

SOUTH CENTRAL CONNECTICUT  
Regional Planning Commission

**RPC  
Representatives**

**Bethany:**  
Michael Calhoun

**Branford:**  
Charles Andres

**East Haven:**  
Vacant

**Guilford:**  
Peter Goletz

**Hamden:**  
Richard Szczepke

**Madison:**  
Christopher Traugh  
(Chair)

**Meriden:**  
David White

**Milford:**  
Mark Bender

**New Haven:**  
Kevin DiAdamo  
(Vice Chair)

**North Branford:**  
Douglas Combs

**North Haven:**  
James Giulietti

**Orange:**  
Paul Kaplan

**Wallingford:**  
Vacant

**West Haven:**  
Christopher Suggs

**Woodbridge:**  
Peggy Rubens-Duhl

## AGENDA

To: Regional Planning Commission  
From: Eugene Livshits, Regional Planner  
Subject: Agenda for Thursday, October 10, 2013 RPC Meeting, 5:15pm @ SCRCOG  
Offices: 127 Washington Avenue, North Haven, CT 06473

### 1. Administration

- 1.1. Minutes of the September 12, 2013 RPC Meeting 1

### 2. Statutory Referrals – September Action Items

- 2.1. Town of Orange: Proposed Zoning Regulation Amendment to add Section 383-20 (Moratorium on Medical Marijuana Dispensaries and Producers). Submitted by: Town of Orange. Received: September 17, 2013. Public Hearing: November 5, 2013. 3
- 2.2. Town of Cheshire: Proposed Amendment to Section 45A.1.2 (Special Adaptive Reuse Development District). Submitted by: Private Applicant. Received: September 25, 2013. Public Hearing: October 28, 2013. 6
- 2.3. City of New Haven: Proposed Zoning Regulation Amendments. Submitted by: City of New Haven. Received: September 25, 2013. Public Hearing: TBD. 13
- 2.4. City of Milford: Proposed Zoning Regulation Amendment to add Section 2.7.10 (Moratorium on Medical Marijuana Dispensaries and Producers). Submitted by: City of Milford. Received: September 27, 2013. Public Hearing: TBD. 49
- 2.5. City of Milford: Proposed Zoning Regulation Amendments to Article VI, Section 6.2 (Non-Conforming Uses), Section 6.3 (Non-Conforming Structures) and Article VIII, Section 11.2 (Definitions). Submitted by: City of Milford. Received: October 3, 2013. Public Hearing: TBD. 51

### 3. Other Business



SOUTH CENTRAL CONNECTICUT  
Regional Planning Commission

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**DRAFT - Not yet approved by the Commission**

**MEETING MINUTES**

To: Regional Planning Commission  
From: Eugene Livshits, Regional Planner  
Subject: Minutes for Thursday, September 12, 2013 Meeting

**Present:** Christopher Traugh, Kevin DiAdamo, Charles Andres, Mark Bender, Peggy Rubens-Duhl, Douglas Combs, James Giulietti, Michael Calhoun, Eugene Livshits

**1 Administration**

*1.1 Minutes of the August 8, 2013 RPC meeting.*

Motion to accept the minutes as presented: Mark Bender. Second: Charles Andres. Vote: Unanimous. Abstain: Peggy Rubens-Duhl

**2 Statutory Referrals**

*2.1 Town of Clinton: Proposed Zoning Regulation and Map Amendment*

By resolution, the RPC has determined that the Proposed Zoning Regulation and 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.

Motion: Mark Bender. Second: Peggy Rubens-Duhl. Vote: Unanimous. Abstain: Kevin DiAdamo

*2.2 Town of Guilford: Proposed Amendments to Table 5 (permitted uses in non-residential districts) of the Zoning Regulations*

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 DiAdamo. Second: Michael Calhoun. Vote: Unanimous.

SOUTH CENTRAL CONNECTICUT  
Regional Planning Commission

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*2.3 City of Derby: Proposed Zoning Regulation Amendments to Article XI (Electronic Message Display Sign in P Zone and Article VIII (Flag Lots))*

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 DiAdamo. Second: Mark Bender. Vote: Unanimous.

*2.4 Town of Stratford: Proposed Zoning Regulation Amendment to repeal Section 4.1.6.16 (Active Adult Housing Small Development)*

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.

Motion: Charles Andres. Second: Douglas Combs. Vote: Unanimous.

*2.5 Town of Madison: Proposed Plan of Conservation and Development*

By resolution, the RPC has determined that the Proposed Plan of Conservation and Development appears to be consistent with the policy and statements of both the Regional and State Plan of Conservation and Development.

Motion: Mark Bender. Second: Kevin DiAdamo. Vote: Unanimous.

Motion to add Madison Referral regarding a Moratorium on Medical Marijuana Dispensaries and Producers to the RPC Agenda: Mark Bender. Second: James Giulietti

*2.6 Town of Madison: Proposed Zoning Regulation Amendment for a Medical Marijuana Moratorium*

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.

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

Motion to Adjourn: Mark Bender. Second: Christopher Traugh. Vote: Unanimous.

## **Referral 2.1: Town of Orange**

### **Subject:**

Proposed Zoning Regulation Amendment to add Section 383-20 (Moratorium on Medical Marijuana Dispensaries and Producers)

### **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 Town of Orange has proposed a zoning regulation amendment that would establish a moratorium on applications regarding medical marijuana dispensaries and producers. Medical marijuana dispensaries and producers are defined pursuant to Section 9 and 10 of Public Act#12-55, respectively.

The Town of Orange is adjacent to the following municipalities in the South Central Region: Milford, New Haven, West Haven, and Woodbridge.

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





# Town of Orange, Connecticut

## Zoning Department

TOWN HALL  
617 ORANGE CENTER ROAD  
ORANGE, CONNECTICUT 06477-2499

PHONE: (203) 891-4743  
FAX: (203) 891-2185  
www.orange-ct.gov

September 16, 2013  
CERTIFIED MAIL

Mr. Carl Amento, Executive Director  
Council of Governments  
127 Washington Avenue  
4th Floor - West  
North Haven, CT 06473-1715

**PETITION TO AMEND THE ORANGE ZONING REGULATIONS.**  
**-Submitted upon the initiative of the Orange Town Plan & Zoning Commission.**  
**To add Section 383-20. Moratorium on Medical Marijuana Dispensaries and Producers.**

Dear Mr. Amento:

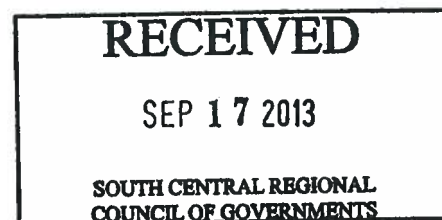
In accordance with the Connecticut General Statutes, enclosed for your review are proposed amendments to the Orange Zoning Regulations. The Orange TPZC proposes enacting a Moratorium on Medical Marijuana Dispensaries and Producers. A public hearing on this matter is tentatively scheduled for November 5, 2013.

If you have any questions, please contact me at 203-891-4743.

Very truly yours,

Paul Dinice,  
Zoning Administrator  
& Enforcement Officer

enclosures (2)  
cc: TPZC Members  
V. Marino, Esq.  
J. Zeoli, First Selectman



*Draft September 13, 2013*

Proposal to Amend the Orange Zoning Regulations by adding Section 383-20.

**383-20. Moratorium on Medical Marijuana Dispensaries and Producers.**

- A. Moratorium on Medical Marijuana Dispensaries and Producers: not withstanding any provision contained herein to the contrary, for a period of \_\_\_\_\_ months commencing from the effective date of \_\_\_\_\_, no application will be accepted, considered or approved to permit the establishment of Medical Marijuana Dispensaries and/or Producers. A Dispensary or Licensed Dispensary, is defined as a dispensary pursuant to Section 9 of Public Act #12-55; and a producer or Licensed producer, as defined as a producer pursuant to Section 10 of Public Act #12-55. The expiration date of said Moratorium will be \_\_\_\_\_, unless extended by the Orange Town Planning and Zoning Commission.



## **Referral 2.2: Town of Cheshire**

### **Subject:**

Proposed Amendment to Section 45A.1.2 (Special Adaptive Reuse Development District)

### **Staff Recommendation:**

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

### **Background:**

A private applicant in the Town of Cheshire has submitted a proposed zoning regulation amendment to Section 45A.1.2, *Special Adaptive Reuse Development District (S.A.R.D.D)*. The proposed amendment would remove the phrase “permitted within the existing zoning district where they are located,” and replace it with “otherwise permitted in these Regulations, compatible with the surrounding neighborhood and.” The edited sentence reads as follows:

To permit the adaptive reuse of existing building(s) and other structure(s), for uses **otherwise permitted in these Regulations, compatible with the surrounding neighborhood and,...**

The remainder of the text in Section 45A.1.2 can be found in the background section of this agenda packet.

The S.A.R.D.D. is adjacent to the following municipalities in the South Central Region: Bethany, Hamden, Meriden, and Wallingford. The applicable zones are R-20A, R-20, R-40, C-1, C-2, C-3, R-80, I-1, and I-2. The R-20 zone is adjacent to Hamden and the R-40 zone is adjacent to Hamden and Meriden. The R-80 zone is adjacent to Bethany, Hamden, Meriden and Wallingford. In Hamden, the R-20 and R-40 zones are adjacent to the T-3 District and R-2 zone, while the R-80 zone is adjacent to the R-1 and R-2 zones. In Meriden, the R-40 zone is adjacent to the RR zone and the R-80 zone is adjacent to the R-1 zone. In Wallingford, the R-80 zone is adjacent to the RU-40 and RU-80 zones. In Bethany, the R-80 zone is adjacent to the R-130 zone.

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

Please mail to:

## RPC Referral Submission Form

South Central CT Regional Planning Commission

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

1.) General Information:

Date Sent: 9/24/13

Subject: Zone Text Petition

Applicant Name: Ball & Socket Arts, Inc.

Property Address (if applicable): \_\_\_\_\_

Town/City: Cheshire, CT 06410

**RECEIVED**

**SEP 25 2013**

**SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS**

☐

Referral is from a private individual

☒

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

Public Hearing Date: 10/28/13

2.) Statutory Responsibility:

☐

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

☒

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

☐

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

☐

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

☐

Other: \_\_\_\_\_

3.) Process:

☒

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

☒

Information on proposed change included

☒

Existing language included (if applicable)

4.) Preferred contact regarding this RPC referral:

Name: William Voelker

Telephone Number: 203 271-6670

E-mail Address: wvoelker@cheshirect.org

Comments: \_\_\_\_\_

Questions: (203) 234-7555

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

TOWN OF CHESHIRE  
MEMORANDUM

Phone 203-271-6670 - Fax 203-271-6688

Date: September 23, 2013

FROM: William S. Voelker, AICP, Town Planner

SUBJECT: Regional Referrals

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The Cheshire Planning Office has received the following application (s) and we are forwarding such application(s) for regional referral:

**TYPE OF APPLICATION**

**SCHEDULED DATE OF PUBLIC  
HEARING IF APPLICABLE**

Zone Text Change Petition  
Ball & Socket Arts, Inc.  
To amend Special Adaptive Reuse  
Development District  
(S.A.R.D.D.) Section 45.A.1.2

October 28, 2013 – Public Hearing  
7:30 P.M. – Cheshire Town Hall  
84 South Main Street, Cheshire  
CT – Council Chambers

To add flexibility

Existing and Proposed attached

If further information is required, please contact me at the Planning Office at (203) 271-6670. We look forward to receiving your comments.

Distribution List:  
COG Central Naugatuck Valley  
Central CT Regional Planning Agency  
South Central CT RPA

OCT

Rev. 2/92, 1/95, 11/95  
5/01, 7/01, 10/02, 11/03, 07/04, 3/06, 5/14/10

**PETITION FOR A ZONE MAP OR ZONE TEXT CHANGE**

In accordance with the General Statutes of the State of Connecticut, the undersigned hereby petitions the Cheshire Planning & Zoning Commission for a text change (✓) and/or map change ( ) to the Cheshire Zoning Regulations to permit, amend, or delete the following:

**For Zone Text Changes:**

Indicate pertinent section/paragraph of Zoning Regulation to be changed.

Special Adaptive Reuse Development District (S.A.R.D.D.)

Section 45.A.1.2

**For Zone Map Changes:**

Location of Property: \_\_\_\_\_

Assessor's Map No.(s) \_\_\_\_\_

Lot No.(s) \_\_\_\_\_ Zone \_\_\_\_\_

Change from present \_\_\_\_\_ zone to \_\_\_\_\_ zone.

Reason for Proposed Text and/or Map Change: \_\_\_\_\_

To add flexibility to the Special Adaptive Reuse Regulation

The following is attached and hereby made part of this petition:

1. For a text change, five (5) copies of the existing and proposed text.
2. For a map change, six (6) copies of a written legal description of the proposed zone boundary and six (6) copies of a map drawn to a scale of not less than 200 feet to the inch, covering the area of the proposed change, and all areas in the Town within 500 feet of the proposed change, and showing for such area the existing and proposed zoning district boundary lines, the existing property lines, and the names and addresses of the current property owners as indicated by the Cheshire Assessor's records.

**SECTION 45A**

**SPECIAL ADAPTIVE REUSE DEVELOPMENT DISTRICT (S.A.R.D.D.)**

**45A.1 Purpose:** The purpose and intent of this Section of the Cheshire Zoning Regulations, to be known as the Special Adaptive Reuse Development District Regulations, is to permit modification of the strict application of the plan and standards of these Zoning Regulations for the following purposes:

**45A.1.2.** To permit the adaptive reuse of existing building(s) and other structure(s), for uses otherwise permitted in these Regulations, compatible with the surrounding neighborhood and, in a manner beneficial to and consistent with the orderly development of the Town and the neighborhood and consistent with the purposes of these Regulations, and any Plan of Development adopted by the Planning and Zoning Commission; and

**45A.1.3.** To permit in pursuit of this purpose the reconstruction and/or rehabilitation of building(s) and other structure(s), where because of their historical significance, architectural merit, design merit, or present condition, their reconstruction or rehabilitation is performed in a manner consistent with the character of the Town, the neighborhood and within the purposes of the Regulations, would be beneficial to the Town, provided (a) the tract is of sufficient size to justify the application of a Special Adaptive Reuse Development, and (b) the Special Adaptive Reuse Development is not inconsistent with particular elements of any Plan of Development adopted by the Planning and Zoning Commission.

**45A.2 Qualifying Standards:** No tract of land shall be considered for a Special Adaptive Reuse Development District unless it meets the following minimum qualifying standards.

- a) The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than (3) acres;
- b) The tract shall be located in an R-20A, R-20, R-40, C-1, C-2, C-3, R-80, I-1 or I-2 Zone;
- c) The tract shall be in a Special Adaptive Reuse (SAR) Overlay Zone as specified below in Section 45A.2.1; and
- d) The tract shall be served by public water and public sanitary sewer.

**45A.2.1 Establishment:** The establishment of a SAR Overlay Zone within an existing zone shall be considered a zone change subject to the requirements and procedures of Section 8-3 of the Connecticut General Statutes, and, except as noted herein, the

(45A-1)

## **SECTION 45A**

### **SPECIAL ADAPTIVE REUSE DEVELOPMENT DISTRICT (S.A.R.D.D.)**

**45A.1 Purpose:** The purpose and intent of this Section of the Cheshire Zoning Regulations, to be known as the Special Adaptive Reuse Development District Regulations, is to permit modification of the strict application of the plan and standards of these Zoning Regulations for the following purposes:

**45A.1.2.** To permit the adaptive reuse of existing building(s) and other structure(s), for uses permitted within the existing zoning district where they are located, in a manner beneficial to and consistent with the orderly development of the Town and the neighborhood and consistent with the purposes of these Regulations, and any Plan of Development adopted by the Planning and Zoning Commission; and

**45A.1.3.** To permit in pursuit of this purpose the reconstruction and/or rehabilitation of building(s) and other structure(s), where because of their historical significance, architectural merit, design merit, or present condition, their reconstruction or rehabilitation is performed in a manner consistent with the character of the Town, the neighborhood and within the purposes of the Regulations, would be beneficial to the Town, provided (a) the tract is of sufficient size to justify the application of a Special Adaptive Reuse Development, and (b) the Special Adaptive Reuse Development is not inconsistent with particular elements of any Plan of Development adopted by the Planning and Zoning Commission.

**45A.2 Qualifying Standards:** No tract of land shall be considered for a Special Adaptive Reuse Development District unless it meets the following minimum qualifying standards.

- a) The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than (3) acres;
- b) The tract shall be located in an R-20A, R-20, R-40, C-1, C-2, C-3, R-80, I-1 or I-2 Zone;
- c) The tract shall be in a Special Adaptive Reuse (SAR) Overlay Zone as specified below in Section 45A.2.1; and
- d) The tract shall be served by public water and public sanitary sewer.

**45A.2.1 Establishment:** The establishment of a SAR Overlay Zone within an existing zone shall be considered a zone change subject to the requirements and procedures of Section 8-3 of the Connecticut General Statutes, and, except as noted herein, the

(45A-1)

## Redlined Showing Changes

### **SECTION 45A**

#### **SPECIAL ADAPTIVE REUSE DEVELOPMENT DISTRICT (S.A.R.D.D.)**

**45A.1 Purpose:** The purpose and intent of this Section of the Cheshire Zoning Regulations, to be known as the Special Adaptive Reuse Development District Regulations, is to permit modification of the strict application of the plan and standards of these Zoning Regulations for the following purposes:

**45A.1.2.** To permit the adaptive reuse of existing building(s) and other structure(s), for uses otherwise permitted in these Regulations, compatible with the surrounding neighborhood and permitted within the existing zoning district where they are located, in a manner beneficial to and consistent with the orderly development of the Town and the neighborhood and consistent with the purposes of these Regulations, and any Plan of Development adopted by the Planning and Zoning Commission; and

**45A.1.3.** To permit in pursuit of this purpose the reconstruction and/or rehabilitation of building(s) and other structure(s), where because of their historical significance, architectural merit, design merit, or present condition, their reconstruction or rehabilitation is performed in a manner consistent with the character of the Town, the neighborhood and within the purposes of the Regulations, would be beneficial to the Town, provided (a) the tract is of sufficient size to justify the application of a Special Adaptive Reuse Development, and (b) the Special Adaptive Reuse Development is not inconsistent with particular elements of any Plan of Development adopted by the Planning and Zoning Commission.

**45A.2 Qualifying Standards:** No tract of land shall be considered for a Special Adaptive Reuse Development District unless it meets the following minimum qualifying standards.

- a) The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than (3) acres;
- b) The tract shall be located in an R-20A, R-20, R-40, C-1, C-2, C-3, R-80, I-1 or I-2 Zone;
- c) The tract shall be in a Special Adaptive Reuse (SAR) Overlay Zone as specified below in Section 45A.2.1; and
- d) The tract shall be served by public water and public sanitary sewer.

**45A.2.1 Establishment:** The establishment of a SAR Overlay Zone within an existing zone shall be considered a zone change subject to the requirements and procedures of Section 8-3 of the Connecticut General Statutes, and, except as noted herein, the

(45A-1)





## **Referral 2.3: City of New Haven**

### **Subject:**

Proposed Zoning Regulation Amendments

### **Staff Recommendation:**

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

### **Background:**

The City of New Haven has proposed Zoning Regulation Amendments which modify the building, parking, open space, professional offices and retail requirements for the RH-2 District (General High Density). These specific amendments occur in Sections 16 and 28 of the New Haven Zoning Ordinance. The particular district is not within 500 feet of an adjacent community in the South Central Region.

The aspects of the regulations that require a Regional Planning Commission review are amendments to Section 1 – Definitions, Common Amenity Open Space, Multi-Lot Residential Development, Open Space, Usable, Residential Accessory Building, Structure or Use and Zero Lot Line Development. Section 14-17 would now allow parking on another lot in Multi-Lot Residential Development. Amendments to Sections 15-18 reduce the required usable space and Section 43 has been amended to reflect new usable open space and common amenity space definitions. In Section 22 – Residence Districts, garden apartment provisions are proposed to be deleted. In Section 23 – Residential principal buildings and rooming, boarding and lodging houses; size of courts and distance between buildings, minimum horizontal distance requirement between buildings has been modified.

Section 29 – Parking, compact parking spaces would be permitted and screening requirements for parking on public housings authority lots would be deleted. In Section 30, optional rules for measuring building heights has been deleted.

The City of New Haven is adjacent to the following municipalities in the South Central Region: East Haven, Hamden, Orange, North Haven, West Haven, and Woodbridge.

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



# CITY OF NEW HAVEN

BOARD OF ALDERMEN  
Office of Legislative Services

165 CHURCH STREET  
NEW HAVEN, CONNECTICUT 06510  
Tel. (203) 946-8371 - Fax. (203) 946-7476

September 23, 2013

**RECEIVED**

SEP 25 2013

SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS

Eugene Livshits  
Regional Planner  
South Central Regional Council of Governments  
127 Washington Avenue, 4th Floor West  
North Haven, CT 06473

Dear Mr. Livshits:

I write pursuant to Sec.8-3b of the Connecticut General Statutes to inform you that the following item was received by the Board of Aldermen sitting as the Zoning Commission for the City of New Haven:

"From the Executive Director of City Plan submitting zoning ordinance text amendments (i) to modify the building, parking, open space, professional offices and retail requirements for general high density districts (RH-2) (Secs.16 and 28); (ii) to add, modify and delete definitions; (Sec. 1), (iii) in residence districts, to delete garden apartments provisions (Sec. 22), delete optional rules for measuring building height (Sec. 30), permit compact car spaces (Sec. 29), eliminate screening requirements for parking lots on public housing authority lots (Sec. 29), modify minimum horizontal distance requirements between buildings (Sec. 23), allow parking on another lot in multi-lot residential developments, (Secs. 14-17), (e) reduce required usable open space in the RH-1 and RO districts (Secs. 15 and 18); and (iv) to amend Section 43 to reflect new usable open space and common amenity space definitions."

Enclosed for your convenience is a copy of this proposal.

Sincerely,

Albert Lucas, Director  
Office of Legislative Services

AL/cp



**NEW HAVEN CITY PLAN DEPARTMENT**  
165 CHURCH STREET, NEW HAVEN, CT 06510  
TEL (203) 946-6378 FAX (203) 946-7815

September 5, 2013

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

RE: Zoning Ordinance Text Amendment

Honorable Alderman Perez;

I am pleased to submit for the Board's consideration a Text Amendment to the New Haven Zoning Ordinance in order to: (i) to modify the building, parking, open space, professional offices and retail requirements for General High Density Districts (RH-2) (Secs. 16 and 28); (ii) to add, modify and delete definitions; (Sec.1), (iii) in residence districts, to delete Garden Apartments provisions (Sec. 22), delete Optional Rules for measuring building height (Sec. 30), permit Compact Car Spaces (Sec. 29), eliminate screening requirements for parking lots on public housing authority lots (Sec. 29), modify Minimum Horizontal Distance requirements between Buildings (Sec. 23), allow parking on another lot in Multi-Lot Residential Developments, (Secs. 14-17), (e) reduce required usable open space in the RH-1 and RO Districts (Secs. 15 and 18); and (iv) to amend Section 43 to reflect new usable open space and common amenity space definitions.

The City Plan Commission is responsible for the continuous review and revision of the Zoning Ordinance, and the Department serves as the professional staff of the Commission. This ordinance amendment will help bring the Zoning Ordinance in better alignment with current development practices and responsible and sustainable growth principals.

New Haven is fortunate that we have experienced significant growth in our population as illustrated in the 2010 decennial census figures, and this growth is projected to continue. While it will be some time before New Haven returns to its 1950 population of 165,000, it is prudent to prepare for more dense development in certain areas of the City, while protecting other areas so that New Haven retains its wide diversity of neighborhood types. Another recent trend affecting development nation-wide, is the desire for more transit-oriented development. That is: mixed use dense development adjacent to - ¼ to ½ mile - of train stations, bus lines and other transit facilities; and which invite residents to walk or bike to work, school or shopping. As a city, New Haven already has neighborhoods and zoning in place to encourage this trend; however certain of these measures can be strengthened and updated.

BOA RH-2 letter  
September 5, 2013  
Page 2

The RH-2 district is intended to be the densest residential district, yet its FAR (Floor to lot area ratio, a measure of density) is currently capped at 1.85, which is actually less than the permitted FAR in the BA and BA-1 districts which are the mixed use district sited along new Haven's major arterial streets (Grand Ave, Congress Ave, Dixwell Ave. State St.); so the FAR is proposed to be increased and is no longer proportional to the height of the building. The RH-2 district also requires large setbacks from the street, and significant amounts of open space, as well as one parking space for each and every dwelling unit. These requirements taken together add up to large open areas around tall towers (modernist "tower-in-a-park" type apartment blocks), a development form for housing that is no longer the only form desirable in an urban setting. These yard, bulk and open space requirements also underlie the BD and BD-2 districts of central New Haven. In addition, the current parking ratios do not reflect the walkability of central New Haven and our collective will to reduce dependence on personal automobile trips, in order to reduce pollution, transportation cost and to improve our health. The proposed changes reduce these requirements without eliminating them.

The group of text changes also clarifies definitions, eliminates certain lightly used sections and makes row or townhouses possible without zoning relief, allowing a more urban form which can help reduce construction costs for workforce housing.

Sincerely,

Karyn M. Gilvarg, A.I.A.  
Executive Director

Cc: Kelly Murphy, A.I.C.P.  
Economic Development Administrator

..TITLE

ZONING ORDINANCE TEXT AMENDMENT (I) TO MODIFY THE BUILDING, PARKING, OPEN SPACE, PROFESSIONAL OFFICES AND RETAIL REQUIREMENTS FOR GENERAL HIGH DENSITY DISTRICTS (RH-2) (SECS.16 AND 28); (II) TO ADD, MODIFY AND DELETE DEFINITIONS; (SEC. 1), (III) IN RESIDENCE DISTRICTS, TO DELETE GARDEN APARTMENTS PROVISIONS (SEC. 22), DELETE OPTIONAL RULES FOR MEASURING BUILDING HEIGHT (SEC. 30), PERMIT COMPACT CAR SPACES (SEC. 29), ELIMINATE SCREENING REQUIREMENTS FOR PARKING LOTS ON PUBLIC HOUSING AUTHORITY LOTS (SEC.29), MODIFY MINIMUM HORIZONTAL DISTANCE REQUIREMENTS BETWEEN BUILDINGS (SEC. 23), ALLOW PARKING ON ANOTHER LOT IN MULTI-LOT RESIDENTIAL DEVELOPMENTS, (SECS. 14-17), (E) REDUCE REQUIRED USABLE OPEN SPACE IN THE RH-1 AND RO DISTRICTS (SECS. 15 AND 18); AND (IV) TO AMEND SECTION 43 TO REFLECT NEW USABLE OPEN SPACE AND COMMON AMENITY SPACE DEFINITIONS.

..body

WHEREAS, on September 16, 2013, pursuant to 1925 Special Act No. 490, § 5, the Charter of the City of New Haven, § 184 and Section 64(d)(1) of the Zoning Ordinance, City of New Haven (the “Zoning Ordinance”), Karyn M. Gilvarg, AIA, the Executive Director of the New Haven City Plan Department filed with the New Haven City Clerk for transmission to the Board of Aldermen a petition requesting that the Board of Aldermen amend the text of the New Haven Zoning Ordinance (i) to modify the building, parking, open space, professional offices and retail requirements for General High Density Districts (RH-2) (Secs. 16 and 28); (ii) to add, modify and delete definitions; (Sec. 1), (iii) in residence districts, to delete Garden Apartments provisions (Sec. 22), delete Optional Rules for measuring building height (Sec. 30), permit Compact Car Spaces (Sec. 29), eliminate screening requirements for parking lots on public housing authority lots (Sec. 29), modify Minimum Horizontal Distance requirements between Buildings (Sec. 23), allow parking on another lot in Multi-Lot Residential Developments, (Secs. 14-17), (e) reduce required usable open space in the RH-1 and RO Districts (Secs.

15 and 18); and (iv) to amend Section 43 to reflect new usable open space and common amenity space definitions

WHEREAS, on \_\_\_\_\_, pursuant to Section 184 of the City of New Haven Charter, the Board of Aldermen referred the Petition to the New Haven City Plan Commission for a public hearing; and

WHEREAS, on \_\_\_\_\_, the City Plan Commission held a public hearing on the Petition after providing due notice of such hearing in accordance with the provisions of law; and

WHEREAS, on \_\_\_\_\_, the City Plan Commission rendered an advisory report to the Board of Aldermen after considering the factors set forth in Section 64(d)(2) of the Zoning Ordinance recommending \_\_\_\_\_ of the Petition, CPC Report No. \_\_\_\_\_; and

WHEREAS, on \_\_\_\_\_, the Legislative Committee of the Board of Aldermen after due notice held a public hearing on the Petition; and recommended \_\_\_\_\_ of the Petition; and

WHEREAS, the Board of Aldermen finds that the text amendments to the Zoning Ordinance requested in the Petition are in accordance with the comprehensive plan of development for the City of New Haven as such amendments will encourage intensive residential development in the RH-2 Districts and are appropriate for the other districts to which they will apply; and

WHEREAS, the Board of Aldermen further finds that the text amendments to the Zoning Ordinance requested in the Petition are designed to lessen congestion in the streets, secure safety, promote health and the general welfare, provide adequate light and

air, prevent the overcrowding of land, avoid undue concentrations of population, provide adequate provisions for all forms of transportation and other public requirements, reflect the character of the RH-2 districts and the other districts to which they will apply and their peculiar suitability for the uses to be allowed in such districts, conserve the value of existing buildings, and encourage the most appropriate use of land in the City; and

WHEREAS, the Board of Aldermen further finds that the text amendments to the Zoning Ordinance requested in the Petition are uniform for each class of buildings or structures throughout the RH-2 districts and the other districts to which they will apply.

NOW THEREFORE BE IT ORDAINED by the Board of Aldermen of the City of New Haven that the Petition of the Executive Director of the City of New Haven City Plan Department for amendments to the text of the Zoning Ordinance is hereby granted and that the Zoning Ordinance shall be amended in the manner set forth in Schedule A attached hereto, which schedule is incorporated by reference.

BE IT FURTHER ORDAINED that the aforesaid Zoning Ordinance text amendments shall take effect upon publication of said amendments pursuant to Section 41 of the Charter of the City of New Haven.

Except as amended herein, the text of the Zoning Ordinance of the City of New Haven shall remain in full force and effect.

**CITY OF NEW HAVEN  
BOARD OF ALDERMEN**

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In re Petition of the Executive Director of the City :  
of New Haven City Plan Department for :  
Amendments to the Text of the Zoning Ordinance :  
(i) to modify the building, parking, open space, :  
professional offices and retail requirements for :  
General High Density Districts (RH-2) (Secs. 16 :  
and 28); (ii) to add, modify and delete definitions; :  
(Sec.1), (iii) in residence districts, to delete Garden :  
Apartments provisions (Sec. 22), delete Optional :  
Rules for measuring building height (Sec. 30), :  
permit Compact Car Spaces (Sec. 29), eliminate :  
screening requirements for parking lots on public :  
housing authority lots (Sec. 29), modify Minimum :  
Horizontal Distance requirements between :  
Buildings (Sec. 23), allow parking on another lot :  
in Multi-Lot Residential Developments, (Secs. 14- :  
17), (e) reduce required usable open space in the :  
RH-1 and RO Districts (Secs. 15 and 18); and :  
(iv) to amend Section 43 to reflect new usable :  
open space and common amenity space :  
definitions.

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**IN RE PETITION OF THE EXECUTIVE DIRECTOR OF THE CITY OF NEW  
HAVEN CITY PLAN DEPARTMENT FOR AMENDMENTS TO THE TEXT OF  
THE ZONING ORDINANCE (I) TO MODIFY THE BUILDING, PARKING,  
OPEN SPACE, PROFESSIONAL OFFICES AND RETAIL REQUIREMENTS  
FOR GENERAL HIGH DENSITY DISTRICTS (RH-2) (SECS. 16 AND 28);  
(II) TO ADD, MODIFY AND DELETE DEFINITIONS; (SEC. 1), (III) IN  
RESIDENCE DISTRICTS, TO DELETE GARDEN APARTMENTS  
PROVISIONS (SEC. 22), DELETE OPTIONAL RULES FOR MEASURING  
BUILDING HEIGHT (SEC. 30), PERMIT COMPACT CAR SPACES (SEC. 29),  
ELIMINATE SCREENING REQUIREMENTS FOR PARKING LOTS ON  
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HORIZONTAL DISTANCE REQUIREMENTS BETWEEN BUILDINGS  
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RESIDENTIAL DEVELOPMENTS, (SECS. 14-17), (E) REDUCE REQUIRED  
USABLE OPEN SPACE IN THE RH-1 AND RO DISTRICTS (SECS. 15 AND 18);  
AND (IV) TO AMEND SECTION 43 TO REFLECT NEW USABLE OPEN  
SPACE AND COMMON AMENITY SPACE DEFINITIONS**



Pursuant to 1925 Special Act No. 490, § 5, the Charter of the City of New Haven, § 184 and Section 64(d)(1) of the Zoning Ordinance, City of New Haven (the “Zoning Ordinance”), Petitioner, Karyn M. Gilvarg, AIA, the Executive Director of the City of New Haven City Plan Department with offices at 165 Church Street, New Haven, CT (“Petitioner”), hereby petitions the Board of Aldermen of the City of New Haven to amend provisions of the Zoning Ordinance concerning the General High Density District (RH-2), other residential districts and Section 43, as set forth more particularly in Schedule A attached hereto: In support of this Petition, Petitioner represents as follows:

1. The Petitioner is the Executive Director of the New Haven City Plan Department.

2. The City Plan Department serves as staff to the City Plan Commission.

3. Pursuant to the New Haven Zoning Ordinance, Section 64(a), the City Plan Commission and its staff are required to carry on a continuous review of the effectiveness and appropriateness of the New Haven Zoning Ordinance and recommend such changes as they see fit.

4. The RH-2 Districts created under the Zoning Ordinance are the residential zoning districts in New Haven which permit the most densely developed residential buildings in the City of New Haven. The purpose of the RH-2 Districts, as set forth in Section 16 of the Zoning Ordinance, is for the protection of areas that have been and are being developed predominantly for high density dwellings, commonly apartment houses and other dwellings with a high ratio of floor area to land area.

5. The RH-2 Districts are all located within one mile of downtown New Haven, and many RH-2 Districts are located in downtown New Haven. Additionally new

residential construction in the Business D District-Central Business (BD) and the Business D-2 Districts-Central Business/Medical (BD-2) is required under Section 42A of the Ordinance to comply with the building requirements, parking standards and “all other appropriate regulations” of the RH-2 District.

6. Notwithstanding the foregoing, the dimensional, open space and parking requirements for dwelling units in the RH-2 District New Haven Zoning Map require substantial yards and open space, limit building coverage and significantly restrict floor area ratios. The result of these requirements is that although a tall building can be built it must be set back substantially from the street and adjoining properties. The RH-2 language currently requires that the taller the building, the greater the setback both from front yards and side yards. This approach was guided by the “modernist” or “international” that guided much of the planning in New Haven from the 1940’s through the 1970’s. The RH-2 zone leads to a “tower in a park” building type for larger buildings and creates unwanted gaps in the street-wall between smaller buildings.

7. Today in our central city we prefer mid-rise mixed use or residential buildings that maintain the street wall and that are designed in a more urban form; these types of buildings cannot be constructed without seeking numerous variances and special exceptions from the requirements of Section 16. The need to seek variances and with the consequent time delay and uncertainty as to whether they will be granted and/or appealed stifles development and is not a desirable method of land use planning.

7. In order to promote residential development in downtown New Haven and the areas adjacent thereto which is consistent with the City’s goals of encouraging dense and pedestrian and bicycle friendly development and the creation of safe and lively

neighborhoods, the City Plan Department has undertaken a comprehensive review of the current requirements of the RH-2 districts. As a result of such review, the Petitioner is requesting the adoption of the text amendments set forth in Schedule A, in order to encourage more intensive use of land in the RH-2 districts. These amendments are summarized as follows:

a. Bulk and Dimensional Changes

<u>Ordinance Section</u>	<u>Current Requirements</u>	<u>Amendments</u>
16(a)(1)b. Minimum Average Lot Width	50 ft.	40ft.
16(a)(1)c. Maximum Building Coverage	25%	50%
16(a)(1) Front Yards	17 ft. (but 1 foot for every 2 ft. of bldg. height measured from the face of the building up to centerline of the street up to 25')	5' (buildings under 60 ft. do not need to meet the 1 foot for every 2 ft. of bldg.. height requirement)
16(a)(1)e Rear Yards	25 ft.	20 ft.
16(a)(1)e. Side Yards	8 ft. and 10 ft.	0 (side yards will be taken care of with the current formula for minimum building height which requires a side yard of .5' for every foot of average building height).
16(a)(1)f. Floor area ratio (FAR)	Sliding scale based upon an inverse relationship between FAR and building coverage with the largest FAR allowed being 1.7	FAR of 2; sliding scale to be eliminated
22. Corner Visibility	Corner Visibility requirements	Corner Visibility requirements will not apply to RH-2 Districts
23(b)(1)(a) Minimum Horizontal Distance between buildings	1.5 feet for each foot of the average height of the building with the greater height – applies to all residential districts	For buildings 45' and taller, the maximum horizontal distance will be 35'. For buildings shorter than 45', .75' feet for each foot of the average height of the building will be required

Additionally, the text amendments propose a new housing form for the RH-2 district to be known as the Zero Lot Line Development, which consists of 3 or more single family attached houses on separate lots. (New Section 16(a)(2)). Zero Lot Line Developments are compatible with the type of dense residential development that the RH-2 District is intended to foster. These types of residences are often called townhouses or row-houses.

In addition, the amendments seek to delete provisions regarding Garden Apartments (Section 22) in all residence districts because other provisions of the Ordinance (Section 23) set forth adequate standards for distances between two buildings on the same lot. Finally, the petition requests the elimination of Section 30 provisions concerning optional rules for measuring building height, because these rules have caused uncertainty in administering the Ordinance and have rarely been used.

b. Parking

The current parking requirement for dwelling units in the RH-2 district is one space per dwelling unit and one-half parking space for elderly units (§16(a)(1)). Because many urban dwellers in the RH-2 districts do not own cars, particularly in the downtown area, as they may live within walking or bicycling distance from work, shopping and medical destinations or proximate to a bus line, the railroad station or Yale's shuttle bus system, the Petition requests an amendment to permit 0.75 parking spaces per dwelling unit (3 spaces per 4 units) and 0.33 spaces for elderly units in the RH-2 District (one space for each three units). The 0.75 ratio is in excess of the 0.5 ratio recently approved by the Board of Aldermen for the BD-3 District. Additionally, based upon the experience

of the Housing Authority of the City of New Haven (“HANH”), many of HANH’s tenants also do not own cars. Accordingly the Petition requests a ratio of 0.5 parking spaces per dwelling unit (one space for each two units) for dwelling units located on property owned by a public housing authority.

Additionally, the RH-2 regulations are unclear whether a special exception is required for parking for dwelling units on another lot within a 300’ walking distance from the dwelling unit (compare § 16(a)(1)h. with § 16(a)(4)). The amendments in Schedule A clarify that no special exception is required for such parking.

The petition also seeks amendments for the RM-1, RM-2, RH-1, RH-2, and RO Districts to permit parking without a special exception on another lot which is part of a Multi-Lot Residential Development. A Multi-Lot Residential Development will be defined as a development that has more than one lot, is to be developed, operated and maintained as a single development and shares parking, accessory uses and/or open space.

The RH-2 regulations also currently require parking for retail and professional office uses. (§§ 16(b)(3)c. and 16(b)(3)d.) The text amendments propose eliminating this requirement. It is our experience that such uses are likely to be accessed primarily by foot, bicycle or public transportation because they are restricted in size by the Zoning Ordinance (as discussed below).

Moreover, under the current RH-2 regulations, one parking space is required for each three employees of a charitable or philanthropic organization. (§ 16(b)(2)). In addition, if there is a place of assembly in the organization, one space is required for each four seats in the place of assembly. These requirements are difficult to monitor. The

amendments replace this requirement with a standard of one space per 500 gross square feet of space occupied by the organization.

Additionally, Schedule A proposes to amend Section 29(b) to permit 30% of parking spaces in all residential districts to be compact car spaces (7' x 15') as is currently permitted in the BD-1 and BD-3 Districts. The City's experience is that New Haven residents frequently drive compact cars. Moreover, to promote security in affordable housing developments, the amendments propose to eliminate the 5' screening requirements for parking lots on property owned by a public housing authority. (Section 29(f)).

c. Minimum Open Usable Space

The RH-1, RH-2 and RO regulations currently require 250 square feet of usable open space per dwelling unit. (§ 16(a)(1)g.). For elderly units 125 square feet of usable open space is required. These requirements severely limit development on urban sites, particularly for mid and high rise buildings and, accordingly, developers frequently request variances from this standard. The proposed amendments reduce this requirement to 125 square feet per dwelling and 100 square feet for elderly units, which the City Plan Department believes is adequate to provide recreational areas for urban dwellers, particularly in view of the number of public parks in New Haven.

The Zoning Ordinance also currently sets standards for usable open space which require that 75% of all units for which usable open space is required under the Ordinance have private open space, such as balconies or courts, and that all open space be screened by 5' foot fences, plantings, etc. § 15(a)(1)g. These private open space requirements are not practical for apartment buildings that do not have balconies, and again, developers

frequently request variances from this requirement, because common open space (for example roof terraces and a pool) may be more attractive amenities for urban tenants. The proposed amendments eliminate the private open space requirement but provide an incentive where private open space is provided, by reducing the minimum open space required. The proposed regulations also eliminate screening requirements which are not desirable for many types of open space, such as front yards, walkways, etc. and can pose safety challenges. Finally, the proposed amendments consolidate the definitions of open space and usable open space in the definitions section.

d. Uses

The RH-2 regulations currently permit, by special exception, accessory retail uses and professional offices located in the basement and first floor of a building provided that such uses occupy no more than 5% of the buildings in which they are located. (§ 16(b)(3)c. and d.). Because these uses enlivens the streetscape and increase pedestrian traffic in a RH-2 district, the text amendments propose to increase the aggregate of these two uses to 15% of a building, to permit these uses as of right if the buildings in which they are located front on a major thoroughfare and to permit professional offices also to occupy the second floor of a building. Further because the term “accessory retail uses” is not defined, the amendments eliminate the word “accessory” and list the types of retail uses which will be permitted in the RH-2 district.

Finally, the proposed amendments also permit accessory uses in the RM-1, RM-2, RH-1, RH-2 and RO districts to be located on a different lot from the lot on which the principal buildings to which they are accessory is located, provided that both lots are part of a Multi-Lot Residential Development.

8. The proposed regulations also create a new definition of Common Amenity Space, in order to clarify the requirements of Section 43 of the Ordinance

9. As required by § 182 of the City of New Haven Charter, the proposed Zoning Ordinance text amendments are in accordance with the Comprehensive Plan of Development for the City of New Haven, as such amendments will encourage intensive residential development. The Comprehensive Plan of Development, New Haven, CT dated October 15, 2003 recommends in the Housing and Planning Section (Chapter V., p.15) that the City “[c]onsider the impact of new development on the existing urban fabric relative to traffic, noise, public convenience, public safety, aesthetics, site design and layout” and that many neighborhood commercial districts in “are in need of enhanced target marketing, improved land use and design standards and coordinating efforts.” (p. 18).

10. As also required by § 182, for the reasons stated above, these amendments are designed to lessen congestion in the streets, secure safety, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentrations of population, provide adequate provisions for transportation and other public requirements, reflect the character of the RH-2 zoning districts and the other districts to which the text amendments will apply and the peculiar suitability of such districts for the uses to be allowed by the text amendments, conserve the value of existing buildings, and encourage the most appropriate use of land in the City.

11. As additionally required by § 181 of the City of New Haven Charter, the proposed amendments are uniform for each class of buildings or structures throughout the RH-2 districts and the other districts to which these amendments will apply.



12. The text amendments being requested also satisfy all of the criteria for an amendment to the New Haven Zoning Ordinance set forth in Section 64(d) of the Zoning Ordinance. The text amendments can be viewed as resulting from changes in the patterns of land use in New Haven and the limited supply of land and its peculiar suitability for various purposes, including residential development in the downtown area. See City of New Haven Zoning Ordinance, § 64(d)(2)a. The effect of the requested text amendment will eliminate the need for variances, thereby promoting the purposes of zoning and the comprehensive plan of the City of New Haven.

13. Finally, the text amendments being requested are the most appropriate methods and procedures to accomplish the goal of making the RH-2 districts and the other districts to which the amendments will apply safe, walkable and livable neighborhoods.

WHEREFORE, Petitioner requests that the Board of Aldermen approve the amendments to the Zoning Ordinance set forth in Schedule A.

Respectfully submitted,

By: \_\_\_\_\_  
Karyn M. Gilvarg, AIA  
Executive Director of the City Plan Department

Zoning ordinance text amendment (i) to modify the building, parking, open space, professional offices and retail requirements for general high density districts (RH-2) (Secs. 16 and 28); (ii) to add, modify and delete definitions; (Sec. 1), (iii) in residence districts, to delete garden apartments provisions (Sec. 22), delete optional rules for measuring building height (Sec. 30), permit compact car spaces (Sec. 29), eliminate screening requirements for parking lots on public housing authority lots (Sec. 29), modify minimum horizontal distance requirements between buildings (Sec. 23), allow parking on another lot in multi-lot residential developments, (Secs. 14-17), (e) reduce required usable open space in the RH-1 and RO districts (Secs. 15 and 18); and (iv) to amend Section 43 to reflect new usable open space and common amenity space definitions.

WHEREAS, on September 16, 2013, pursuant to 1925 Special Act No. 490, § 5, the Charter of the City of New Haven, § 184 and Section 64(d)(1) of the Zoning Ordinance, City of New Haven (the “Zoning Ordinance”), Karyn M. Gilvarg, AIA, the Executive Director of the New Haven City Plan Department filed with the New Haven City Clerk for transmission to the Board of Aldermen a petition requesting that the Board of Aldermen amend the text of the New Haven Zoning Ordinance (i) to modify the building, parking, open space, professional offices and retail requirements for General High Density Districts (RH-2) (Secs. 16 and 28); (ii) to add, modify and delete definitions; (Sec. 1), (iii) in residence districts, to delete Garden Apartments provisions (Sec. 22), delete Optional Rules for measuring building height (Sec. 30), permit Compact Car Spaces (Sec. 29), eliminate screening requirements for parking lots on public housing authority lots (Sec. 29), modify Minimum Horizontal Distance requirements between Buildings (Sec. 23), allow parking on another lot in Multi-Lot Residential Developments, (Secs. 14-17), (e) reduce required usable open space in the RH-1 and RO Districts (Secs. 15 and 18); and (iv) to amend Section 43 to reflect new usable open space and common amenity space definitions

WHEREAS, on \_\_\_\_\_, pursuant to Section 184 of the City of New Haven Charter, the Board of Aldermen referred the Petition to the New Haven City Plan Commission for a public hearing; and

WHEREAS, on \_\_\_\_\_, the City Plan Commission held a public hearing on the Petition after providing due notice of such hearing in accordance with the provisions of law; and

WHEREAS, on \_\_\_\_\_, the City Plan Commission rendered an advisory report to the Board of Aldermen after considering the factors set forth in Section 64(d)(2) of the Zoning Ordinance recommending \_\_\_\_\_ of the Petition, CPC Report No. \_\_\_\_\_; and

WHEREAS, on \_\_\_\_\_, the Legislative Committee of the Board of Aldermen after due notice held a public hearing on the Petition; and recommended \_\_\_\_\_ of the Petition; and

WHEREAS, the Board of Aldermen finds that the text amendments to the Zoning Ordinance requested in the Petition are in accordance with the comprehensive plan of development for the City of New Haven as such amendments will encourage intensive residential development in the RH-2 Districts and are appropriate for the other districts to which they will apply; and

WHEREAS, the Board of Aldermen further finds that the text amendments to the Zoning Ordinance requested in the Petition are designed to lessen congestion in the streets, secure safety, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentrations of population, provide adequate provisions for all forms of transportation and other public requirements, reflect

the character of the RH-2 districts and the other districts to which they will apply and their peculiar suitability for the uses to be allowed in such districts, conserve the value of existing buildings, and encourage the most appropriate use of land in the City; and

WHEREAS, the Board of Aldermen further finds that the text amendments to the Zoning Ordinance requested in the Petition are uniform for each class of buildings or structures throughout the RH-2 districts and the other districts to which they will apply.

NOW THEREFORE BE IT ORDAINED by the Board of Aldermen of the City of New Haven that the Petition of the Executive Director of the City of New Haven City Plan Department for amendments to the text of the Zoning Ordinance is hereby granted and that the Zoning Ordinance shall be amended in the manner set forth in Schedule A attached hereto, which schedule is incorporated by reference.

BE IT FURTHER ORDAINED that the aforesaid Zoning Ordinance text amendments shall take effect upon publication of said amendments pursuant to Section 41 of the Charter of the City of New Haven.

Except as amended herein, the text of the Zoning Ordinance of the City of New Haven shall remain in full force and effect.

**SCHEDULE A**

**TABLE OF CONTENTS**

**ZONING ORDINANCE**

**IV. Residence Districts: General Provisions**

**Sec. 22** (intentionally omitted)

**Sec. 30** (intentionally omitted)

a. Common **usable open space** shall be so located and designed so as to emphasize convenience of tenant access and ease of use.

b. All common grade level **usable open space** shall be landscaped and otherwise developed to maximize recreational utility. Landscape improvements shall include trees, shrubs, ground cover and, wherever possible, the retention of existing landscape features.

c. Any **usable open space** provided above grade level, either in the form of a roof terrace or deck, shall include as improvements at least the following: a wearing surface in addition to a standard rooftop finish, safety railings or walls, passive recreational facilities such as benches, sheltered arbors and vegetative landscaping, and lighting.

RESIDENTIAL ACCESSORY BUILDING, STRUCTURE OR USE: a **building, structure or use** clearly incidental or subordinate to, and customary in connection with the **residential principal building(s)** located either on the same **lot** with a **residential principal building** or in a **residential neighborhood development** including but not limited to:

a. **Buildings** such as storage sheds, pool houses, maintenance garages, and private greenhouses;

b. **Structures** such as fences, walls, private swimming pools, and permitted **signs**;

c. **Parking spaces** for the parking of passenger automobiles; but excluding parking of commercial vehicles other than vehicles not exceeding one-half ton loading capacity that are needed for travel to and from work by residents of the **principal building**, are completely enclosed within a **building**, and are without materials or equipment; and also excluding repairs, sale of gas, and other such commercial **uses**; and

d. The keeping of one **roomer, boarder or lodger** as an **accessory use** to any **dwelling unit**, if such **roomer, boarder or lodger** is within **the residential principal building**.

USE, ACCESSORY: A **use** that is clearly incidental or subordinate to, and customary in connection with the **principal use** and is either located on

## Section 11. RS-1 Districts: Special Single-Family

(a) *Residential uses as follows.* The General Provisions for Residence Districts in Article IV shall also apply.

(1) ***Single-family detached dwellings.*** There shall be only one ***principal building*** on a lot. ***Building*** requirements:

a. ***Minimum lot area:*** 7,500 sq. ft..

d. ***Maximum building height:*** Such height shall not exceed either three ***stories*** or an ***average height*** of 35 feet.

Provided that, no point on a side or rear ***building*** wall shall be so located that it is closer to a ***side*** or ***rear lot line*** than one foot for each two feet that such point is above the average ***finished lot grade*** along such side or rear ***building*** wall.

### Section 13. RM-1 Districts: Low Middle Density.

(a) Residential **uses** as follows. The General Provisions for Residence Districts in Article IV shall also apply.

((3) **Parking spaces** required by this ordinance for the permitted residential **uses** may be located on a separate **lot** without a special exception in a **multi-lot residential development** and by special exception under subsection 63(d) of this ordinance in all other instances in any district in which the **principal use** is permitted, provided the standards of section 29 (residential parking) are met.

a. **Minimum lot area:** 6,000 sq. ft..

e. **Maximum building height:** such height shall not exceed either three **stories** or an **average height** of 35 feet.

Provided that no point on a side or rear **building** wall shall be so located that it is closer to a **side** or **rear lot line** than one foot for each two feet that such point is above the average **finished lot grade** along such side or rear **building** wall.



**Note – These pages are for illustration only. For greater detail, and for non-residential construction, refer to text of each district and to the General Provisions for Residence Districts.**

**Parking spaces** required by this ordinance for the following **uses** may be located in any district in which the **principal use** is permitted, provided the standards of section 29 (residential parking) are met.

g. **Minimum usable open space:** 125 square feet per **dwelling unit**, except 100 square feet in the case of **elderly housing units** by special exception under subparagraph 63.(d) of this ordinance, provided that in the event that a minimum of 50 square feet of private **usable open space** in the form of balconies, patios, decks, porches or private courts that are attached or are located immediately adjacent to the **dwelling unit** that they serve is provided, then the balance of the **usable open space** required under this subsection for such **dwelling unit** shall be reduced by one-quarter. All **usable open space** shall be subject to the following minimum standards in addition to others which may be applicable.

1. Common **usable open space** shall be so located and designed as to emphasize convenience of tenant access and ease of use.

2. All common grade level **usable open space** shall be landscaped and otherwise developed to maximize recreational utility. Landscape improvements shall include trees, shrubs, ground cover and, wherever possible, the retention of existing landscape features.

3. Any **usable open space** provided above grade level, either in the form of a roof terrace or deck, shall include as improvements at least the following: a wearing surface in addition to a standard rooftop finish, safety railings or walls, passive recreational facilities such as benches, sheltered arbors and vegetative landscaping, and lighting.

Provided that, no point on a side or rear **building** wall shall be so located that it is closer to a **side** or **rear lot line** than one foot for each two feet that such point is above the average **finished lot grade** along such side or **rear building** wall.

e. **Minimum yards:**

**Front – 5 ft.**, except that where 75% or more of the entire street frontage (in feet) on the same side of the same street between the nearest two intersecting streets has been developed with **buildings** with **front yards** smaller than 5' feet, the required **front yard** may be the same as the **yard** presently followed by existing **buildings** along the greatest quantity of street frontage (in feet). Provided that in the case of any **building** or **structure** which has an **average height** in excess of 60 ft., the **front yard** shall be increased proportionally (up to a maximum of 25 feet of required **front yard**) if necessary to maintain a ratio of one foot between the front **building** wall and the center line of the street to two feet of **average height** measured along the front **building** wall.

**Rear-20 ft.**

f. **Maximum gross floor area:** No such **building** or **buildings** shall have **gross floor area** greater than 2.0 times the **lot area**;

In any case of a **building** existing on the effective date of this section, , which **building** then becomes nonconforming in **building coverage** and/or **floor area ratio** , there may be located therein by conversion no more than an average of one **dwelling unit** per 1,000 square feet of **gross floor area** in the **building** on said effective date.

Where a lot contains more than one **principal building** in the same ownership, all such **buildings** shall be considered together in determining the **floor area ratio**.

g. **Minimum usable open space;** 125 square feet per **dwelling unit**, except 100 square feet in the case of **elderly housing units**, only by special exception, provided that in the event that a minimum of 50 square feet of private **usable open space** in the form of balconies, patios, decks, porches or private courts that are attached or are located immediately adjacent to the **dwelling unit** that they serve is provided, then the balance of the **usable open space** required under this subsection for such **dwelling unit** shall be reduced by one-quarter. All **usable open space** shall be subject to standards enumerated in subsection (a)(1)g. of section 15 of this ordinance

h. **Minimum parking .75: parking space per dwelling unit** (three **parking spaces** for each four **dwelling units**), except that only .33 **parking space** (one **parking space** for each three **elderly housing units**) shall be required for each **elderly housing unit**, and only .50 **parking space** per

- f. Minimum **usable open space**: 125 square feet per **dwelling unit**, except 100 square feet in the case of **elderly housing units**, only by special exception, provided that in the event that a minimum of 50 square feet of private **usable open space**, either in the form of balconies, patios, decks, porches or private courts that are attached or are located immediately adjacent to the **dwelling unit** which they serve is provided, then the balance of the **usable open space** required for such **dwelling unit** shall be reduced by one-quarter. All **usable open space** shall be subject to standards enumerated in subsection(a)(1)g. of section 15 of this ordinance.
- g. Minimum parking: .75: **parking space** per **dwelling unit** (three **parking spaces** for each four **dwelling units**), except that only .33 **parking space** (one space for each three **elderly housing units**) shall be required for each **elderly housing unit**. All **parking spaces** required under this section shall be located on the same **lot** as the **principal building**, within 300 feet **walking distance** of an outside entrance to the **dwelling unit** to which such **parking space** is assigned or in a **multi-lot residential development**. Such **parking spaces** shall conform to section 29 (residential parking) and the remainder of the General Provisions for Residence Districts in Article IV. A maximum of two curb cuts shall be permitted for any **multi-lot residential development**.
- h. In connection with an application for site plan approval for a **zero lot line development**, the applicant shall submit a deed, agreement, easement, or similar instrument and/or a homeowners' association's operating documents (such as articles of association, articles of organization, articles of incorporation, operating agreement, bylaws, and/or rules and regulations) for approval by the City Plan Commission with respect to the allocation of responsibility for the maintenance, repair and replacement of shared walls, driveways, parking areas, open space, and any other shared facilities, which approved instrument or documents shall be filed in the New Haven land records prior to the issuance of a building permit for the construction of the **zero lot line development**.

**(3)Residential accessory buildings, structures and uses**, as regulated by paragraph (1) above and by the General Provisions for Residence Districts..

**(4)Rooming, boarding and lodging houses** (excluding hotels, motels and tourist homes), as well as the keeping of only one or two **roomers, boarders** or **lodgers**, where renting of rooms is not subordinate to some other enterprise. Such **rooming, boarding and lodging houses** shall be

Minimum parking: One ***parking space*** for each 500 square feet of ***gross floor area*** of the ***building*** located on the same lot, within 300 feet ***walking distance*** or in a ***multi-lot residential development***.

b. Professional offices of the types specified in the regulations for RO Districts (other than charitable and philanthropic organizations) located in the basement, ground floor level or second floor of a ***building*** that fronts on an Urban Principal Arterial or an Urban Minor Arterial, as classified by the State of Connecticut Department of Transportation, with an aggregate ***gross floor area*** no greater than 15% of the total ***gross floor area*** of the ***building*** in which such offices are located.

c. Retail ***uses*** located at the basement and/or ground floor level of ***building*** that fronts on an Urban Principal Arterial or an Urban Minor Arterial, as classified by the State of Connecticut Department of Transportation, as follows: (i) ***uses*** listed in subsections 31(b)(1) through (10) and (13) (but not subject to the conditions of section 31); section 42C (but not including Package Alcoholic liquor); section 42D (but not including a Funeral home, gun and weapons repair, firearms training, firing range, shop or a swap shop); section 42G; section 42H (but not including gun shops); section 42I; and (ii) a Restaurant, caterer, music, or dancing school. The aggregate ***gross floor area*** of the foregoing ***uses*** shall not exceed 15% of the total ***gross floor area*** of the ***building*** in which they are located.

Where both professional offices and retail ***uses*** are located in the same ***building***, the combined ***gross floor area*** of the professional offices and retail ***uses*** shall be no greater than 15% of the total ***gross floor area*** of the ***building*** in which they are located. In addition, no ***parking spaces*** shall be required for the professional offices and retail ***uses*** permitted under this subsection.

(3) Where permitted by special exception under subsection 63(d) of this ordinance.

a. Fraternities and sororities (whether or not residential in whole or in part), whether or not located on land owned by an educational institution. Noise, odors, lights, ***signs*** and all other possible disturbing aspects connected with the operation of such ***uses*** shall be enclosed, screened or otherwise controlled to the extent that the operation of any such ***use*** shall not unduly interfere with the use and enjoyment of properties or streets in the surrounding area.

Minimum parking: One ***parking space*** for each three beds if residents are permitted to keep automobiles, plus one ***parking space*** for each four seats in

## ***RH-2 General High Density***

### ***RO Residence-Office***

The two illustrations show typical construction in the RH-1 and RO districts, both in perspective and in plan. Property lines are indicated by heavy dotted lines, and required yards by dashed lines. The numbers on the plan refer to the various restrictions on size and placement of structures.

**[Insert Diagram Sec. 17 (Page III-33)]**

<sup>1</sup>Minimum ***front yards***: 25 feet for RH-1 and RO; 5 feet for RH-2. Size is also related to height of ***building*** wall (see text for each district).

<sup>2</sup>Minimum ***rear yards***: 25 feet for RH-1 and RO; 20 feet for RH-2. Size is also related to height of ***building*** wall (see text for each district).

<sup>3</sup>Minimum ***side yards***: 10 feet for each side in RH-1 and RO; 0 feet in RH-2. Distance is also related to height of ***building*** wall (see text for each district).

<sup>4</sup>Minimum ***average lot width***: 60 feet for RH-1 and RO; 40 feet for RH-2.

<sup>5</sup>***Accessory buildings*** may extend into ***side*** and ***rear yards***. (See General Provisions for Residence Districts).

#### ***Other Requirements:***

Minimum ***lot area***: 7,500 square feet for RH-1 and RO; 5400 square feet for RH-2.

Maximum ***floor area ratio (F.A.R.)***: 0.5 to 1.7, depending upon ***building coverage*** (see text), except for RH-2 where F.A.R. is 2.0.

Maximum ***building coverage***: ***principal building(s)*** 25% or less for the RH-1 and RO, (see text), 50% for the RH-2, ***accessory building*** 10%.

Maximum ***building*** height: no direct limit, except for ***zero lot line developments***.

Minimum ***usable open space***: 125 sq. ft. per ***dwelling*** Minimum parking: For the RH-1 and RO districts, one ***parking space*** per ***dwelling unit*** for the RH-2 district, .75 ***parking space*** per ***dwelling unit***, located on the same ***lot***, within 300 feet walking distance or in a ***multi-lot residential***

# RESIDENCE DISTRICTS: DISTRICT REGULATIONS

Table 1

TABLE 1. SUMMARY SCHEDULE OF PERMITTED USES IN RESIDENCE DISTRICTS

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

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

Use Category	Zoning District						
	RS-1	RS-2	RM-1	RM-2	RH-1	RH-2	RO
<b>Residential, Temporary &amp; Agricultural:</b>							
Single-family detached dwellings	R	R	R	R	R	R	R
Other single-family dwellings	X	X	R	R	R	R	R
Two-family and multi-family dwellings	X	X	R	R	R	R	R
Limited conversion of dwellings by variance	see	text	X	X	X	X	X
Residential accessory buildings structures and uses	R	R	R	R	R	R	R
Zero lot line developments	X	X	X	X	X	R	X
Rooming, boarding and lodging houses	X	X	X	X	X	R	X
Automobile trailer camps	X	X	X	X	X	SE	X
Temporary uses and structures	SE	SE	SE	SE	SE	SE	SE
Life-work loft conversions (§ 18A)	SP	SP	SP	SP	SP	SP	SP
Agriculture	X	R	R	R	X	R	R
<b>Parking &amp; Rights-of-Way:</b>							
Accessory parking for permitted uses on separate lots: non-residential	SE	SE	SE	SE	SE	SE	SE
Accessory parking on separate lots: residential	X	X	SE	SE	SE	SE	SE
Transition parking	X	X	SE	SE	X	SE	SE
Railroads and other rights-of-way	X	SE	SE	SE	X	SE	SE
<b>Government &amp; Institutional:</b>							
Parks, playgrounds	R	R	R	R	R	R	R
Reservoirs, Dams, Public utility substations and pumping stations, Telephone exchanges, Police and Fire stations, Post offices	R	R	R	R	R	R	R
Charitable and philanthropic organizations	X	X	X	X	X	R	X
Non-profit recreation facilities, community centers, clubs	X	SE	SE	SE	X	SE	SE
Non-profit cultural activities	X	R	R	R	X	R	R
Other non-profit social organizations	X	X	X	X	X	SE	X
Antenna or wireless site, subject to § 49, standards	SP	SP	SP	SP	SP	SP	SP
Custodial care facilities, with six or less residents, (See section 19)	X	X	SE	SE	X	X	X
<b>Medical &amp; Religious:</b>							
Convalescent homes, rest homes, nursing homes, sanitariums, homes for aged and handicapped, orphanages	X	X	SE	SE	X	SE	SE
General and special hospitals	X	R	R	R	X	R	R
Limited expansion of religious uses	SE	X	X	X	SE	X	X
Religious institutions	X	R	R	R	X	R	R <sub>43</sub>

**RESIDENTIAL DISTRICT:**

Table 2

**TABLE 2. SUMMARY OF DENSITY, BULK, PARKING AND LOADING REGULATIONS**  
 Note – This Summary Schedule is for convenience in use of the ordinance. In case of conflict, the District Regulations shall prevail. Terms in boldface italics are defined in Section 1 of this Ordinance.

Business & Industrial Districts																	

es:  
 e Ordinance text for standard for developed blockfronts with lesser setbacks.  
 mer lot: Any yard facing a street is a front yard. Rear and side yards are by owner choice.  
 riable. Lower building coverage permits a higher floor area ratio (FAR), which is a ratio of gross building area to land area.



**Section 22. [intentionally omitted]**

**Section IV – Page 7**

**Section 23. Residential principal buildings and rooming, boarding and lodging houses; size of courts and distance between buildings.**

The following requirements shall apply to any one or more of such **buildings** constructed after the effective date of these regulations.

*(a) Minimum horizontal distance between facing walls of a **court**.*

- (1) Where both facing walls contain a window or windows; such distance shall be no less than 1.5 feet for each foot of **average height**, above the lower horizontal surface of the **court**, of the facing wall having the greater **average height**.
- (2) Where only one of the facing walls contains a window or windows: such distance shall be no less than one foot for each foot of **average height**, above the lower horizontal surface of the **court**, of the facing wall that has no windows.
- (3) Where neither of the facing walls contains a window or windows: such distance shall be no less than five feet.

- (b) Minimum horizontal distance between two unattached **buildings*** in single ownership located on a single lot: where any exterior wall of one **building** lies such that it can be intersected by a line drawn perpendicular to an exterior wall of the other **building**, such distance shall be 0.5 ft. for each foot of **average building height** of the taller of the two **buildings** up to a maximum distance of 35 ft.:

**[Delete Diagram Sec. 23.B.1.a (Page IV-7)]**

## Section 29. Parking

(a) In any residence district ***parking spaces*** and bicycles spaces shall be provided in the amount and location specified by the regulations of that district. Where parking requirements are expressed as a ratio to beds, employees, floor area, etc., any fraction of the stated amount of beds, employees, floor area, etc., shall require one ***parking space*** or bicycle space, but after the first such ***parking space*** or bicycle space, only a fraction of  $\frac{1}{2}$  or greater shall require an additional ***parking space*** or bicycle space.

(b) All ***parking spaces*** shall be 9 feet x 18 feet exclusive of adequate driveways and aisles, except, thirty (30%) of all parking spaces may be ***compact car spaces*** if located in a parking lot or structure that contains 20 or more ***parking spaces***. All ***parking spaces*** shall have direct access to a circulation aisle, alley or street, be suitably surfaced and drained and be provided with bumper or wheel guards where needed. All parking areas containing three or more ***parking spaces*** shall include a turnaround designed and located so that vehicles can enter and exit the area without backing into the public right-of-way.

(c) No ***parking space*** shall be located within any required ***front yard***, except that: ***parking spaces*** (whether enclosed or not) may be permitted to be located within a required ***front yard*** by special exception under subsection 63(d) of this ordinance upon finding, among other things, that such ***parking spaces*** are necessary to the use with which they are connected, that they cannot be practically located elsewhere on the lot, that their location within a required ***front yard*** will not depreciate property values or cause vehicular or pedestrian traffic hazards or substantially decrease the open aspect of the street, and that such ***parking spaces*** are properly screened and otherwise arranged in accordance with the requirements of this ordinance.

A ***parking space*** or bicycle space may be located within a required ***side yard*** or ***rear yard***, provided that no such ***parking space*** or bicycle space shall extend within two feet of any side of any ***side lot line*** or ***rear lot line***; but a ***parking space*** or bicycle space within an ***accessory building*** shall follow the requirements of section 25 as to location within required ***side*** and ***rear yards***.

(d) A site shall provide two bicycle spaces for the first ten required or proposed ***parking spaces*** and one additional bicycle space for each additional ten required or proposed motor vehicle ***parking spaces*** or fraction thereof.

Or

directly or across a street or alley. This requirement shall not apply to **parking spaces** located on a **lot** owned by a public housing authority.

(g) All artificial lighting used to illuminate any **parking space** or **spaces** shall be so arranged that all direct rays from such lighting fall entirely within such parking space or spaces and shall comply with the requirements of Section 60.1 of these regulations regarding exterior lighting.

(h) No sales or servicing or dead storage of automobiles or automotive equipment shall be carried on in any **parking space**.

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

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

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

(k) Two **parking spaces** may be subtracted from the quantity of parking spaces required for a **use** or a **structure** for each **carsharing parking space** provided in a parking lot or structure containing 50 or fewer parking spaces serving such **use** or **structure**, provided, however, that in no event shall the

## Section 30. [Reserved]

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

- (i) *Additional requirements for the BD-3 and BD-1 Districts.*
- (1) **Usable Open space / common amenity space.**
  - a. In the BD-3 District, for all **nonresidential buildings** in excess of 10,000 square feet of **gross floor area**, a minimum of 25 square feet of **usable open space** per 1,000 square feet of **gross floor area** up to a maximum of 10,000 square feet of **usable open space** shall be provided on the same **lot** on which the **nonresidential building** is located. In the event that any point on such **lot** is located within a 1,000-foot radius of publicly accessible **open space**, then a minimum of 13 square feet of **usable open space** per 1,000 square feet of **gross floor area** shall be required on such **lot** up to a maximum of 10,000 square feet of **usable open space**.
  - b. In the BD-1 and BD-3 Districts, for all **mixed use buildings** and **residential principal buildings**, a minimum of 50 square feet per **dwelling unit** of **usable open space** shall be provided on the same **lot** on which such **building** is located. In the event that any point on the **lot** upon which the **mixed use building** or the **residential principal building** is situated is located within a 1,000-foot radius of publicly accessible **usable open space**, then a minimum of 25 square feet of **usable open space** per **dwelling unit** shall be required.
  - c. In the BD-1 and BD-3 Districts, **mixed use buildings** with six or more **dwelling units** and **residential principal buildings** with six or more **dwelling units** shall provide 50 square feet of **common amenity space** per **dwelling unit** in addition, to the **usable open space** required under subsection 43(i)(1)b above.

## **Referral 2.4: City of Milford**

**Subject:** Proposed Zoning Regulation Amendment to add Section 2.7.10 (Moratorium on Medical Marijuana Dispensaries and Producers)

### **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 Milford has proposed a zoning regulation amendment that would establish a moratorium on applications regarding medical marijuana dispensaries and producers. The proposed moratorium would allow the Planning and Zoning Board to review the “State of Connecticut Regulation of the Department of Consumer Protection concerning palliative use of Marijuana” and to draft/adopt regulations regarding the production and distribution of medical marijuana. The proposed moratorium would last twelve months from the effective date.

The City of Milford is adjacent to the following municipalities in the South Central Region: New Haven and Orange.

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



# City of Milford, Connecticut

- Founded 1639 -

70 West River Street - Milford, CT 06460-3317

Tel 203-783-3245 FAX 203-783-3303

Website: [www.ci.milford.ct.us](http://www.ci.milford.ct.us)

E-mail: [planning@ci.milford.ct.us](mailto:planning@ci.milford.ct.us)

Planning and Zoning  
Office

David B. Sulkis, A.I.C.P.  
City Planner

September 26, 2013



Eugene Livshits, Regional Planner  
South Central Council of Governments  
127 Washington Avenue, 4<sup>th</sup> Floor West  
North Haven, CT 06473

**RE: Proposed Moratorium on Medical Marijuana Dispensaries and Producers**

Dear Mr. Livshits:

In accordance with the provisions of Connecticut General Statute 8-3b, the Planning and Zoning Board is considering the adoption of the enclosed language, on the above referenced subject, to be added to the City of Milford Zoning Regulations:

**Section 2.7.10**

The Milford Planning and Zoning Board shall not accept or consider any application to permit the establishment of Medical Marijuana Producers and dispensary facilities for a period of twelve months commencing from the effective date of \_\_\_\_\_. The reason for the moratorium is to allow the Planning and Zoning Board to review the "*State of Connecticut Regulation of the Department of Consumer Protection concerning palliative use of Marijuana*" and the associated application process for producers and dispensary facilities, and to draft/or adopt municipal regulations regarding the production and distribution of medical marijuana within the City of Milford. The expiration date of said moratorium will be \_\_\_\_\_ unless extended by the Planning and Zoning Board.

It is understood that your comments will be forthcoming within thirty-five (35) days of your receipt of the referral document.

Very truly yours,

David B. Sulkis, AICP  
City Planner

DBS/pl

C: Joseph D. Griffith, Director, DPLU

## **Referral 2.5: City of Milford**

### **Subject:**

Proposed Zoning Regulation Amendments to Article VI, Section 6.2 (Non-Conforming Uses), Section 6.3 (Non-Conforming Structures) and Article VIII, Section 11.2 (Definitions)

### **Staff Recommendation:**

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

### **Background:**

The City of Milford has proposed zoning regulation amendments to Article VI, Section 6.2 (Non-Conforming Uses), Section 6.3 (Non-Conforming Structures) and Article VIII, Section 11.2 (Definitions).

In Article VI, the section on Restoration has been moved from Section 6.2.6 to Section 6.3.6. The new section states that restoration or reconstruction shall begin within one year and be completed within two years of the damage or destruction. The restoration or reconstruction must adhere to all procedures necessary to obtain a Zoning Permit. The extent of the damage is now determined by the Chief Building Official or Chief Building inspector, rather than the Zoning Enforcement Officer.

Another change in the Restoration Section is that a non-conforming building or structure or non-conforming portion of a building or structure which has been destroyed or damaged by fire, explosion, act of God, or by any other casualty to an extent of more than fifty percent of the physical structure, excluding the foundation, may be restored to the same non-conforming building or structure as existed before such damage or destruction provided that certain conditions are met. The conditions are that restoration is limited to the destroyed portion, restoration will need to begin within one year and be completed within two years and the restoration will need to meet all procedures necessary to obtain a zoning permit. The specific language can reviewed in the background section of the agenda packet. In the existing regulations, in the event of the above situation, the building or structure would need to be built in compliance with the existing regulations in the district.

Section 6.2.6 is now titled, Discontinuance. Any building, structure, or portion thereof containing a nonconforming use that is destroyed or damaged can be restored and continued as a non-conforming use to the same extent as it previously existed as long as it is restored within two years of the damage or destruction. The nonconforming use cannot be extended, expanded, or transformed into a different non-conforming use.

In Article XI, the definitions of *Structure* and *Substantial Improvements* have been revised. The definition of *Structure* has been edited to exclude ground-mounted mechanical units, flag poles, and recreational equipment. The time period for calculating the cumulative cost of *Substantial Improvements* has been reduced from ten years to five years.

The City of Milford is adjacent to the following municipalities in the South Central Region: New Haven and Orange.

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





# City of Milford, Connecticut

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David B. Sulkis, A.I.C.P.

City Planner

Planning and Zoning  
Office

October 2, 2013

Eugene Livshits, Regional Planner  
South Central Council of Governments  
127 Washington Avenue, 4<sup>th</sup> Floor West  
North Haven, CT 06473

**RECEIVED**

**OCT 03 2013**

**SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS**

**RE: PETITION FOR CHANGE OF ZONING REGULATIONS**

Dear Mr. Livshits:

In accordance with the provisions of Connecticut General Statute 8-3b, the Planning and Zoning Board has been petitioned by Mayor Benjamin G. Blake, to change the Zoning Regulations of the City of Milford in accordance with the attached documents. The Articles and Sections in question are as follows:

**Article VI Non-Conforming Uses, Structures and Lots**

**Article VI, Section 6.2 – Non-Conforming Uses,**

**Section 6.2.6 – Discontinuance**

**Section 6.3 - Non-Conforming Structures**

**Section 6.3.6 - Restoration**

**Article VIII Interpretation, Administration and Enforcement**

**Section 8.2.2 - Authority to Enforce**

**Article XI - Definitions**

**Section 11.2 - Other Terms**

**Structure; Improvement, Substantial**

It is understood that your comments will be forthcoming within thirty-five (35) days of your receipt of the referral document.

Very truly yours,

David B. Sulkis, AICP  
City Planner

DBS/pl  
Attachment

C: Joseph Griffith, Director, DPLU



**MILFORD PLANNING & ZONING BOARD  
PETITION FOR CHANGE OF ZONING REGULATIONS**

I (WE) Benjamin G. Blake, Mayor  
HEREBY PETITION FOR A CHANGE IN THE ZONING REGULATIONS OF  
THE CITY OF MILFORD AS FOLLOWS:

ARTICLE See Attached SECTION                     

TEXT OF CHANGE See Attached

RECEIVED

OCT - 1 2013

PLANNING & ZONING  
MILFORD, CT 06460

**REASON FOR REQUESTING CHANGE IN REGULATIONS:**

for the betterment of the city and to improve operations.

HAS ANY PREVIOUS PETITION FOR SUBSTANTITALLY THE SAME CHANGE IN  
THE REGULATIONS BEEN FILED?

YES        NO XX IF YES, DATE OF HEARING                     

PETITIONER'S SIGNATURE 

Benjamin G. Blake, Mayor

MAILING ADDRESS 110 River Street PHONE 203-783-3201  
Milford, CT 06460

IF APPEARING BY ATTORNEY OR AGENT: NAME                     

ADDRESS                     

For Office Use Only

FEE - SEE SCHEDULE OF ZONING FEES

RECEIVED OF                      DATE                     

RECEIVED BY                      AMOUNT                      RECEIPT NO.                     

SENT TO: Regional Council of Governments  
Greater Bridgeport Regional Council  
Coastal Area Management Program

RECEIVED

OCT - 1 2013

PLANNING & ZONING  
MILFORD, CT 06460

## ARTICLE VI NON-CONFORMING USES, STRUCTURES AND LOTS

### SECTION 6.2 NON-CONFORMING USES

**6.2.6 Discontinuance:** Any building, structure or portion thereof containing a non-conforming use which has been destroyed or damaged by fire, explosion, act of God or any other casualty may be restored and continued as a non-conforming use to the same extent as said use existed before such destruction, provided that such non-conforming use shall be restored within two (2) years of such destruction or damage and further provided that such non-conforming use shall not be extended, expanded, or transformed into a different non-conforming use. **Restoration:** If any structure shall be destroyed by any means to an extent of more than 50 percent of the physical structure, excluding the foundation, as determined by the Zoning Enforcement Officer and/or the Building Inspector of the City of Milford, no repairs or reconstruction shall be made unless every portion of such structure and the use thereof is made to conform to all the regulations of the District, except as stated in Section 6.3.3. Nothing in these Regulations shall be deemed to prohibit the restoration of any structure and its use where such structure has been destroyed by any means out of the control of the owner to an extent of 50 percent or less of the physical structure, provided that the restoration of such structure and its use shall in no way increase any former non-conformity, and further provided that the restoration of such structure is started within one year of such destruction and is diligently prosecuted to completion within two years following such destruction.

### SECTION 6.3 NON-CONFORMING STRUCTURES

**6.3.6 Restoration:** A non-conforming building or structure or non-conforming portion of a building or structure which has been destroyed or damaged by fire, explosion, act of God, or by any other casualty to an extent of more than fifty percent (50%) of the physical structure, excluding the foundation, as determined by the Chief Building Official or the Chief Building Inspector of the City of Milford, may be restored or reconstructed to the same non-conforming building or structure as existed before such damage or destruction provided that:

- (a) such restoration or reconstruction shall be limited to the damaged or destroyed portion of the building or structure;
- (b) such restoration or reconstruction shall begin within one (1) year and shall be completed within two (2) years of such damage or destruction; and
- (c) such restoration or reconstruction shall adhere to all procedures necessary to obtain a proper Zoning Permit. The owner of such damaged or destroyed building or structure may replace and reorganize the same amount of gross interior floor space in a manner to more nearly conform to these Regulations.

Nothing in these Regulations shall be deemed to prohibit the restoration of any structure and its use where such structure has been damaged or destroyed by any means out of



the control of the owner to an extent of fifty percent (50%) or less of the physical structure, provided that the restoration of such structure and its use shall in no way increase any former non-conformity, and further provided that the restoration of such structure shall begin within one (1) year and shall be completed within two (2) years of such damage or destruction.

## **ARTICLE VIII INTERPRETATION, ADMINISTRATION AND ENFORCEMENT**

### **SECTION 8.2 ZONING ENFORCEMENT OFFICERS**

**8.2.2 Authority to Enforce.** The Chairman of the Planning and Zoning Board, Director of the Department of Permitting and Land Use, City Planner and Assistant City Planner shall have the responsibility and authority to enforce the provisions of these Regulations in the same capacity as the Zoning Enforcement Officers in the performance of the Zoning Enforcement Officer's duties and functions in the absence of the Zoning Enforcement Officer and at such times as circumstances may require.

## **ARTICLE XI DEFINITIONS**

### **SECTION 11.2 OTHER TERMS**

**STRUCTURE** – Anything constructed or erected which requires location on the ground and/or attachment to or placement on something having a location on the ground. Except as otherwise indicated, "structure," as used in these Regulations, shall be deemed to include buildings, swimming pools, open entries, signs, and fences or walls more than three (3) feet in height other than retaining walls. For floodplain management purposes, a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Ground-mounted mechanical units, such as air conditioning compressors and generators, flag poles and recreational equipment, including but not limited to swing sets, playscapes and basketball hoops, shall not be deemed structures in residential districts.

**IMPROVEMENT, SUBSTANTIAL** – Any repair, reconstruction, or improvement of a structure, taking place during a ~~ten-five (5)~~ year period, in which the cumulative cost equals or exceeds fifty ~~(50)~~-percent (50%) of the market value of the structure as determined at the beginning of such ~~ten-five (5)~~ year period. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of

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the structure. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a "historic" structure, provided that the alteration will not preclude the structure's continued designation as a "historic structure."