the Town of North Branford Zoning Regulations. The purpose of the district is to provide a diversity of housing options, and encourage higher-density residential development in areas with adequate infrastructure. The permitted uses include multiple single family detached units, multiple dwellings (2 or more dwelling units), professional/business office in a dwelling unit. The eligible site has to be at least 200,000 square feet to up to 10 acres. Location must be a transitional area between other land uses, public water and sewer available, and have 400 feet of frontage on a state highway. Potential locations may be within 500 feet of Branford, East Haven, Guilford, North Haven and Wallingford. Applications for a Zone Change to a Multi-Family District must have authorization from the owners of the parcels that are proposed for the Zone Change. Applicants are encouraged to request a pre-application review by the Commission. Additional development standards include a maximum of 3 stories (55 feet), maximum 20 units per acres of net lot area, maximum impervious surface of 60%.

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.
NOTICE TO REGIONAL COUNCIL OF GOVERNMENTS
of proposed zoning text and/or zoning map change application
Pursuant to CGS §8-3b

DATE: February 8, 2022

TO: South Central Regional COG – via email elivshits@scrcog.org
     Lower Connecticut River Valley COG – via email tdownes@rivercog.org

FROM: North Branford Planning and Zoning Commission

APPLICANT: 24-30 Clintonville Road Associates c/o Joseph P. Williams, Esq.

LOCATION: Town of North Branford, All Zoning Districts

ACTION: Zoning Text Amendment Application PZ #2022-2

Zoning Text Amendment to Add Zoning Section 39 - Multi-Family Housing District (MFHD)

See attached copy for full details.

PUBLIC HEARING: March 3, 2022

COMMENTS TO: townplanner@townofnorthbranfordct.com
SECTION 39  MULTI-FAMILY HOUSING DISTRICT (MFHD)

39.1  Purpose

The Multi-Family Housing District ("MFHD") delineates an area that is suitable for multi-family residential development. The purposes of the Multi-Family Housing District are to:

1. Provide diverse housing choices that meet the town’s demographic needs.
2. Encourage higher-density residential development in areas with adequate infrastructure.
3. Serve as a transitional zone between other land uses, such as industrial or residential.
4. Support the local business community by providing a larger customer base and offering additional housing options to the local workforce.
5. Advance the goals and objectives of the Town’s Plan of Conservation and Development.

39.2  Parcel Eligibility

To be eligible to be zoned MFHD, a parcel must meet all of the following requirements:

1. Contiguous area of not less than 200,000 square feet nor more than ten acres;
2. Located in a transitional area between other land uses;
3. Located adjacent to a state highway; and
4. Public water and sewer are available.

39.3  Permitted Uses

1. Multiple single-family detached dwellings.
2. Multiple dwellings consisting of two or more dwelling units (such as apartments).
3. A professional or business office in a dwelling unit.
4. Customary home occupation in a dwelling unit, including home industries and services occupations.
5. Accessory buildings customary and incidental to the foregoing residential uses.
6. Accessory uses customary and incidental to the foregoing residential uses, including a home office.
39.4 Zone Change Application

A person seeking to change the zone of an eligible parcel to MFHD must submit to the Commission an application to amend the Zoning Map, authorized by the owners of all of the parcels that are proposed to be zoned MFHD. Since a zone change application asks the Commission to exercise its discretion, potential applicants are encouraged to request a pre-application review by the Commission.

39.4.1 - Application Contents

An application to amend the Zoning Map to MFHD must include the following items:

1. A written statement of the proposed use of land, buildings and other structures on the parcel if zoned to MFHD.

2. Conceptual site plans for the proposed development in sufficient detail to show the existing conditions and general layout of the proposed improvements.

3. All items required by Section 63 of these Regulations for petitions to amend the Zoning Map.

39.4.2 - Approval Considerations

In making its decision on an application to rezone a parcel to MFHD, the Commission shall consider whether the applicant has satisfied the following factors:

1. The proposed MFHD rezoning will accomplish the purposes set forth in Section 39.1;

2. The site is a suitable location for multi-family residential development and is situated in a transitional area between other land uses;

3. The projected development will not generate traffic in such amounts as to overburden or cause a hazardous condition to the street system in the area;

4. Adequate utility services are available to the proposed development; and

5. The proposed MFHD will not adversely impact the use or future development of neighboring properties.

39.5 Special Use Permit Application

39.5.1 - Application Contents

Following approval of an MFHD zone change, the applicant shall submit an application for Special Use Permit in order to construct a multi-family residential development on the MFHD parcels. The application shall comply with Sections 42.1 through 42.4.4 of these Regulations and shall include a Site Development Plan conforming to the standards of Section 41. A separate Site Development Plan application shall not be required.
39.5.2 – Procedure

The Special Use Permit application shall be processed, reviewed and acted upon by the Commission in accordance with the standards and procedures set forth in Sections 42.1 through 42.4.4 of these Regulations.

39.6 Development Standards

The following minimum standards shall apply to developments in the MFHD:

1. Lot Size: The MFHD lot must be a minimum of 200,000 square feet and a maximum of 10 acres.

2. Frontage: The lot must have a minimum of 400 feet of frontage on a state highway.

3. Setbacks: Minimum front setback from a local street of 25 feet; minimum front setback from a state highway of 75 feet; and minimum side and rear setbacks of 40 feet.


5. Density: Maximum of 20 units per acre of net lot area, which shall be the total (gross) area of land to be included in the MFHD less 50% of wetlands and slopes greater than 25%.

6. Impervious surface area ratio: Maximum impervious surface coverage of pavement, buildings and other structures as a percent of lot area shall not exceed 60%.

7. Parking: No less than one (1) parking space shall be provided for each studio or one-bedroom unit, and no less than two (2) parking spaces shall be provided for each unit with two or more bedrooms. Parking spaces in garages and driveways shall count toward required parking. The Commission may reduce the above parking requirement upon a showing that fewer spaces will be required due to the specific circumstances of a proposed use. Up to 20% of required parking spaces may be assigned to a reserve parking area designated on the site plan; the reserve spaces shall be constructed at a later date if needed, as determined by the applicant or the Commission.

8. Landscaping: All areas not covered by impervious surfaces shall be suitably landscaped, and this may include lawn and existing vegetation. Large trees and stands of mature trees and shrubs should remain undisturbed where practicable and desirable. Parking and loading areas shall have suitable landscaped islands within them and/or border landscaping adjacent to such areas so as to enhance the appearance of the area.

9. Landscape buffer: There shall be a buffer area 15 feet wide containing landscaping, fencing and/or berms between the MFHD development and an adjacent property.
devoted to residential use in order to provide privacy for the adjacent use. A minimum of 50% of the trees and shrubs planted in the buffer zone shall be evergreens. Landscape buffer areas may be part of the required lot setbacks. The Commission may reduce the width and length of the landscape buffer if the proposed measures and/or existing conditions satisfy the goal of privacy.

10. Utilities: All MFHD developments shall be serviced by municipal sanitary sewers and public water supply. All utilities including, but not limited to, electric, telephone, gas, water and sanitary sewers shall be placed underground.

11. Lighting: All lighting shall comply with the requirements of Section 41.2.11, as well as Sketches 6 and 7 contained in the Appendix to these Regulations.

12. Signage: All signs permitted under Section 52.4 are permitted in an MFHD development. In addition, one sign attached to the ground is permitted at each street where the lot has frontage, and such sign shall not exceed 24 square feet in area nor a height of 10 feet but may extend to the street line. All signs shall conform to the standards set forth in Section 52.3.

13. Initial Lease Term: Rental units in an MFHD development shall be rented for a minimum initial lease term of one year.

14. Open Space: The Commission shall review the need for open space to be provided within an MFHD development when there is publicly available open space in the immediate vicinity, and in such situations it may decide that no additional open space is required on the MFHD property. If no publicly available open space is located in the immediate vicinity, then the MFHD development shall comply with the open space requirements set forth in Section 38.2.3.

15. Amenities: An MFHD development shall provide amenities such as a pool, gym, clubhouse, dog run, walking trails, mail/package service, trash collection, etc., to maintain a high standard of living for its residents.

39.7 Design

1. Architectural and site designs for an MFHD development shall be compatible with the physical site characteristics and architecture of the neighborhood.

2. Buildings shall be of such scale and mass that they relate to each other.

3. The placement and size of all principal buildings shall provide for a safe, efficient and harmonious grouping.

4. No more than two (2) feet of foundation or other wall above the final grade shall be without some aesthetic texture and/or color treatment or foundation plantings.
39.8 **Modification of Site Plans**

A request to modify the approved Site Development Plan for an MFHD development will require submittal of a Special Use Permit application in accordance with Section 39.4 if the proposed modification would create additional structures or dwelling units or change the layout of structures. A proposed modification shall require an application for minor modification to a Site Development Plan if none of the proposed modifications would create additional structures or dwelling units.
January 21, 2022

Mr. William Galdenzi, Vice-Chair
North Branford Planning and Zoning Commission
Town of North Branford
909 Foxon Road
North Branford, CT 0647

Re: Application of 24-30 Clintonville Road Associates for Text Amendment to Create New Multi-Family Housing District in the North Branford Zoning Regulations

Dear Mr. Galdenzi:

On behalf of my client, 24-30 Clintonville Road Associates ("24-30 Clintonville"), I have enclosed an application to amend the North Branford Zoning Regulations. 24-30 Clintonville is proposing a new Section 39, Multi-Family Housing District, to create new housing opportunities in North Branford and make more quality housing available to the Town's workforce.

Background

As many Connecticut towns have come to realize in recent years, providing a rich diversity in housing options, including multi-family housing, is a critical part of attracting and retaining employers, replenishing their customer base, and promoting economic growth. Nearby municipalities including Wallingford, North Haven, Hamden, Branford and New Haven have recently recognized the benefits of welcoming new multi-family housing to their community.

Currently, North Branford’s Zoning Regulations lack a zoning district that encourages market rate, multi-family housing that is not restricted by age. The regulation that we propose to you now will provide such an option.

Proposed Amendment

We propose to create a new Section 39, “Multi-Family Housing District (MFHD).” The purposes of this new district, as set forth in Section 39.1, include providing diverse housing choices that meet the town’s demographic needs, encouraging higher-density residential
development in transitional areas with adequate infrastructure, and supporting the local business community by providing a larger customer base and additional housing options for its workforce.

We have modeled the MFHD after your existing Age-Restricted Housing District (ARHD), but without the age restriction. You will note that we have included several requirements that a parcel must satisfy to be eligible to be zoned MFHD (39.2). Importantly, no properties in North Branford will become automatically eligible for multi-family housing with your adoption of the MFHD regulation. Rather, as set forth in Section 39.4, an applicant must file an application to amend the Zoning Map in the usual manner, complying with Section 63 of the regulations and with the requirements and approval considerations stated in the MFHD. The Commission maintains its usual discretion in deciding a zone change application.

Additionally, please note that if you approve the MFHD, the Commission retains the authority to review multi-family housing proposals for compliance with the existing special use permit criteria in Section 42 of the Zoning Regulations and the detailed Development Standards provided in Section 39.6 of the MFHD. An application for Special Use Permit can be presented to you only after you decide whether to rezone a property to MFHD. Also, in connection with the Special Use Permit, we have included design criteria for the Commission to consider (39.7).

Consistency with POCD

Our proposed text amendment is consistent with the Town of North Branford Plan of Conservation and Development: 2019-2029 ("2019 POCD"). At page 33, the plan provides a frank assessment of the recent evolution of the North Branford population base, concluding that "demographic shifts within the community will lead to evolving housing needs over the next decade." Facts cited in support of this conclusion include the following:

- North Branford's population grew by approximately 3.6% between 2000 and 2010 - the slowest growth rate in recent memory.
- North Branford is aging. Between 2010 and 2016 the median age of North Branford residents increased from 44 years old to 47 years old.
- There has been a decline in the number of households with children under age 18, corresponding with declining school enrollments over the last decade. Between 2007-08 and 2017-18 school years, total K-12 enrollment declined by 26.7%.

More recent data from the U.S. Census reveals that, while North Branford experienced slow population growth from 2000-2010, the Town actually suffered a six percent (6%) net loss in total population between 2010 and 2020, including a 23% reduction in children.

Regarding current housing conditions in North Branford, the 2019 POCD (page 34) reports that the Town's housing stock consists primarily of single-family, owner-occupied homes. "There are limited options for those looking to live in rental or multi-family housing units." The POCD cites the following factors, among others:
• 77.5% of the Town’s housing stock is comprised of single-family detached dwellings. By comparison, only 53.6% of housing units in New Haven County are detached single-family dwellings.
• The Town has limited rental opportunities. Only 10% of housing units are renter-occupied which is much lower than New Haven County where about one-third of units are renter occupied.
• **There have been no major multi-family developments built in Town in over 20 years** meaning the existing rental housing stock consists primarily of older units.
• 26% of community survey respondents see themselves downsizing in the next 10 years, indicating demand for smaller housing units within Town over the next decade.

The 2019 POCD further observes that housing permit activity in North Branford has not yet recovered from the Great Recession. It then adds, at page 36: “There is strong regional demand for multi-family housing. Between 2013 and 2017 over 2,500 new multi-family housing units were built in New Haven County, comprising about 54% of all new housing units. However, **North Branford has not added any new multi-family housing during this period.**” (emphasis added)

After reviewing these conditions, the 2019 POCD sets this goal: “Provide housing choices that meet the town’s demographic needs.” In accordance with this goal, the plan (pp. 37-39) declares several objectives, including:

• Maintain a diverse housing stock in a range of styles, sizes, and price points
• Encourage higher-density residential development in areas with existing infrastructure
• Provide quality housing for the Town’s workforce and senior population

The Housing Plan in the 2019 POCD identifies several “Multi-Family Housing Priority Areas” and specific “Priority Sites,” one of which is my client’s property at 50 Clintonville Road (p. 41). Priority Site Criteria are listed as:

- Access to sanitary sewer
- Access to public drinking water
- Primary access/egress from state road

Finally, the 2019 POCD establishes goals to grow the tax base and “encourage business expansion and retention” (p. 47). While some people mistakenly believe that new housing development is not consistent with economic growth, note that significant North Branford employers like Honeywell and Brook & Whittle have expressed their support for my client’s proposal to build new multi-family housing in North Branford. These companies recognize the benefits to their business in having high-quality housing options available for their employees close to their place of work - which will assist the companies in recruiting and retaining their workforce and in transitioning new employees - as well as the broader economic benefits derived...
from bringing in additional customers who will purchase goods and service from existing businesses in town.

Adopting the proposed Multi-Family Housing District will advance the housing and business goals established by the Commission in the 2019 POCD, as discussed above. The MFHD would promote the creation of new housing opportunities in North Branford and attract young professionals looking to live and work in the town. New housing options would help to reverse the recent trend of population loss in North Branford and decrease the average age of the Town’s adult population. The MFHD diversifies the Town’s housing stock with higher-density residential development in the right places: transitional areas with existing infrastructure. And adding the MFHD to your regulations will allow my client to come before you with a first class proposal to develop a site that the Commission has prioritized for multi-family housing.

Moreover, as noted above, there is strong support for new multi-family housing by two of the largest employers of North Branford, Honeywell and Brook & Whittle. The current lack of housing options in North Branford negatively affects the ability of these companies to attract skilled employees. Approving our application will lead to more quality housing being available for the Town's workforce, and drive more business to local employers.

In addition to this letter, we are submitting to you today the original and nine (9) copies of the Text Amendment Application, Proposed Zoning Regulation Amendment, and authorization letter from 24-30 Clintonville, along with a check in the amount of $360.00 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,

[Signature]
Joseph P. Williams

cc: Mr. Michael Belfonti

Enclosures
Mr. William Galdenzi, Vice-Chair
North Branford Planning & Zoning Commission
Town of North Branford
909 Foxon Road
North Branford, CT 06471

Re: Application of 24-30 Clintonville Road Associates for Text Amendment to Create New Section 39 Multi-Family Housing District ("MFHD") in the North Branford Zoning Regulations

Dear Mr. Galdenzi:

24-30 Clintonville Road Associates ("24-30 Clintonville") is filing an application for Text Amendment to the North Branford Zoning Regulations creating a new Section 39, Multi-Family Housing District. This letter will serve as certification that 24-30 Clintonville is familiar with all the information provided in this application and that the statements contained therein and in all documents submitted as part of the same are, to the best of 24-30 Clintonville's knowledge and belief, true and accurate as presented.

24-30 Clintonville hereby authorizes its attorneys, 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,

24-30 CLINTONVILLE ROAD ASSOCIATES

By: Monadnock Circle Ltd, Its General Partner
By: Con-Corp, Inc., Its General Partner
By: Michael Belfonti, Its President
Duly Authorized
Referral 2.2: Town of Wallingford

Subject:

Proposed Zoning Regulation Amendments, and the corresponding Zoning Map amendment to remove “I-5 Interchange District”, add “Watershed Interchange District”, amend the “Industrial Expansion District” and “Watershed Protection Overlay District” regulations

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 Wallingford has proposed several amendments to the Industrial Expansion District. Uses such as call centers, financial institutions, manufacturing (general and light), food and beverage production, veterinary facility, parcel sorting and retail distribution have been added. Storage, helipads, and data centers are no longer permitted. Additional changes to the permitted uses can be reviewed in the Agenda Packet. The new uses have been defined in Section 2.2 – Specific Terms, and include the following uses brewery/cidery/winery, electric vehicle charging stations, financial institution, food and beverage production, manufacturing (general and light). In addition, the minimum open space requirement has been reduced to 35% and the Maximum Building Coverage has been increase to 40%.

The regulations pertaining to the I-5 Interchange District have been removed and replaced with the Watershed Interchange District (WI). The purpose of the new district is to use land near the I-91 in the watershed protection district in a manner that protects the drinking water supply while allowing low intensity uses and emergency technology development. The uses allowed via site plan approval can be reviewed in the Agenda Packet. Uses that generate 100 peak hours vehicle trips or more are subject to approval via Special Permit, and require the submittal of a traffic impact analysis. The regulations include additional standards to parking, landscaping, retail operations, accessory food service and recreation facilities, hydrogen road vehicle fuel station operations secondary to the main hydrogen generation equipment, building mounted solar panels, and electric vehicle charging stations. Mobile Food Vendor is allowed via a zoning permit, subject to certain standards. The bulk standards for the WI district have remained the same as the I-5 Interchange District standards except for the Minimum Frontage, which has been reduced from 300 feet to 250 feet.

The Watershed Protection Overlay District has been updated to reflect the current standards, and the updates can be reviewed in the Agenda Packet. A Zone Map change has been proposed that rezones the previous I-5 District to either the New WI District, or the IX District.

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.
TO:    [X] Eugene Livshits - South Central Regional Council of Governments
   [ ] Keith Rosenfeld - Naugatuck Valley Council of Governments

FROM: Kevin J. Pagini, Town Planner

Pursuant to the provisions of Section 8-3b of the General Statutes of Connecticut, as amended, the following proposed application is referred to the Regional Agency to review and report on:

[X] Proposed subdivision located within 500 feet of another South Central Regional COG Municipality

[X] Proposed Text and Map Amendments to the Town of Wallingford Zoning Regulations to remove current Section 4.10 (I-5 Interchange District) and replace with Section 4.10 entitled “Watershed Interchange District (WI)”. The new Section 4.10 “Watershed Interchange District” will cover parts of the existing Interchange District (I-5) and Industrial Expansion District (IX), (see enclosed maps). Text amendments will also modify Sections 2.2, 4.9, 4.13, 5.1C, 6.11 and 6.12.

The change was originally requested:

[X] by municipal agency (PZC)
[ ] by petition

Public hearing has been scheduled for: 3-14-22

[X] Site map
[X] Text of proposed amendment

Other: See current Zoning Regulations and Zoning Map on Town Web Site under Planning and Zoning Department.

www.wallingford.ct.us

Kevin J. Pagini, Town Planner  2/9/22

Wallingford Town Hall
45 South Main Street
Wallingford, CT
Phone: (203) 294-2090 Fax: (203) 294-2095
§2.2 SPECIFIC TERMS

Brewery/Cidery/Winery - A place where beer/cider/wine is processed commercially, classified as a "Food and Beverage Production" use for the purpose of these regulations.

Data Center - A use involving a building/premises primarily occupied by computers, computer servers and/or telecommunications equipment along with any related use, including supporting equipment, where electronic information is processed, transferred and/or stored.

Electric Vehicle Charging Station - An electric vehicle supply station in a public or private parking area which delivers electricity or transfers electric energy to a battery or other energy storage source device in an electric or hybrid vehicle.

Financial Institution - Business providing financial services including but not limited to banks, credit unions, investment and brokerage firms as well as insurance and mortgage companies.

Food and Beverage Production - A manufacturing establishment producing or processing food products or beverages for off-site consumption and wholesale distribution.

Manufacturing, General - The manufacture of products from extracted or raw materials or recycled or secondary materials, including bulk storage and handling of such products and materials.

The manufacture of products from extracted or raw materials or recycled or secondary materials includes bulk storage and handling of such products and materials. Includes operations such as agriculture processing, apparel manufacturing, photographic processing plants, leather and allied product manufacturing, wood product manufacturing, paper manufacturing, chemical manufacturing, plastic and rubber products manufacturing, nonmetallic mineral product manufacturing, primary metal manufacturing, fabricated metal product manufacturing, and automotive and heavy equipment manufacturing.

Manufacturing, Light - The assembly of products, predominantly from previously prepared materials, including bulk storage and handling of such products and materials.

Open Space - That portion of the ground space on the same lot as the principal building which is either landscaped or maintained in its natural vegetative state, typically maintained for conservation or passive recreation purposes. Open Space shall not include those portions of a lot that are utilized for off-street parking or loading, driveway or building purposes.

Out-Patient Small Animal Surgical Facility - A veterinary facility that provides surgery for domesticated animals, predominantly dogs and cats. Short term overnight stays are permitted, but only if attendant to, and necessary for, proper recovery following surgery. Animals are housed indoors at all times, except for walking in an enclosed designated area, supervised by an attendant for the purpose of voiding or eliminating bodily waste.
Parcel Sorting and Retail Distribution - A fulfillment center, parcel hub or similar facility used for the storage, processing, distribution or redistribution of parcels or products and delivery to retail consumers and other end users by means of vehicles with a gross weight not to exceed 25,000 pounds.

Research and Development - A facility for scientific and engineering research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing.

Sound and Vibration impact Analysis – a study performed by a professional engineer that identifies existing sources of sound and vibration, predicts future noise and vibration levels, determines jurisdictional limits for noise and vibration, proposes development of noise and vibration control measures, recommended testing intervals for noise compliance and concludes with an overall assessment of the mitigation strategies.
§4.9 INDUSTRIAL EXPANSION (IX) DISTRICT  

A. Purpose – To provide suitable locations for industrial and office uses on or near major streets.  
B. The following uses are permitted subject to Site Plan Approval in accordance with Article VII:  
   1. Public utility facilities, buildings and storage yards.  
   2. Offices, including call centers and financial institutions. 
   3. Printing and publishing. 
   4. Research and development, operations, manufacturing, compounding, packaging and assembling materials and products and non-retail dry cleaning facilities, not using perchloroethylene in the cleaning process, in facilities of at least 25,000 square feet. 
   8. Food and Beverage Production.  
   9. Agriculture, farming, forestry, truck or nursery gardening, including greenhouses; keeping of livestock and poultry. 
   10. Hotels, conference center or combination thereof containing at least 150 guest rooms, not fewer than 150 sleeping rooms, provided that lot area of such facility shall not be less than 5 acres and be equal to the area requirement contained in §4.5.B.8.  
   11. Governmental buildings, facilities and uses.  
   12. Deleted 02/15/17 
   13. Outpatient Medical Treatment Facility 10/02/94 
   14. Nonresidential Elder Care Centers 03/19/95 
   15. Deleted 05/15/99 
   16. Outpatient Small Animal Surgical Facility, not less than five hundred (500') feet from all residential zones  
   17. Veterinary Facility  

C. The following permitted uses require approval of a Special Permit in accordance with §7.5: 
   1. Heliports, with the following provisions: 08/22/95 
      a. That the location is such that no undue nuisance or danger therefrom will affect any neighboring property and, 
      b. That the site provides adequate room for landing and taking off. 
   1. Parcels containing a portion of Watershed Protection Overlay Area 
      a. All parcels located within the IX (Industrial Expansion) district that contains a portion of the Watershed Protection Overlay Area as indicated by the Town of Wallingford Zoning Map shall be subject to a Special Permit for any project on that parcel to ensure that any potential impact on the watershed, including but not limited to the use and associated areas of disturbance, is assessed as part of the review by the Commission. 
   2. Uses in this zoning district generating 100 peak hours vehicle trips or more using the standards in the most recent edition of Trip Generation, ITE, or a more accurate source, if available, subject to the following: 04/16/94, 08/10/96, 10/18/03 
      a. Submission of a traffic impact analysis containing present roadway conditions, existing roadway capacity, existing and projected volumes (ADT, Peak A.M. and Peak P.M.), existing and projected volume capacity rations, existing and projected levels of service, existing and proposed sight lines, site generated traffic and traffic distributions, and traffic accident experience. 
      b. A traffic impact analysis will be required: 05/17/88 

§4.9 Industrial Expansion District
(1) For an **addition expansion** to an existing use, which use is now currently under the provisions of this section, and

(2) When an **addition expansion** to an existing use brings that use under the provisions of this section.

(3) The traffic impact analysis shall cover the entire use, not merely the **addition expansion**.

c. No traffic impact analysis or Special Permit will be required for an **addition expansion** to an existing Special Permit use if the **addition expansion** generates 25 peak hour vehicle trips or less. This provision shall be permitted to be used only once over the life of the use on a specific site.

d. In all cases in which the Commission **feels determines** that a peer review of the applicant’s traffic impact analysis is warranted, the applicant shall be required to reimburse the Town for the cost of the peer review. This payment shall be made to the Town prior to the peer reviewer beginning their work, decision by the Commission on the application.

3. Excavation and filling of land as per §6.10, subject to: 09/19/92

   a. All work must be complete, including final grading and seeding within 12 months of the start of the excavation and fill.

4. Deleted Parcel Sorting and Retail Distribution 11/17/97

5. Data Centers with accessory electrical substations:

a. Submission of a **Sound and Vibration Impact Analysis** containing detailed information concerning all activity, equipment and machinery associated with the use, sound and vibration levels resulting from such activity, equipment or machinery as well as all measures, including but not limited to those of a structural and/or nonstructural-related nature, necessary to mitigate noise and vibration and to ensure that the noise to be emitted from the proposed development does not substantially raise the established baseline environmental noise level, emit harmful sounds (i.e. infrasound) or create vibration levels to a degree that would adversely affect the neighboring properties.

   (1) In all cases in which the Commission determines that a peer review of the applicant’s noise and vibration impact analysis is warranted, the applicant shall be required to pay the Town for the cost of the peer review. This payment shall be made to the Town prior to the peer reviewer beginning their work.

   (2) The **Sound and Vibration Impact Analysis** shall include establishing an environmental baseline using ambient noise of the existing condition, potential noise impacts and mitigation, if required. Seasonal scenarios and hours of the proposed use shall also be considered during the analysis.

b. Screening of Mechanical Equipment. In order to minimize visibility from adjacent roads and adjacent properties, ground level and roof top mechanical equipment shall be screened. This screening may be provided by a principal building. Mechanical equipment not screened by a principal building shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building. Notwithstanding the requirements of this section, mechanical equipment located in a manner found to have no adverse impact on adjacent roads and adjacent properties, as determined by the Commission, shall not be required to be screened.

c. In addition to the requirements of Section 6.14 and Section 4.2.5.3, where any side/rear yard abutting property located within a non-industrial zoning district is not developed with commercial or industrial uses, the minimum side and rear yard setback shall be dictated by the **Sound and Vibration Impact Analysis** and shall in no case be less than 150 feet and shall include a 100-foot wide landscaped or natural open-space buffer with an earthen berm at least 6 feet in height with a grade no steeper than 3:1. The top of the
berm must be horizontal (level), with the width equal to at least three (3’-0”) feet. The landscaping must be comprised of grass or meadow mix with no trees or shrubs that could potentially affect the long-term integrity of the berm. Evergreen or native trees must also be planted every 10 linear feet along the outside edge of the berm to provide extra screening for residential properties. All substations shall be properly screened with evergreen trees not to exceed 10 feet in height. All substations shall also be surrounded by fencing; all fencing shall be designed to withstand ice/wind loading. All substations must be located a minimum of 750 feet from a residential property or residential zoning district.

D. The following permitted uses require a Special Exception from the ZBA:

1. Child day care centers.
2. Group day care homes.
3. Satellite receiving dishes or dish type antennae in excess of two feet in diameter subject to the following conditions: 11/19/95
   a. Shall not be located between any street line and the building to which it is accessory.
   b. If roof mounted, shall not exceed a height of 15 feet.
   c. Shall be properly screened and/or landscaped.

E. The following accessory uses are permitted:

1. Uses and structures accessory to a permitted use.
2. Signs in accordance with §6.9.
3. Off-street parking and loading in accordance with §6.11.
   a. The commission may waive up to 50 percent of the required parking area if the applicant demonstrates that such a waiver is warranted, providing that an area equal to the space required for such parking shall be reserved at the site in conformance with the requirements of this chapter. Loading docks to be located at side or rear. The Commission may require screening of loading areas when such areas are visible from public rights-of-way.
4. Retail operations which are obviously secondary to, but integrated with, the main use on the premises, provided that the retail operation shall not utilize more than 3,000 square feet or 10 percent of the GFA of the principal use, whichever is smaller.
5. Ancillary Accessory food service and recreation facilities for the use of employees or clientele of uses in §4.9.B.
6. Accessory buildings as per §6.2.B. 09/19/92
7. Outside storage as per §6.12. 09/19/92
8. Satellite receiving dishes of two feet or less in diameter not located within a required front yard for a principal structure. 11/19/95
9. Hydrogen road vehicle fuel station operations secondary to the main hydrogen generation equipment manufacturing provided that it is for the purposes of demonstration and/or testing prototype hydrogen fueling equipment as manufactured by the site operator and provided that the hydrogen road vehicle fuel station operation shall not fuel more than thirty (30) vehicles per day or dispense more than one-hundred (100) kilograms of hydrogen per day. 12/1/16 1/16/10
10. Building- or ground-mounted solar panels and satellite dishes or dish type antenna, accessory to and providing electricity entirely for or service to the subject property provided they:
   a. Shall not exceed 15 feet in height, including all supporting structures.
   b. Shall not be located within any required front yard for a principal structure.

§4.9 Industrial Expansion District
c. Shall be fully screened, with a combination of fencing and vegetation, from any adjacent property line and the street line.

d. Shall be subject to and part of the overall building coverage standard for the property.

e. Technical literature shall be submitted to supplement any proposed application for the above.

11. Electric Vehicle Charging Station (EVS) for use by on-site associated vehicles.
   a. Parking spaces associated with any EVS must meet all standards of Sections 2.3.E. and 6.11.
   b. Parking spaces associated with any EVS may be used to meet a minimum parking requirement per Section 6.11.

F. Special Requirements
1. Deleted
2. A description of the proposed operations in sufficient detail for a determination of whether or not they are permitted in the district.
3. Any use within the IX District shall be established, operated and maintained in such a manner as to provide that each use shall be a good neighbor and in no way detract or limit the intended development of the area———09/22/95
3. Landscaping – in addition to the landscaping requirements of §6.14, the following additional requirements shall apply in the IX District:
   a. Front landscaped area—There shall be a front landscaped area equal to the required front yard contained in §5.1.C, abutting the front property line(s).
   b. Wherever feasible, the required open space areas shall be larger areas contiguous to both on-site and off-site existing open space areas. Open space areas shall promote natural and native landscaping rather than regularly mowed, fertilized or similarly maintained grounds.
   c. At least 75% of the minimum required open space shall consist of undisturbed, natural and native land, or other land areas that will be returned to a native and natural state that promote pre-development stormwater infiltration and percolation. The use of fertilizers and pesticides on remaining Open Space is discouraged.

G. The following uses are permitted subject to approval of a Zoning Permit:
1. Structure or rooftop mounted antennas, subject to the requirements and procedures listed in §6.25———05/18/97
   a. Mobile Food Vendor, subject to the following: 06/14/14
      a. Must be removed from the permitted location for at least four (4) hours in any 24 hour period.
      b. Must be located on private property, and provide written permission from the owner of said property.
      c. Must be located within permitted parking area, not within any required landscaped areas.
      d. If vendor occupies parking spaces, those spaces must be in excess of the other current uses on the site. Should such use(s) on the site change so as to require said spaces so as to comply with parking requirements, the mobile food vendor shall no longer be permitted to occupy said spaces.
      e. Must also have available two (2) parking spaces in addition to those required for the other current uses on the site. Should such use(s) on the site change so as to require said space so as to comply with parking requirements, the mobile food vendor shall no longer be permitted to utilize said spaces.

$4.9 Industrial Expansion District
f. Must be mounted on wheels or other method of moveable design, and must be readily moveable. If the operation is not immediately mobile, it shall be considered a “building” and be required to comply with applicable regulations for buildings.

g. Must be self-contained; connections to external utilities shall not be permitted.

h. Shall not have any signage beyond that which is affixed to the food service unit; temporary signage per Section 6.9.C shall not be permitted for a mobile food vendor.

i. No storage or location of any materials, seating, or other items associated with the mobile food vendor shall be permitted to be kept or located outside of the food service unit.

j. Shall obtain any necessary approvals under Health Code, Ordinance, or any other state or local requirements.

H. The following uses are permitted and do not require any zoning approval:

1. Mobile Food Vendor, provided any of the following conditions are met:
   a. Will not be located/parked on a property for more than twenty (20) days in any 365-day period; OR
   b. Is not located on the same property for more than four (4) hours in any 24-hour period.

   06/14/14

§4.9 Industrial Expansion District
§4.10 Watershed Interchange (WI) District

A. Purpose - To utilize land with accessibility to Interstate Route 91 located in the Wallingford Watershed Protection District in a manner designed to best protect the Town's public drinking water supply resources while allowing low intensity uses and emerging technological development.

B. The following uses are permitted subject to Site Plan Approval in accordance with Article VII:

1. Food and Beverage Production.
3. Research and Development.
4. Warehousing and Distribution, excluding freight terminals and drop yards.
5. Public utility facilities and buildings without storage yards.
6. Offices, including call centers and financial institutions.
7. Hotels, conference centers or combination thereof containing at least 150 guest rooms.
8. Governmental buildings, facilities and uses.
9. Outpatient Medical Treatment Facility.
10. Nonresidential Elder Care Centers.
11. Existing residential uses.
12. Child Day Care Centers.
15. Indoor Recreation Facilities.

C. The following permitted uses require approval of a Special Permit in accordance with §7.5:

1. Uses in this zoning district generating 100 peak hours vehicle trips or more using the standards in the most recent edition of Trip Generation, ITE, or a more accurate source. If available, subject to the following:
   a. Submission of a traffic impact analysis containing present roadway conditions, existing roadway capacity, existing and projected volumes (AOT, Peak A.M. and Peak P.M.), existing and projected volume capacity ratios, existing and projected levels of service, existing and proposed sight lines, site generated traffic and traffic distributions, and traffic accident experience.
   b. A traffic impact analysis will be required:
      (1) For an expansion to an existing use, which use is now under the provisions of this section, and
      (2) When an expansion to an existing use brings that use under the provisions of this section.
      (3) The traffic impact analysis shall cover the entire use, not merely the addition.
   c. No traffic impact analysis or Special Permit will be required for an expansion to an existing Special Permit use if the expansion generates 25 peak hour vehicle trips or less. This provision shall be permitted to be used one time over the life of the use on a specific site.
   d. In all cases in which the Commission determines that a peer review of the applicant's traffic impact analysis is warranted, the applicant shall be required to pay the Town for the cost of the peer review. This payment shall be made to the Town prior to the peer reviewer beginning their work.
2. Data Centers with accessory electrical substations:
   a. Submission of a Sound and Vibration Impact Analysis containing detailed information concerning all activity, equipment and machinery associated with the use, sound and vibration levels resulting from such activity, equipment or machinery as well as all measures, including but not limited to those of a structural and/or nonstructural related nature, necessary to mitigate noise and vibration and to ensure that the noise to be emitted from the proposed development does not substantially raise the established baseline environmental noise level, emit harmful sounds (i.e., infrasound) or create vibration levels to a degree that would adversely affect the neighboring properties.
      (1) In all cases in which the Commission determines that a peer review of the applicant's noise and vibration impact analysis is warranted, the applicant shall be required to pay the Town for the cost of the peer review. This payment shall be made to the Town prior to the peer reviewer beginning their work.
      (2) The Sound and Vibration Impact Analysis shall include establishing an environmental baseline using ambient noise of the existing conditions, potential noise impacts and mitigation, if required. Seasonal scenarios and hours of the proposed use shall also be considered during the analysis.
   b. Screening of Mechanical Equipment. In order to minimize visibility from adjacent roads and adjacent properties, ground level and roof top mechanical equipment shall be screened. This screening may be provided by a principal building. Mechanical equipment not screened by a principal building shall be screened by a visually solid fence, screen wall or panel, parapet wall or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building. Notwithstanding the requirements of this section, mechanical equipment located in a manner found to have no adverse impact on adjacent roads and adjacent properties, as determined by the Commission, shall not be required to be screened.
   c. Where any side/rear yard abutting property located within a non-industrial zoning district is not developed with commercial or industrial uses, the minimum side and rear yard shall be dictated by the sound study and shall in no case be less than 150 feet and include a 100-foot landscaped or natural open space buffer with an earthen berm at least 6 feet in height and a grade no steeper than 3:1. The top of the berm must be horizontal (level), with the width equal to at least three (3' 0") feet. The landscaping must be comprised of grass or meadow mix, with no trees or shrubs that could potentially affect the long-term integrity of the berm. Evergreen or native trees must also be planted every 10 linear feet along the outside edge of the berm to provide extra screening for residential properties. All substations shall be properly screened with evergreen trees not to exceed 10 feet in height. All substations shall also be surrounded by fencing; all fencing shall be designed to withstand ice/wind loading. All substations must be located a minimum of 400 feet from a residential property or residential zoning district.

D. The following accessory uses are permitted:
   1. Uses and structures accessory to a permitted use.
2. Signs in accordance with §6.9.
3. Off-street parking and loading in accordance with §6.11 and the following:
   a. The commission may waive up to 75% of the required parking area if the applicant demonstrates that such a waiver is warranted, provided that
      (1) an area equal to the space required for such parking, topographically suited for parking and in addition to the minimum open space area requirement shall be reserved at the site in conformance with the requirements of this chapter and,
      (2) any later use of this reserved area for actual parking would allow the property to remain conforming in regard to the open space requirements of the WI District.
   b. Loading docks to be located in side or rear yards. The Commission may require screening of loading areas when such areas are visible from public rights-of-way.
   c. The maximum number of permitted surface parking spaces on any property shall be 120% of the minimum required parking listed in §6.11.
   d. On any property the maximum number of permitted tractor-trailer parking and loading spaces, excluding those adjacent to loading bays, shall be 120% of total number of approved loading bay doors.
   e. Notwithstanding §4.13.D, parking in excess of these requirements may be proposed using the following mitigation strategies:
      (1) A green roof, permeable pavers, or porous pavement, having an area that provides a 1:1 offset for additional square feet of impervious for additional parking spaces and associated drive aisles, may be provided.
      (2) Parking in excess of these requirements may be provided in a parking garage or underground structure. Such structures shall be included in building coverage calculations.
4. Landscaping - In addition to the landscaping requirements of §6.14, the following additional requirements shall apply in the WI District:
   a. Front landscaped area - There shall be a front landscaped area equal to the required front yard contained in §5.1.C. abutting the front property line(s).
   b. Wherever feasible, the required open space areas shall be larger areas contiguous to both on-site and off-site existing open space areas. Open space areas shall promote natural and native landscaping rather than regularly mowed, fertilized or similarly maintained grounds.
   c. At least 75% of the minimum required open space shall consist of undisturbed, natural and native land, or other land areas that will be returned to a native and natural state that promote pre-development stormwater infiltration and percolation. The use of fertilizers and pesticides on remaining Open Space is prohibited, except in the case of invasive species management.
5. Retail operations which are secondary to, but integrated with, the main use on the premises, provided that the retail operation shall not utilize more than 3,000 square feet or 10% of the GFA of the principal use, whichever is smaller.
6. Accessory feed service and recreation facilities for the use of employees of uses in §4.10.B.
7. Hydrogen fuel vehicle fuel station operations secondary to the main hydrogen generation equipment manufacturing provided that it is for the purposes of demonstration and/or testing prototype hydrogen fueling equipment as manufactured by the site operator and provided that the hydrogen fuel vehicle fuel

§4.10 Watershed Interchange District
station operation shall not fuel more than thirty (30) vehicles per day or dispense more than one-hundred (100) kilograms of hydrogen per day.

8. Building-mounted solar panels and satellite dishes or dish type antenna, accessory to and providing electricity entirely for or service to the subject property provided they:
   a. Shall not exceed 15 feet in height, including all supporting structures.
   b. Shall not be located within any required front yard for a principal structure.
   c. Shall be fully screened, with a combination of fencing and vegetation, from any adjacent property line and the street line.
   d. Shall be subject to and part of the overall building coverage standard for the property.
   e. Technical literature shall be submitted to supplement any proposed application for the above.

9. Electric Vehicle Charging Station (EVS) for use by on-site associated vehicles,
   a. Parking spaces associated with any EVS must meet all standards of Sections 2.3.E. and 6.11.
   b. Parking spaces associated with any EVS shall be used to meet the minimum parking requirement per Section 6.11 and the maximum parking requirement per Section 4.10.E.3.b.

F. The following uses are permitted subject to approval of a Zoning Permit:
   1. Mobile Food Vendor, subject to the following:
      a. Must be removed from the permitted location for at least four (4) hours in any 24-hour period.
      b. Must be located on private property, and provide written permission from the owner of said property.
      c. Must be located within permitted parking area, not within any required landscaped areas.
      d. If vendor occupies parking spaces, those spaces must be in excess of the other current uses on the site. Should such use(s) on the site change so as to require said spaces so as to comply with parking requirements, the mobile food vendor shall no longer be permitted to occupy said spaces.
      e. Must also have available two (2) parking spaces in addition to those required for the other current uses on the site. Should such use(s) on the site change so as to require said space so as to comply with parking requirements, the mobile food vendor shall no longer be permitted to utilize said spaces.
      f. Must be mounted on wheels or other method of moveable design, and must be readily moveable. If the operation is not immediately mobile, it shall be considered a "building" and be required to comply with applicable regulations for buildings.
      g. Must be self-contained, connections to external utilities shall not be permitted.
      h. Shall not have any signage beyond that which is affixed to the food service unit; temporary signage per Section 6.9.C shall not be permitted for a mobile food vendor.
      i. No storage or location of any materials, seating, or other items associated with the mobile food vendor shall be permitted to be kept or located outside of the food service unit.
      j. Shall obtain any necessary approvals under Health Code, Ordinance, or any other state or local requirements.
§4.13 WATERSHED PROTECTION OVERLAY DISTRICT (WPD)

A. Purpose – An overlay district which provides for additional conditions, standards and safeguards to the permitted uses of the underlying district in order to protect and maintain the surface waters of the Wallingford, Meriden and South Central Connecticut Regional Water Authority (SCCRWA) Public Drinking Water Supply Watersheds to a quality consistent with their use as the primary source of drinking water for Wallingford and area towns.

B. Stormwater Management

In addition to the Stormwater Management requirements in §4.12 and Section VIII of the Water Division Water Technical Standards (latest edition), including standard details, the following additional requirements shall apply in the Watershed Protection District:

1. The following requirements for the treatment and management of stormwater runoff shall apply to all commercial, industrial, institutional, public authority or multi-unit residential developments within the Watershed Protection District.

   a. Direct channeling of untreated surface water runoff into adjacent ground and surface waters shall be prohibited.

   b. The Water Quality Volume (WQV), as defined by the first 1.0" of rainfall that falls upon the finished surface area of all impervious and semi-pervious areas (including but not limited to Portland cement concrete, bituminous concrete (asphalt), brick, paving stones, pavement millings, and "chip seal" pavement), and excluding the roofed area of all buildings, shall be treated with the below treatment train:

      (i) Diversion Structure – A manhole or catch basin structure located at the downstream end of the stormwater collection system designed to divert the WQV from the stormwater collection system to the following treatment train. The diversion structure shall include a weir or baffle wall to divert all volume in excess of WQV around the stormwater treatment system into the conventional stormwater management system.

      (ii) Oil-water-grit separator – A multi-chambered, baffled, flow-through tank shall be located downstream of the diversion structure to remove and retain sediment, floatables, oils and greases from the WQV.

      (iii) Filtration Basin – An open surface basin (separate from any stormwater detention basins required for peak flow attenuation) constructed with a sand filter bottom and underdrain pipe system designed to hold and filter the WQV. The treated stormwater will discharge to a stormwater detention basin required for peak flow attenuation or a watercourse downstream of the site.

   c. Prior to the Commission acting on the application, a review of projects located within a Watershed Protection District shall be completed by the Wallingford Water Division and comments and recommendations submitted to the Commission.

   d. A minimum 100-foot buffer must be maintained between any surface waters, wetlands and the developed land area located in the Watershed Protection District. This buffer
shall be measured from the edge of the surface water or from the edge of its directly adjacent wetland, whichever provides a greater area of non-disturbance.

2. Applicants are encouraged to exceed the minimum drainage standards set forth in §4.12 to increase positive impacts in flood-prone and public drinking water supply areas.

3. Proposed stormwater management plans are to conform to the technical guidance and procedures as applicable to the most recent version of the Department of Public Health “General Construction Best Management Practices for Sites within a Public Drinking Water Supply Area”.

4. Operation & Maintenance Plans

   a. Property owners in the Watershed Protection Overlay District shall allow the Commission, its agents, and the Town of Wallingford reasonable access to the site for inspection purposes to ensure the owner properly maintains and operates the stormwater management and treatment systems. The Commission, its agents, and the Town may periodically take water samples and determine when repairs, maintenance and replacement of the stormwater treatment system components are necessary to comply with the requirements of this section.

C. Landscaping

In addition to the landscaping requirements of §6.14, the following requirements for landscaping shall apply to all commercial, industrial, institutional, public authority or multi-unit residential developments within the Watershed Protection District.

1. Front landscaped area- There shall be a front landscaped area equal to the required front yard contained in §5.1 abutting the front property line(s).

2. Unless applicant demonstrates it can’t be accomplished, open space areas shall be larger areas contiguous to both on-site and off-site existing open space areas. Open space areas shall promote natural and native landscaping rather than regularly mowed, fertilized or similarly maintained grounds.

3. At least 75 percent of the minimum required Open Space located on properties within the Watershed Protection District shall consist of undisturbed, natural and native land, or other land areas that will be returned to a native and natural state.

4. Landscaping within parking lots

The landscaping requirements in this section are intended to maximize the pervious areas in any parking lot in order to optimize natural infiltration of rainwater, intercept and manage stormwater runoff, and provide an aesthetic setting for development. In order to accomplish these goals, the following standards shall apply:

   a. Developments with proposed parking areas of between 15 and 29 spaces shall provide at least 25 square feet of landscaping per space. Such landscaped open space may be provided in the form of islands, aesthetic landscape treatments, pedestrian refuge/oasis areas, and may include the perimeter buffer between the parking lot and adjacent streets.
b. Developments with proposed parking areas of 30 or more spaces shall provide landscaped islands with a minimum size of 9-feet by 18-feet throughout the parking area planted with a mix of shrubs and trees. Such islands shall be located:

(i) at each parking lot entrance;
(ii) at the ends of each parking aisle;
(iii) as intermediate islands in long rows of spaces, located every 15 spaces;
(iv) as separation between long rows of parking spaces where they abut other rows; and
(v) as separation between pedestrian walkways and parking spaces and/or driving aisles.

(vi) Depressed islands without curbing and with stone buffer strips shall be evaluated such that stormwater runoff can flow into the islands for infiltration. As applicable a catch basin or yard drain can be located in the curbless islands to convey excess stormwater runoff away from the parking area.

c. A minimum of one deciduous or evergreen tree and two shrubs shall be planted on the parking lot islands for every 10 parking spaces. Trees and shrubs shall conform to the following standards:

(i) Deciduous trees shall be planted at 3 inches in caliper with a mature height of at least 35 feet.
(ii) Evergreen trees shall be coniferous species planted at 6 feet in height.
(iii) Shrubs shall be either deciduous species planted at 2 ½ feet in height or evergreen species planted at 2 ½ feet in spread.
(iv) Trees and shrubs shall be situated such that they do not obstruct vehicle sight lines when fully grown.

D. Parking Lots - All newly constructed parking areas must conform to §4.12 of these regulations as well as the additional requirements listed below:

1. Lot Treatment - No parking lot containing more than ten parking spaces shall be treated with sodium chloride for ice control in parking spaces, drive aisles, and driveways.

2. The maximum number of permitted parking spaces on properties in any designated Watershed Protection District shall be 120% of the parking requirements listed in §6.11.

3. The maximum number of permitted tractor-trailer parking and loading spaces, excluding those adjacent to loading bays, shall be 120% of total number of approved loading bay doors.

4. Stormwater management systems in parking lots shall be designed in accordance with BMPs as described in the most recent version of the Connecticut Stormwater Quality Manual (CTDEEP), the most recent version of the Department of Public Health "General Construction Best Management Practices for Sites within a Public Drinking Water Supply Watershed Protection District".
Area," and in accordance with the erosion and sedimentation control requirements and to meet the following general standards:

a. Infiltration of stormwater shall be accommodated to the extent possible through limitation of land disturbance and grade changes, retention of existing natural drainage areas and wetlands and use or creation of vegetated islands, vegetated medians and vegetated perimeter buffer strips.

b. Site plans must include information regarding all existing and proposed landscaping and stormwater management structures and features.

c. Natural drainage patterns shall be maintained to the extent practicable. The applicant must demonstrate through information provided on and in association with the proposed Site Plan, the existing and proposed drainage patterns and calculated flows.

d. Parking lot drainage shall be designed such that all surface run-off (both piped and overland flow) is conveyed through a vegetated swale, vegetated filter strip, created wetlands, rain gardens, or detention basins with bio-filtration prior to discharge into the treatment system.

e. The use of native grasses and small-diameter wood-stemmed shrubs is encouraged as plantings for all vegetated swales, vegetated filter strips, created wetlands, rain gardens or detention basins with bio-filtration.

f. Direct discharge of untreated stormwater, including from parking areas, to any designated watercourse, natural wetland or waterbodies is prohibited.

g. Stormwater run-off discharged to wetlands must be diffused to non-erosive velocities prior to reaching any natural wetland based on calculations submitted with the application package.

h. The applicant must demonstrate that any receiving wetlands or waterbodies have sufficient holding capacity, based on calculations submitted with the application package.

i. All stormwater BMPs shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure. Design and maintenance guidelines to be followed shall be in accordance with the most recent version of the Connecticut Stormwater Quality Manual (CTDEEP), as amended.

E. Sidewalk Treatment

1. Sodium chloride shall not be applied to sidewalks or other impervious walkways.

F. Installation of Storage Containers:

1. All storage vessels located within a Watershed Protection District that will hold hazardous, toxic, and/or contaminated materials, either solid or liquid, shall be constructed of non-porous material. Hazardous, toxic and contaminated materials shall be as defined in Title 49, Code of Federal Regulations, Parts 170-179. (Department of Transportation)
2. All storage vessels for liquid material located above ground or in a building shall be contained within a non-porous structure with secondary confinement large enough to retain 125 1/2 of the volume of the primary storage vessel should the storage vessel rupture. The only exception to this requirement shall be storage vessels of 275-gallon capacity or less in residential homes.

3. All storage vessels for liquid or solid material located below ground, and not in a building, shall be positioned within a non-porous vault large enough to retain all of the stored material should the storage vessel rupture. An alternative to the non-porous vault may be a dual-walled vessel with a UL approval. The dual-wall vessel shall be construction with a secondary wall completely surrounding the primary wall, and there shall be a definite annular space between them.

4. A monitoring system shall be incorporated for all buried installations to detect leaks. The leak monitoring system may be a simple flexible dipstick capable of protruding into the space between tank and vault or the annular space to be provided with the dual-wall system. Electronic systems will also be acceptable.

5. For all installations not meeting at least one of the exemptions listed below, a written inventory record itemizing the balance of incoming material vs. outgoing material shall be kept on a daily basis. A record of the monitoring results shall also be kept on a daily basis. These records shall be available on demand without notice to officials of the Town Water Division or Fire Prevention Bureau. Facilities shall be exempt from the daily reporting requirements if they:


   b. Meet one of the exemptions defined in §22a-449(d)-1(c) of the regulations for Nonresidential Underground Storage of Oil and Petroleum Liquids promulgated by the Connecticut Department of Energy and Environmental Protection, October 7, 2016 or latest edition.

6. Written authorization shall be obtained from both the Wallingford Water Division and the Fire Prevention Bureau prior to installation of storage containers to ensure proper installation and such authorization may be reviewed annually.

G. Special Permit Uses - In considering proposed uses on properties within this overlay district that require a Special Permit in the underlying zone, the Commission shall consider potential impacts to the watershed based on the specifics of the proposal, including but not limited to: amount of impervious area, minimization of parking/loading spaces as practicable, cohesiveness of open space area, maintenance of open space area in its natural state as opposed the development of lawn, proposed stormwater runoff treatment system, proposed parking area/sidewalk treatment for winter. In its approval, the Commission may include conditions of approval that it deems necessary in order to best protect the watershed, in addition to the requirements of this section.
## §5.1C Schedule of Lot and Building Requirements – Industrial Expansion, Interchange Districts and Design Districts

### Minimum Yards (feet)

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Lot Area (sq.ft.)</th>
<th>Minimum Frontage (feet)</th>
<th>Front (1)</th>
<th>Side (each)</th>
<th>Rear</th>
<th>Minimum Open Space (percent)</th>
<th>Maximum Building Coverage (percent)</th>
<th>Building Height (feet)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>RF-40 Use Group A</td>
<td>40,000</td>
<td>150</td>
<td>50</td>
<td>20</td>
<td>50</td>
<td>25</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>RF-40 Use Group B</td>
<td>40,000</td>
<td>150</td>
<td>50</td>
<td>20</td>
<td>50</td>
<td>25</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>I-40</td>
<td>40,000</td>
<td>150</td>
<td>50</td>
<td>25</td>
<td>50</td>
<td>0</td>
<td>35</td>
<td>30</td>
</tr>
<tr>
<td>1-20</td>
<td>20,000</td>
<td>100</td>
<td>25</td>
<td>12</td>
<td>30</td>
<td>0</td>
<td>33.5</td>
<td>30</td>
</tr>
<tr>
<td>IX</td>
<td>217,800</td>
<td>250</td>
<td>60</td>
<td>30</td>
<td>50</td>
<td>25 40 35</td>
<td>25 20 40</td>
<td>30*** 6/15/02</td>
</tr>
<tr>
<td>WI</td>
<td>217,800</td>
<td>200 250</td>
<td>100</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>15</td>
<td>40**</td>
</tr>
<tr>
<td>DD-40</td>
<td>40,000</td>
<td>150</td>
<td>50</td>
<td>25</td>
<td>50</td>
<td>25</td>
<td>35</td>
<td>30</td>
</tr>
<tr>
<td>DD-18</td>
<td>18,000</td>
<td>100</td>
<td>25</td>
<td>12</td>
<td>30</td>
<td>25</td>
<td>35</td>
<td>30</td>
</tr>
<tr>
<td>QS0</td>
<td>200,000</td>
<td>500</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>0</td>
<td>10</td>
<td>30</td>
</tr>
</tbody>
</table>

(1) See Section 5.2.F.

* The maximum building height may be increased, provided the setback requirements are increased one foot for each additional foot of building height.

** The maximum height may be increased by one (1') foot for every two (2') feet by which the distance of such portion lies inside the nearest line of any required front, side and rear yard, to a maximum of sixty (60') feet. The maximum height may be further increased beyond sixty (60') feet by one (1') foot for every five (5') feet by which distance of such portion lies inside the nearest line of any required front, side and rear yard to a maximum height of eighty (80') feet, provided that no portion of the building shall lie within five-hundred (500') feet of a residential zone.

*** The maximum building height may be increased one foot for each five feet increased in the minimum front, side and rear yard setback.
§6.11 OFF-STREET PARKING AND LOADING FACILITIES

A. Parking facilities required - On all premises developed, expanded or changed in use after the adoption of these regulations for any purpose, parking facilities shall be provided off the street or highway right-of-way, sufficient to accommodate the vehicles of all occupants, employees, customers and other persons normally visiting the premises at any one time.

B. Location of facilities - Required parking facilities shall be provided on the same lot as the building they serve, except as provided elsewhere in these regulations. Two or more parking facilities on adjoining lots, if designed for use as a single parking area, may use the same means of access. In single-family residential districts, no parking shall be allowed in front yards, except on driveways or on turn-arounds in side yards.

C. Required minimum parking area - Parking facilities shall contain space for vehicles in accordance with the following table. Parking shall not infringe on driveways needed for access except in the case of a single or two-family dwelling unit. Parking areas shall be landscaped in accordance with the provisions of §6.14.E.

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Number of Car Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwelling unit</td>
<td>2 spaces</td>
</tr>
<tr>
<td>Two-family dwelling unit</td>
<td>4 spaces</td>
</tr>
<tr>
<td>Three-family dwelling unit</td>
<td>6 spaces</td>
</tr>
<tr>
<td>Multi-family dwelling units</td>
<td></td>
</tr>
<tr>
<td>Studio or 1-bedroom unit</td>
<td>1.75 spaces per unit</td>
</tr>
<tr>
<td>2-bedroom unit</td>
<td>2.25 spaces per unit</td>
</tr>
<tr>
<td>3-or more bedroom unit</td>
<td>2.50 spaces per unit</td>
</tr>
<tr>
<td>Public housing for the elderly</td>
<td>1 space per unit</td>
</tr>
<tr>
<td>Offices, financial institutions</td>
<td>1 space for each 250 square feet GFA</td>
</tr>
<tr>
<td>Medical, dental offices, clinics</td>
<td>1 space for each 150 square feet GFA</td>
</tr>
<tr>
<td>Permitted home occupations</td>
<td>3 spaces or equal to twice GFA used for such purpose, whichever number of spaces is greater</td>
</tr>
<tr>
<td>Retail stores, personal service shops</td>
<td>1 space for each 250 square feet GFA</td>
</tr>
<tr>
<td>Restaurants, nightclubs, taverns, pubs with or without provisions for a dance floor</td>
<td>1 space for each 75 square feet of customer seating, standing or dancing area</td>
</tr>
<tr>
<td>Category</td>
<td>Requirement</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Hotels, motels</td>
<td>1 space for each unit, 1 space for each 75 square feet of GFA of restaurants or banquet area, 1 space for each 50 square feet of GFA of nightclub or lounge area—customer seating, standing or dancing area</td>
</tr>
<tr>
<td>Boarding houses</td>
<td>1 space for each boarder</td>
</tr>
<tr>
<td>Bed &amp; Breakfast</td>
<td>2 spaces for the owner-occupant, 1 space per guest bedroom used in the operation of the bed and breakfast</td>
</tr>
<tr>
<td>Theaters, churches and assembly halls having fixed seats</td>
<td>1 space for each 3 seats</td>
</tr>
<tr>
<td>Bowling alleys</td>
<td>5 spaces for each alley</td>
</tr>
<tr>
<td>Assembly halls and other places of assembly not having fixed seats</td>
<td>1 space for each 50 square feet of GFA</td>
</tr>
<tr>
<td>Hospital, sanitariums, nursing homes</td>
<td>1 space for every 4 beds plus 1 space for every 3 persons employed at one time</td>
</tr>
<tr>
<td>Automobile repair shops, garages and gas stations</td>
<td>5 spaces per bay plus 1 space per employee plus 2 spaces</td>
</tr>
<tr>
<td>Manufacturing plants (Light and General), including Food and Beverage Production</td>
<td>1 space for every 2 persons employed at any one time but not less than 1 space for each 500 square feet of floor area</td>
</tr>
<tr>
<td>Wholesale distributing plants warehouses, trucking terminals</td>
<td>1 space for every 2 persons employed at any one time but not less than 1 space for each 1,000 square feet of GFA</td>
</tr>
<tr>
<td>Storage warehouses</td>
<td>1 space for every 2 persons employed at any one time but not less than 1 space for each 1,500 square feet of GFA</td>
</tr>
<tr>
<td>Pharmaceutical research and development, and specialty chemical application laboratories</td>
<td>1 space for every 1.5 persons employed at any time but not less than 1 space for each 1,000 sq.ft. of GFA</td>
</tr>
<tr>
<td>Specialty chemical additives production process</td>
<td>1 space for every person employed at any one time, but not less than 1 space for each 3,500 sq.ft. of GFA</td>
</tr>
</tbody>
</table>

§6.11 Off-Street Parking and Loading Facilities
<table>
<thead>
<tr>
<th>Category</th>
<th>Requirement</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research and Development Laboratories</td>
<td>1 space for every 2 persons employed at any one time but not less than 1 space for each 400 1,000 square feet of GFA</td>
<td></td>
</tr>
<tr>
<td>Out-patient Surgical Centers</td>
<td>1 space for each 250 square feet of GFA</td>
<td>12/19/92</td>
</tr>
<tr>
<td>Parcel sorting &amp; retail distribution</td>
<td>1 parking space for each 1,500 square feet of GFA and 1.5 parking spaces for each retail delivery vehicle stored on-site</td>
<td></td>
</tr>
<tr>
<td>Data centers</td>
<td>1 parking space for each employee at peak shift</td>
<td></td>
</tr>
<tr>
<td>Indoor recreation facility</td>
<td>1 parking space for each 750 square feet GFA</td>
<td></td>
</tr>
<tr>
<td>Other uses not listed above</td>
<td>Parking facilities as determined by the Commission</td>
<td></td>
</tr>
</tbody>
</table>
§6.12 OUTSIDE STORAGE

A. Outside storage, including storage of merchandise, supplies, machinery and other materials shall be allowed only in commercial, design, industrial, industrial expansion, zoning districts: Commercial, Design, I-40, I-20, IX, and the Route 5 districts. Outside storage areas shall not extend into the area required for setback from a street line or into the required sidelines adjacent to a residential, multi-family, rural, or limited business district. Outside storage areas shall be enclosed by buildings, fences, walls, landscaped earthen berms, or evergreen shrubs or trees, so as to screen the storage area from view from any other lot or from any street. Such screening shall not apply to areas for the parking of registered motor vehicles in daily use or the parking of new or used motor vehicles, heavy equipment, farm equipment, or boats on bonafide sales lots.

B. Metal Containers
Metal containers and trailers for storage purposes are permitted in CB, I-20, I-40, IX, and RF zones subject to the following conditions:
1. Such containers shall be located in rear yards and shall comply with the standard rear and side yard building setbacks for the district. In addition, the coverage area of such containers in conjunction with the coverage area of permanent structures shall not exceed the overall building maximum coverage percentage of the zone in which the property is located.
2. Metal containers and trailers shall be screened from any street line by buildings, fences, walls, landscaped berms or evergreen shrubs and trees. In addition, on portions of properties adjacent to any zone other than CB, I or RF zones, such containers shall also be screened by means of walls, berms, fences or evergreen plantings from properties in other zones.
3. Such containers may not be placed in such a manner as to reduce the number of available parking spaces on the property to less than that required by §6.11.C.
4. Such containers may not be placed on vacant lots or any property without a permanent structure.
Referral 2.3: City of West Haven

Subject:

Proposed Zoning Regulation Amendments to Section 49.1 (Marijuana Facilities) and Table 39.2P

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:

The City of West Haven has proposed to amend Section 49.1 (Marijuana Facilities) to add “Cannabis Establishments” to the regulation. The existing use is “Marijuana Facilities (Dispensaries and Producers). The use is allowed by Special Permit in the LM Zoning District. Section 21a-408 (Palliative Use of Marijuana) and 21-420 (Responsible and Equitable Regulation of Adult-Use Cannabis Act) is now referenced in the definitions. “Cannabis Establishment” has been added to the definition sections. The specific standards already applicable to Marijuana Facilities that would apply to the “Cannabis Establishment” use can be reviewed in the Agenda Packet.

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.
APPLICATION FOR CHANGE TO ZONING REGULATIONS

1. Article and Section of Zoning Regulations
   Section 49.1 (Marijuana Facilities), and Table 39.2 P.

2. What special condition or reason makes passage of this amendment necessary?
   The Connecticut General Assembly passed Bill No. 1201 "Responsible and Equitable Regulation of Adult-Use Cannabis" which made the retail sale of cannabis legal in the State of CT.

3. What other circumstances (i.e., public health, safety or general welfare) would justify the amendment?
   The current law in effect allows for the retail sale of cannabis in the same manner as liquor stores. These proposed regulations would regulate cannabis sale in the same manner as current marijuana uses.

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: 2/15/2022

   Daytime Phone: 203-937-3580
   Business ☑ Home ☐ Fax: ☐ Cell: ☐
   E-mail: csoto@westhaven-ct.gov

   Signature of APPLICANT
   Christopher Soto

5. Counsel Information
   Name: Lee Tiernan, Corporation Counsel
   Firm: City of West Haven
   Street Address: 395 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.)
### Table 39.2 Summary Table of Uses in Commercial, Mixed Use, Industrial & Other Districts

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Commercial</th>
<th>Mixed Use</th>
<th>Industrial</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ND</td>
<td>RP</td>
<td>RPD</td>
<td>GSD</td>
</tr>
<tr>
<td>Vehicle Service, Repair, including Body Work</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td>Canwash</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td>Gas or Fuel station, incl. Convenience Store</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td>Motor Vehicle Junkyard</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>O. Heavy Commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Materials or Lumber Yard</td>
<td>X</td>
<td>SP</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Farm/Construction Equipment Sale &amp; Service</td>
<td>X</td>
<td>SP</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Farm Supply Store</td>
<td>X</td>
<td>SP</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Plant Nursery</td>
<td>X</td>
<td>SP</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>P. Industrial</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial Offices</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Marijuana Facilities (Dispensaries and Producers &amp; Cannabis Establishments)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Manufacturer of Beer (Brewery, Microbrewery, Brew Pub)</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td>Manufacturer of Spirits (Distillery)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Light Manufacturing, processing or assembly of goods without vapors, liquid, or solid discharge</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Manufacturing; processing or assembly of goods (not noxious, hazardous or dangerous)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Manufacturing with On-Site Inventory &amp; Material Storage</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Involving smelting, forging or plating of metal, rubber or similar materials</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Processing facility for animals or fish or their by-products</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Recycling facility for reuse, bundling, reconstruction or materials such as paper, cane, bales, bulk vegetation (leaves, wood, etc.)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Recycling Processing Facility</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Research &amp; Development Laboratories</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>SP</td>
</tr>
<tr>
<td>Waste handling, processing or storage</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Q. Storage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior Storage</td>
<td>R</td>
<td>R</td>
<td>X</td>
<td>R</td>
</tr>
<tr>
<td>of Non-Hazardous Materials</td>
<td>X</td>
<td>SP</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>of Hazardous Materials</td>
<td>X</td>
<td>SP</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Self-Storage</td>
<td>X</td>
<td>SP</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Outside Storage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>as Accessory Use only</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td>as Principal Use</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Recycling Facility</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Warehousing</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

---

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

Page 39.2-3
### Table 39.2 Summary Table of Uses in Commercial, Mixed Use, Industrial & Other Districts

<table>
<thead>
<tr>
<th>KEY</th>
<th>USE CATEGORY</th>
<th>Commercial</th>
<th>Mixed Use</th>
<th>Industrial</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>NB</td>
<td>RR</td>
<td>RPD</td>
<td>BCDD</td>
</tr>
<tr>
<td></td>
<td>Bus, Train or other Mass Transit Station</td>
<td>X</td>
<td>R</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Tractor-Trailer Facility, service area or ware-</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>house w. high volume truck operation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public Roadway</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>S.</td>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Billboard subject to §43. Limitations</td>
<td>X</td>
<td>SU</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Common and/or Joint Use Parking</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td></td>
<td>Inland or Tidal Wetland, Greenbelt, Public Garden or</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td>Nursery</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* 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) and Cannabis Establishments are subject to Special Permit approval of the Planning and Zoning Commission and the provisions of Section 49.1f 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
49 – MISCELLANEOUS PROVISIONS

49.1 Marijuana Facilities

A. Purpose. The intent of this section is to regulate the location of Marijuana Dispensaries, Producers, and Cannabis Establishments. The primary purposes of these regulations are to provide access to State-approved Marijuana facilities while also preventing a concentration of these uses in any one area, to minimize any potential adverse impacts, and to protect and preserve the quality of West Haven’s neighborhoods, commercial districts, property values and the quality of urban life through effective land use planning.

B. Definitions. For use in this section of the Regulations, definitions shall be those established in the Connecticut General Statutes, in Sec 21a-408 (Palliative Use of Marijuana) and 21-420 (Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA)) as amended from time to time.

C. Applicability. Marijuana Dispensaries, Production Facilities and Cannabis Establishments as may be licensed by the State of Connecticut, shall be permitted only in the Light Manufacturing Zone (LM), subject to approval as a Special Permit use in accordance with Section 85 of these Regulations and Site Plan approval in accordance with Section 75 of these Regulations and the requirements of this Section.

D. Separation Requirements. Regulated uses identified in this Section shall be subject to the following separation restrictions:

1. No Marijuana Dispensary, Production Facility/Producer, or Cannabis Establishment shall be permitted on a site that is less than 800 feet from any site containing a church, school, daycare center, public building, public park or recreation area, or private recreation area;

2. No Marijuana Dispensary, Production Facility/Producer, or Cannabis Establishment shall be permitted on a site that is less than 800 feet from any residentially zoned land as defined in the City’s Zoning Regulations.

3. No Marijuana Dispensary, Production Facility/Producer, or Cannabis Establishment shall be permitted within the same building, structure or portion thereof that is used for residential purposes.
4. No Marijuana Dispensary, Production Facility/Producer, or Cannabis Establishment shall be permitted within 1500 feet of another No Marijuana Dispensary, Production Facility/Producer, or Cannabis Establishment.

5. The above distances shall be measured from the nearest public entrance of the proposed establishment to the nearest public entrance of the existing uses set forth in (1) to (4) above. In the case of subsection (2) above, the distance shall be measured from the nearest public entrance to the nearest residential zone lot line. All of the above distances shall be measured commencing from the nearest public entrance of the proposed establishment in a straight line to the nearest street right of way, then proceeding along said street right of way to a point perpendicular to the 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 Connecticut State Statute, Sections 21a-421bb and 21a-421cc 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.
### Table 39.2 Summary Table of Uses in Commercial, Mixed Use, Industrial & Other Districts

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<tr>
<th>KEY</th>
<th>USE CATEGORY</th>
<th>NB</th>
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<th>RBD</th>
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<th>CBD</th>
<th>CD</th>
<th>SCR</th>
<th>SRR</th>
<th>WD</th>
<th>TCD</th>
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<th>PF</th>
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<td>Gas or Fuel station, incl. Convenience Store</td>
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*TABLE OF USES IN COMMERCIAL, INDUSTRIAL, MIXED-USE & OTHER DISTRICTS*

Page 39.2-3
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* 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) and Cannabis Establishments 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
49 – MISCELLANEOUS PROVISIONS

49.1 Marijuana Facilities

A. Purpose. The intent of this section is to regulate the location of Marijuana Dispensaries, Producers and Cannabis Establishments. The primary purposes of these regulations are to provide access to state-approved Marijuana facilities while also preventing a concentration of these uses in any one area, to minimize any potential adverse impacts, and to protect and preserve the quality of West Haven's neighborhoods, commercial districts, property values and the quality of urban life through effective land use planning.

B. Definitions. For use in this section of the Regulations, definitions shall be those established in the Connecticut General Statutes in Sec 21a-408 (Palliative Use of Marijuana) and 21-420 (Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA)) as amended from time to time.

CANNABIS ESTABLISHMENT: A producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter.

LICENSED DISPENSARY: A person who is licensed as a dispensary pursuant to section 21a-408h.

LICENSED PRODUCER: A person who is licensed as a producer pursuant to section 21a-408i.

C. Applicability. Marijuana Dispensaries, Production Facilities and Cannabis Establishments as may be licensed by the State of Connecticut, shall be permitted only in the Light Manufacturing Zone (LM), subject to approval as a Special Permit use in accordance with Section 85 of these Regulations and Site Plan approval in accordance with Section 75 of these Regulations and the requirements of this Section.

D. Separation Requirements. Regulated uses identified in this Section shall be subject to the following separation restrictions:

1. No Marijuana Dispensary, Production Facility/Producer, or Cannabis Establishment shall be permitted on a site that is less than 800 feet from any site containing a church, school, daycare center, public building, public park or recreation area, or private recreation area;

2. No Marijuana Dispensary, Production Facility/Producer, or Cannabis Establishment shall be permitted on a site that is less than 800 feet from any residentially zoned land as defined in the City's Zoning Regulations.

3. No Marijuana Dispensary, Production Facility/Producer, or Cannabis Establishment shall be permitted within the same building, structure or portion thereof that is used for residential purposes.
4. No Marijuana Dispensary, Production Facility/Producer, or Cannabis Establishment shall be permitted within 1500 feet of another No Marijuana Dispensary, Production Facility/Producer, or Cannabis Establishment.

5. The above distances shall be measured from the nearest public entrance of the proposed establishment to the nearest public entrance of the existing uses set forth in (1) to (4) above. In the case of subsection (2) above, the distance shall be measured from the nearest public entrance to the nearest residential zone lot line. All of the above distances shall be measured commencing from the nearest public entrance of the proposed establishment in a straight line to the nearest street right of way, then proceeding along said street right of way to a point perpendicular to the 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 Connecticut State Statute, Sections 21a-421bb and 21a-421cc 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.