

**SOUTH CENTRAL CONNECTICUT  
Regional Planning Commission**

**RPC  
Representatives**

**Bethany:**  
Michael Calhoun  
(Secretary)

**Branford:**  
Charles Andres

**East Haven:**  
Vacant

**Guilford:**  
Walter Corbiere

**Hamden:**  
Robert Roscow

**Madison:**  
Joel Miller

**Meriden:**  
David White  
(Vice-Chair)

**Milford:**  
Anthony D. Sutton

**New Haven:**  
Kevin DiAdamo

**North Branford:**  
Frances Lescovich

**North Haven:**  
James Giulietti  
(Chair)

**Orange:**  
Vacant

**Wallingford:**  
Vacant

**West Haven:**  
Al Posey

**Woodbridge:**  
Vacant

To: Regional Planning Commission  
From: Eugene Livshits, Regional Planner  
Subject: Thursday, November 10, 2016 RPC Meeting at 5:15pm in the SCRCOG Offices:  
127 Washington Avenue, North Haven, CT 06473

**AGENDA**

**1. Administration**

- 1.1. Minutes of the July 14, 2016 RPC Meeting **1**
- 1.2. Minutes of the October 13, 2016 RPC Meeting (informational) **2**

**2. Action Items**

- 2.1. Town of Stratford: Proposed Zoning Regulation Amendment to Section 5.3.16 regarding the adaptive reuse of hotels. Submitted by: Private Applicant. Received: October 7, 2016. Public Hearing: October 25, 2016 (continued to November 29, 2016). **3**
- 2.2. Town of Stratford: Proposed Zoning Regulation Amendment to create Section 8.5 – Waterfront Redevelopment District, WR. Submitted by: Private Applicant. Received: October 11, 2016. Public Hearing: October 25, 2016 (continued to November 29, 2016). **8**
- 2.3. Town of North Haven: Proposed Zoning Regulation Amendments pertaining to Section 5.1.3.16 – IL Upper Washington Avenue Multi-Use (ILUWMU) Developments. Submitted by: Private Applicant. Received: October 11, 2016. Public Hearing: November 14, 2016. **24**
- 2.4. Town of Bethany: Proposed Zoning Regulation Amendment to create Section 7.3.1 – Special Exception for lighted signs in the Business and Industrial Zone. Submitted by: Town of Bethany. Received: October 18, 2016. Public Hearing: December 7, 2016. **28**
- 2.5. Town of Branford: Proposed Zoning Regulation Amendment to Sections 7.13.A and 7.13.B regarding Commercial Kennels and Animal Shelters. Submitted by: Private Applicant. Received: October 19, 2016. Public Hearing: N/A. **31**
- 2.6. Town of East Haven: Proposed Zoning Regulation Amendments to Schedule A: Line #46 to allow veterinary hospital use in Commercial A Districts. Submitted by: Town of East Haven. Received: October 21, 2016. Public Hearing: November 30, 2016. **39**

**SOUTH CENTRAL CONNECTICUT  
Regional Planning Commission**

- 2.7. City of Derby: Proposed Zoning Regulation Amendments to Section 195-17D – Industrial Zone 1, to allow Personal Services as an allowed use. Submitted by: Private Applicant. Received: October 21, 2016. Public Hearing: November 15, 2016. **44**
- 2.8. City of New Haven: Proposed Zoning Regulation Amendments to Zoning Ordinance Text of Article I Definitions; Article III Residence Districts Section 16 RH-2 Districts: General High Density; Article V, Section 42.0 (Table 3: Use Table), Section 43.0 (Bulk and Yard regulations for business and industrial districts), and Section 45.0 (Regulations for parking, loading, and automotive and drive-in establishments). Submitted by: City of New Haven. Received: October 27, 2016. Public Hearing: N/A. **48**

**3. Other Business**

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

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

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127 Washington Avenue, 4th Floor West, North Haven, CT 06473

[www.scrkog.org](http://www.scrkog.org) T (203) 234-7555 F (203) 234-9850 [elivshits@scrkog.org](mailto:elivshits@scrkog.org)

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

**MEETING MINUTES**

To: Regional Planning Commission  
From: Eugene Livshits, Regional Planner  
Subject: Minutes for Thursday, July 14, 2016 Meeting

**Present:** James Giulietti, David White, Michael Calhoun, Charles Andres, Robert Roscow, Christopher Traugh, Eugene Livshits

**1 Administration**

1.1 *Minutes of the June 9, 2016 RPC meeting.*

Motion to accept the minutes as presented: Michael Calhoun. Second: Christopher Traugh.  
Vote: Unanimous.

**2 Statutory Referrals**

2.1 *Town of North Haven: Proposed Zoning Regulation Amendment to add Section – 5.1.3.5.4(e)*

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: Charles Andres. Second: Michael Calhoun. Vote: Unanimous.

**3 Other Business**

3.1 *Regional Recreational Trails*

The Representative were provided with information pertaining to the Regional Recreational Trails Project including a brief demonstration of the GIS component of the project.

Motion to Adjourn: Christopher Traugh. Second: Charles Andres. Vote: Unanimous.

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

**MEETING MINUTES**

To: Regional Planning Commission  
From: Eugene Livshits, Regional Planner  
Subject: Minutes for Thursday, October 13, 2016 Meeting

**Present:** David White, Michael Calhoun, Robert Roscow, Eugene Livshits

**The Regional Planning Commission Meeting on October 13, 2016 did not have a quorum. The referrals were reviewed by consensus of the members present.**

**1 Administration**

*1.1 Minutes of the July 14, 2016 RPC meeting.*

The approval of minutes from the July 14, 2016 meeting will be presented during the November 10, 2016 RPC meeting.

*1.2 Minutes of the September 8, 2016*

The September 8<sup>th</sup> meeting did not have a quorum and the minutes were presented for informational purposes.

**2 Statutory Referrals**

**The statutory referrals were discussed and comments were determined by the consensus of the members present.**

*2.1 Town of Southington: Proposed Zoning Regulation Amendments pertaining to Section 12 – Automobile Parking and Loading Area Provisions*

Although there was not an official quorum at the meeting, by consensus of the members present, the RPC has determined that the Proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

*2.2 Town of Hamden: Proposed Zoning Regulation Amendments pertaining to Section 670 – Student Housing*

Although there was not an official quorum at the meeting, by consensus of the members present, the RPC has determined that the Proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

*2.3 Town of Prospect: Proposed Zoning Regulation Amendments pertaining to Section 4.8 – Commercial Garages, Gasoline Filling and Service Stations*

Although there was not an official quorum at the meeting, by consensus of the members present, the RPC has determined that the Proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

*2.4 Town of East Haven: Proposed Subdivision Application (25 Warner Road)*

Although there was not an official quorum at the meeting, by consensus of the members present, the RPC has determined that the Proposed Subdivision Application 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.

## **Referral 2.1: Town of Stratford**

### **Subject:**

Proposed Zoning Regulation Amendments to Section 5.3.16 regarding the adaptive reuse of hotels

### **Staff Recommendation:**

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

### **Background:**

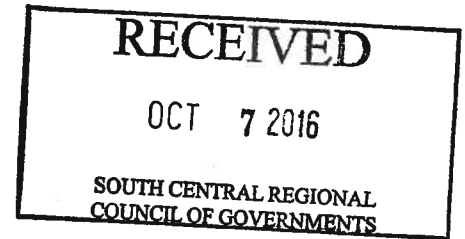
A private applicant in the Town of Stratford has submitted proposed zoning regulation amendments to Section 5.3.16 – Redevelopment and/or Adaption of an Existing Building.

The amendments are applicable to adaptive reuse of existing hotel buildings in the CA District. The existing hotel buildings would be able to be converted into residence apartments. Existing Sections 5.3.2 (Apartment Requirements), 5.3.5 (Apartment unit equivalents), 5.3.8 (To promote fire safety all residence apartment buildings shall have full basements...),5.3.9 (A separate storage space), and 5.3.14 (A minimum of ten per cent of the total lot area shall be established for either active or passive recreational purposes ...) would not be applicable if the number of dwelling units proposed does not increase above the number of hotel rooms in the existing building at the time of application for the adaptive reuse.

### **Communication:**

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

October 4, 2016



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

Attention: Carl Amento Exec. Director

The following is referred to your Agency:

The Stratford Zoning Commission has received an application to amend Section 5.3.16 regarding the adaptive reuse of hotels.

This application will be heard at a public hearing of the Zoning Commission to be held Tuesday evening, October 25, 2016 at 7:00 P.M. in the Council Chamber, Town Hall.

Regards,



Jay Habansky  
Planning & Zoning Administrator  
ZONING COMMISSION

JH/ej

Q & R ASSOCIATES, LLC

ONE POST ROAD  
FAIRFIELD, CONNECTICUT 06824  
(203) 255-9928; FAX (203) 255-6618  
WWW.QRLAW.COM

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SEP 27 '16 PM4:22

**ZONING COMMISSION  
ROOM 113 TOWN HALL  
STRATFORD, CT 06615**

ROBERT G. GOLGER  
MICHAEL C. JANKOVSKY  
DAVID K. KURATA  
KATHERINE M. MACOL  
WILLIAM M. PETROCCIO+  
RAYMOND RIZIO+  
CHRISTOPHER RUSSO

EMAIL: CRUSSO@QRLAW.COM  
TELEPHONE EXTENSION: 312

+ ALSO ADMITTED NY BAR

August 30, 2016

Planning & Zoning Department  
Stratford Town Hall  
2725 Main Street  
Stratford, CT 06615  
**ATTENTION: Jay Habansky**

Re: Text Amendment to Section 5.3.16 of the Stratford Zoning Regulations regarding the Redevelopment and/or Adaptation of an Existing Building

Mr. Habansky,

Our office represents Kolich Properties, LLC the contract purchaser of the property located at 225 Lordship Boulevard. On behalf of our client, I request to amend Section 5.3.16 of the Stratford Zoning Regulations by adding the language enclosed as Exhibit A.

The proposed text amendment to Section 5.3.16 of the Stratford Zoning Regulations, regarding the redevelopment and/or adaptation of an existing building, specifically addresses the adaptive reuse of existing hotel buildings to align with the purpose of Section 5.3.16.

This text amendment is consistent with the purpose of the adaptive reuse regulation in providing for the conversion of existing hotel buildings in the CA District into residence apartments. To achieve this goal, the text amendment exempts existing hotel buildings from some of the requirements under Section 5.3. As an existing hotel building, the hotel rooms within the building are already constructed to be a dwelling unit. Therefore, minimal work is required to construct the footprint of each dwelling unit. Instead, existing hotel rooms need to be adapted for long-term, rather than short-term, residential living, which may merely require the installation of a kitchen and general renovation. As the footprint of these proposed dwelling units already exists, some requirements under Section 5.3 inhibit the execution of an adaptive reuse of an existing hotel building. For instance, Section 5.3.2 requires a "water closet" and Section 5.3.9 requires a "separate storage space," which may not fit into the existing footprint of the hotel room. Further, as the adaptive reuse of a large hotel building into a non-residential use would be extremely difficult, the apartment unit quota of Section 5.3.5 would realistically prevent the adaptive reuse of an existing hotel building. Finally, Sections 5.3.8 and 5.3.14 would also be restrictive to existing hotel buildings, which may not have an existing full basement or the area on an already developed parcel to provide for recreation. As existing hotel buildings in

the CA District are a logical candidate for adaptive reuse into residence apartments, we argue this text amendment supports the purpose of Section 5.3.16.

A key component of the proposed text amendment is it shall only apply if the number of proposed dwelling units does not increase above the number of hotel rooms which exist at the time of the application for adaptive reuse. In addition, the restrictions on permitted density for dwelling units would still apply to assure the residence apartment use never intensifies beyond the intent of the Regulations.

For the above-stated reasons, the applicant respectfully requests approval of the proposed text amendment.

Thank you for your continued assistance.

Very truly yours,



Raymond Rizio



## Exhibit A

### **Proposed Text Amendment to Section 5.3.16 of the Stratford Zoning Regulations regarding the Redevelopment and/or Adaptation of an Existing Building (Change underlined below)**

#### **5.3.16 Redevelopment and/or Adaptation of an Existing Building**

For the redevelopment and/or the adaptation of an existing building for residential use in a CA, LB or LBB District only, where said building has been in existence for a minimum of 25 years and where the existing footprint of the building will not change, the foregoing provisions of Section 5.3 shall not apply to yard setbacks, exterior building heights, building coverages and lot area but shall revert to provisions of the underlying zone in which the building is situated but in no event shall these regulations preclude preexisting conditions as to all coverages and yard setbacks. The provisions set forth in Section 5.3.3 first paragraph as to coverage and the second paragraph as to density only shall not apply and the minimum lot area shall be 20,000 square feet and the permitted density for living units shall be not less than 1,500 square feet of lot area per living unit.

In the event of the adaptive reuse of existing hotel buildings located in the CA District, the use of said building may be converted into residence apartments and the preceding Section 5.3.2, 5.3.5, 5.3.8, 5.3.9, 5.3.14 shall not apply provided the number of dwelling units proposed does not increase above the number of hotel rooms which exist at the time of the application for adaptive reuse.

Interior height limitations shall not apply to one-third (1/3) of the residential units so long as the interior heights of the units comply with the State building code in effect at the time the applications are made to the Zoning Commission. The recreational requirements of Section 5.3.14 shall not apply.

Parking requirements of Section 12.5.2 shall apply.

All applications under this Section shall be reviewed on an individual basis. The zoning Commission shall give full consideration to the character of existing land uses and zoning districts in the vicinity of this proposed use to assure the feasibility of providing a quality residential environment.

## **Referral 2.2: Town of Stratford**

### **Subject:**

Proposed Zoning Regulation Amendments to add Section 8.5 – Waterfront Redevelopment District, WR

### **Staff Recommendation:**

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

### **Background:**

A private applicant in the Town of Stratford has submitted proposed zoning regulation amendments to add Section 8.5 – Waterfront Redevelopment District, WR. The purpose of the District is to guide land uses to enable significant renewal and revitalization of the waterfront. The intent of the District is to facilitate the redevelopment of the Stratford Army Engine Plant property and similar industrial waterfront locations. Additional information regarding the purpose and intent of the District can be reviewed within the Agenda Packet. The WR District is an overlay zone. The initial boundary is the Stratford Army Engine Plant property. The existing regulations pertaining to Section 1.24 -Lot would not be applicable to this District.

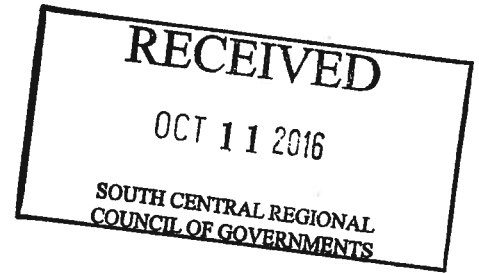
Permitted uses would include those in the underlying district, except as limited by the proposed regulations. Additionally, any use allowed in the Section 8.2 – Waterfront Business District (WF), Section 7.1 – Retail Commercial District (CA), Section 7.5 – CF District, and Multi-Family Residential Uses. Prohibited uses include the following: heavy industry, adult live entertainment, adult book store, adult video store, adult movie theater, kennel, funeral home, pawn shop, hookah lounge, and unlicensed massage parlor.

The application process requires for a submittal of a General Development Master Plan (GDMP) to the Zoning Commission for approval as a Special Case under Section 20 – Special Cases and Unnamed Uses. All development approved is subject to Site Plan or Special Case Approval or both depending if it differs from the GDMP. The proposed regulations introduce requirements for the General Development Master Plan and has a list of information that will need to be included with the application. There are an additional set of requirements for the Final Site Plan, Development and Use Standards, which can be reviewed in the Agenda Packet.

### **Communication:**

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

October 4, 2016



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

Attention: Carl Amento Exec. Director

The following is referred to your Agency:

The Stratford Zoning Commission has received an application to add a new Section 8.5 to the Zoning Regulations.

This application will be heard at a public hearing of the Zoning Commission to be held Tuesday evening, October 25, 2016 at 7:00 P.M. in the Council Chamber, Town Hall.

Regards,



Jay Habansky  
Planning & Zoning Administrator  
ZONING COMMISSION

JH/ej

# Point Stratford Renewal LLC

September 20, 2016

Jay Habansky, *MURP*  
Planning & Zoning Administrator  
Town of Stratford  
2725 Main Street  
Stratford, CT 06615

Re: Proposed Waterfront Redevelopment District (WR)

Dear Mr. Habansky:

Enclosed please find thirteen (13) copies of the proposed Waterfront District Redevelopment District regulations for consideration by the Zoning Commission, together with our check in the amount of \$660.00.

We believe that the adoption of these regulations is essential to facilitate the redevelopment of the Stratford Army Engine Plant as a high quality multi-use waterfront destination with substantial public access to a riverfront closed to the public for almost a century. These regulations emphasize the importance of water dependent and related uses, while promoting a wide diversity of uses. In addition, they encourage seasonal, informal and holiday programming to attract visitors.

In general, the regulations require that the project developer submit a master plan for approval by the Zoning Commission, with site plan approval to be required for each parcel within the project as it is developed. Any major changes will require the approval of the Commission. This approach will be attractive to prospective tenants and purchasers of parcels within the project as they will be able to determine up front that their proposed use and location are pre-approved in the master plan.

We respectfully request favorable action by the Commission at its meeting on October 25<sup>th</sup>.

Sincerely,

POINT STRATFORD RENEWAL LLC

By DR Stratford LLC, a manager

By 

Donald Gershman, manager

Enclosures

***Proposed Waterfront Redevelopment District (WR) Regulation***  
*Suggested location in Stratford Zoning Regulations: Section 8.5*

**WATERFRONT REDEVELOPMENT DISTRICT, (WR)**

**8.5 Waterfront Redevelopment District, WR**

**8.5.1 Purpose**

The purpose of the Waterfront Redevelopment District is to guide land uses to enable the significant renewal and revitalization of the waterfront along a unique section of the Housatonic River in Stratford and to appropriately and sustainably utilize the extraordinary shoreline assets located there. This district encourages the development of enhanced waterfront access and utilization opportunities for residents and businesses and provides flexibility in the administration of land use regulations, while fully protecting and advancing the health, safety and welfare of Stratford residents.

Additionally, the intent in creating the district is to:

- 1) Facilitate the redevelopment of the Stratford Army Engine Plant property, and similar waterfront industrial properties, into a multi-use waterfront destination and economic centerpiece for Stratford and for the region, recognizing its unique size, waterfront location and historical significance;
- 2) Encourage a variety of uses providing permanent employment, provide for commercial and office opportunities and quality residential environments, draw the public to the area to explore and enjoy the waterfront setting, and to unite and connect Stratford's coastal recreational and cultural landmarks;
- 3) Incorporate smart growth techniques and green technology in the revitalization efforts, including the extension of a waterfront greenway and public areas that would eventually connect with Stratford's neighborhoods, transportation and employment centers, and recreational facilities;
- 4) Recognize the historic and distinguished aviation history of the area;
- 5) Comply with the provisions of the Connecticut Coastal Management Act by establishing the highest priority and preference for water-dependent uses as defined by C.G.S. Section 22a-93(16), public access, and protection of coastal resources; and
- 6) Enhance the economic viability of water-dependent uses (e.g. marinas, boatyards, docks, marine transportation facilities, public fishing platforms, boardwalks and general public access) through the development of complementary uses (e.g. boat rental, sales or service, fish markets, water sports sales and training, and waterfront restaurants).

### **8.5.2 District Structure and Boundaries**

Given the diversity of uses, zoning classifications, and land forms in this area, the Waterfront Redevelopment District is created as an overlay zone which extends over and modifies the permitted uses and development standards of the underlying zoning districts. The initial boundary of the Waterfront Development District is the Stratford Army Engine Plant property as shown on the plan attached as Exhibit WR1.

### **8.5.3 Number of Structures on a Lot**

To promote the greatest flexibility in design and in order to achieve the objectives of this district, the provision of Section 1.24 as to the number of principal buildings permitted on a single lot does not apply to development within this district.

### **8.5.4 Permitted Uses**

Permitted uses in the underlying districts within a Waterfront Redevelopment District remain permitted, except as limited by this Section 8.5 of the Zoning Regulations. ~~The following additional uses are permitted within this District: Any uses permitted under Section 8.2, Waterfront Business District, WF; Section 7.1, Retail Commercial District, CA; and Section 7.5, CF District; and Multifamily Residential uses (both for rent and for sale).~~ Any use not expressly permitted under this Section 8.5 shall be permitted if included as part of an approved General Development Master Plan (described below). Any buildings designated for the sale of alcoholic liquor, beer, ale or wine, whether as packaged merchandise or for consumption on premises, shown on an approved General Development Master Plan shall be deemed approved for such use under Section 15 of these regulations.

In addition, seasonal, holiday or other programmed events (e.g. outdoor movies or performances, outdoor exercise classes and food truck park) or other temporary or informal uses that activate the public/shared space in nontraditional ways are permitted subject to the approval of the Planning and Zoning Administrator.

### **8.5.5 Prohibited Uses**

These uses are expressly prohibited in the WR District: heavy industry, adult live entertainment, adult book store, adult video store, adult movie theater, kennel, funeral home, pawn shop, hookah lounge, and unlicensed massage parlor.

### **8.5.6 Application Process**

The applicant for Waterfront Redevelopment District shall submit a General Development Master Plan (GDMP) to the Zoning Commission for approval as a Special Case under Section 20 of these regulations. An approved GDMP creates vested rights as to bulk, dimension, density and use which shall be unaffected by any subsequent conveyancing, financing, or encumbering of any portion of the property. All development within an approved GDMP is

subject to site plan or special case approval or both depending on the degree it differs from that shown on the GDMP. A GDMP shall be exempt from all time limits set forth in Section 20.3 of the regulations.

### **8.5.6.1 General Development Master Plan (GDMP) Requirements**

An application for approval of a GDMP shall include:

- a) Location and size of property, including a boundary map with an accuracy meeting or exceeding standards for a "Class A-2 Property Survey" which map is to show the precise boundaries of the proposed development, as well as existing zoning boundaries and the boundaries of any officially designated wetland areas;
- b) Present and proposed land uses and the acreage of each use, as well as existing and future land uses on contiguous properties;
- c) Present and proposed buildings and structures including use, dimensions and locations of each;
- d) Proposed vehicular and pedestrian circulation patterns including locations and dimensions of private and public streets and common drives, pedestrian walkways, malls and other public and private paths;
- e) Location of proposed off-street parking facilities with dimensions, including location, size and number of parking spaces, access drives and walkways;
- f) Proposed lighting, to be designed and located in such a manner and of such amount as to ensure sufficient visibility at all times to maximize pedestrian and vehicular safety without undue adverse effect on the use and enjoyment of neighboring properties.
- g) Proposed open areas such as parks, plazas, walkways, lawn areas, and recreational facilities;
- h) Existing and proposed landscaping treatment, including major tree areas, water bodies and related treatment of open space areas, screening, and existing and proposed topography;
- i) Utility information including water supply, sewage disposal, storm drainage, including capacity of water courses and the additional flow being produced, electrical service and exterior site lighting, including fixture locations and heights;
- j) A location map showing the site's relationship to the Town's circulation system and all streets and intersections within 1,000 feet of the site;
- k) Preliminary architectural plans including generalized floor plans, representative exterior elevations, perspective drawings and descriptive information on types of building materials and exterior finishes;
- l) A written traffic report by a qualified professional engineer evaluating the impact of the GDMP on the street system, including the amount of traffic projected to occur within and for the proposed development and the adequacy of the surrounding street system and traffic controls to accommodate existing traffic, projected traffic from the proposed development and projected traffic from other approved developments that may impact the relevant portions of the street system;
- m) A written engineering report by a qualified professional engineer addressing storm drainage and flooding, including a storm water management plan, utility services,

soils and geology of the site, sediment and soil erosion control, and hydrological-geological conditions, as may be applicable to the proposal;

- n) Such additional information as the Commission may reasonably require or the applicant may wish to submit, including but not limited to, a project vision statement, a market study, an economic impact analysis, an analysis of projected impacts to town facilities (e.g. police, fire, public works, schools), architectural perspective renderings, proposed covenants and restrictions related to open space and public access rights, statement regarding any safety call box system to be included, maintenance plan for storm water management facilities, landscaping and other site improvements, and scheduling and timing of development phasing;
- o) A statement of compliance with these regulations, and a summary table demonstrating compliance with planning, site design, and qualifying standards. The table shall show proposed phasing, number and type of buildings, parking tabulation, and the area and percentage of lot coverage by buildings and paved surfaces.

#### **8.5.6.2 Final Site Plan (FSP) Requirements**

~~Final site plan approval is required for all development in the Waterfront Redevelopment District to determine consistency with the GDMP. An application for approval of a final site plan for any portion of the property within the GDMP shall include a plan which sets out in detail the proposed use, construction, architecture, materials, landscaping, engineering, and site development proposed as well as such other information that the Zoning Commission shall require to determining consistency with the GDMP, including, but not limited to:~~

- a) Existing Conditions Plan showing building footprints, parking and loading areas, utilities, streets, and driveways.
- b) Site Development Plan with proposed regrading, building footprints, parking and loading areas, streets, and driveways.
- c) Utility Plan demonstrating that all utility needs (including storm drainage, sewage disposal and water supply facilities) will be met. All utilities shall be installed underground.
- d) Preliminary Architectural Plans, including floor plans, sections and exterior elevations, roof lines, facade materials, signs, and other features of the proposed buildings or structures.
- e) Open Space and Parking Areas Management Plan.
- f) Landscape and Lighting Plan, including any included accent lighting for buildings, public art, landscaping treatments, etc.

The Zoning Commission shall approve a FSP only if it finds that the FSP is:

- a) Generally consistent with the GDMP; and
- g) Complies with all the requirements set forth in Section 3.1.1 and all other applicable requirements of these regulations, in each case to the extent not inconsistent with the provisions of this Section 8.5.



### **8.5.7 Development Standards**

For developments of up to fifty (50) acres, the development and density standards and parking requirements shall be those for the underlying District and in Section 12 of the Zoning Regulations.

For developments larger than fifty (50) acres, the development and density standards and parking requirements shall be as the applicant proposes in the GDMP, subject to the Zoning Commission's approval acting in its legislative capacity. The following requirements shall apply to such developments unless waived by the Zoning Commission:

- a) The development shall contain active recreational areas, sitting areas or other landscaped areas open to the sky (including all greenspaces, public plazas, walking and biking paths, and green roofs [as defined in Section 7-10 of these Regulations]) of not less than 10% of the total area of the project.
- b) The development shall not include any buildings that exceed 8 stories or 90 feet in height.

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The development shall be graded and filled as necessary in order that the Design Flood Elevation for entire project (other than detention basins) shall be at least 16 feet NAVD88, or such greater elevation as may be required by applicable laws or government regulations in effect at the time of the approval of the GDMP.

No floor-to-area (FAR) requirements shall apply in this District.

For properties on a "developed shorefront" as identified on the Connecticut Department of Energy and Environmental Protection Coastal Resources Map, the setback requirements under Section 3.14 of the Zoning Regulations shall not apply.

### **8.5.8 Use Standards**

The approval criteria and site plan review standards of Section 20 shall apply to the review and approval of a GDMP and, insofar as applicable for a specific FSP shall apply to the review and approval of a FSP, which applications shall also demonstrate substantial achievement of these objectives:

- a) Consistency with the intent of the 2013 Plan of Conservation and Development.
- b) Significant enhancement of public access to the Housatonic River that will attract residents, tourists and visitors from throughout the region.
- c) Promotion of, and no reduction in, recreational opportunities along the Housatonic River and particularly the continuation of the Stratford Greenway project.
- d) Assistance, where appropriate, in job creation to benefit local citizens and strengthen the Stratford economic base.
- e) Creation of public access for bikers and walkers between Main Street and the Housatonic River.

- f) Development of buildings of high architectural standard, harmonious with the historical significance of the area, its prominent location on the Housatonic River, and its strategic location in the region.
- g) Concealment of parking from adjacent streets, public ways and from the water to the extent practicable and economically feasible, with parking structures encouraged over surface parking, with all parking (other than on-street parking) located, screened, and landscaped to minimize its visual impact.

#### **8.5.9 Amendments to Approved GDMP and FSP**

- a) The Planning and Zoning Administrator may administratively approve minor changes in an approved GDMP and FSP without formal amendment of the GDMP or the FSP, provided the minor changes do not materially alter the layout or the mix of uses.
- b) The Commission may approve administratively a formal amendment to an approved GDMP and FSP, provided that such amendment relates to a use previously included in the GDMP and the Commission determines that it is not substantially or significantly different in intensity and scope and that it would not materially affect the character of the project.
- c) The Commission may approve as a Special Case Application submitted for such approval under Section 20 of these regulations, a formal amendment to an approved GDMP and FSP for a use not previously described in the GDMP or for a use described in the GDMP that the Commission determines is substantially or significantly different in intensity and scope or that it would affect the character of the project.
- d) The Zoning Commission may approve the expansion of the boundaries of an approved GDMP following the same procedure used for the approval of a GDMP.
- e) Any such approval by the Planning and Zoning Administrator or by the Zoning Commission shall be noted on the GDMP.

#### **8.5.10 Zoning Standards for Subdivisions**

Lots created as a result of a subdivision of the development as defined in Section 8-18 of the Connecticut General Statutes shall comply with the minimum lot area of the underlying zoning district but shall be exempt from all other zoning standards (including, but not limited to, required street frontage, minimum lot width, and minimum lot depth).

**Exhibit WR1**

**Legal Description of the  
Stratford Army Engine Plant Property**

March 14, 2008  
METES AND BOUNDS DESCRIPTION  
"TRACT A1"  
PARCEL No. 1 & 3 BLOCK 1 TAX MAP 30.05  
TOWN OF STRATFORD, FAIRFIELD COUNTY, STATE OF CONNECTICUT

*All that certain plot, piece or parcel of land, with the buildings and/or improvements thereon erected, situate, lying and being in the Town of Stratford, County of Fairfield, State of Connecticut, and bounded and described by the following:*

*BEGINNING at an iron pin found at the corner formed by the intersection of the northeasterly right of way line of Main Street, a variable width roadway, also known as Connecticut Route 113 and the southerly line of property of lands now or formerly of AVCO Corporation. Said point of BEGINNING having coordinates North 623,991.08 East 895,831.26 and running thence from said point of BEGINNING the following several courses:*

*1. Along the said lands of AVCO North 58°-57'-31" East for a distance 708.00 to a point on the line of mean high water of the Housatonic River as located on March 15, 2008;*

*Along the said mean high water of the Housatonic River the following forty-five (45) courses:*

- 2. THENCE South 07°-07'-47" West for a distance 54.82' to a point;*
- 3. THENCE South 00°-58'-00" West for a distance of 105.46' to a point;*
- 4. THENCE South 14°-38'-00" West for a distance of 78.71' to a point;*
- 5. THENCE South 07°-37'-06" West for a distance of 52.90' to a point;*
- 6. THENCE South 66°-50'-11" East for a distance of 25.48' to a point;*
- 7. THENCE South 74°-57'-24" East for a distance of 67.13' to a point;*
- 8. THENCE North 81°-38'-44" East for a distance of 50.28' to a point;*
- 9. THENCE North 80°-20'-31" East for a distance of 47.25' to a point;*
- 10. THENCE North 81°-00'-49" East for a distance of 81.33' to a point;*
- 11. THENCE South 88°-38'-38" East for a distance of 102.76' to a point;*
- 12. THENCE South 65°-15'-59" East for a distance of 65.98' to a point;*
- 13. THENCE South 48°-45'-42" East for a distance of 82.84' to a point;*
- 14. THENCE South 39°-53'-47" East for a distance of 99.93' to a point;*
- 15. THENCE South 38°-48'-02" East for a distance of 103.98' to a point;*
- 16. THENCE South 40°-56'-25" East for a distance of 104.90' to a point;*
- 17. THENCE South 68°-02'-57" West for a distance of 142.77' to a point;*
- 18. THENCE South 72°-19'-52" East for a distance of 180.88' to a point;*
- 19. THENCE South 73°-00'-25" East for a distance of 152.62' to a point;*
- 20. THENCE South 82°-02'-24" East for a distance of 195.44' to a point;*
- 21. THENCE North 31°-01'-29" East for a distance of 89.29' to a point;*
- 22. THENCE North 33°-54'-44" East for a distance of 93.77' to a point;*
- 23. THENCE North 32°-28'-24" East for a distance of 150.78' to a point;*

24. **THENCE** North 35°-08'-16" East for a distance of 156.23' to a point;
25. **THENCE** North 32°-07'-10" East for a distance of 132.35' to a point;
26. **THENCE** North 57°-53'-18" East for a distance of 150.41' to a point;
27. **THENCE** South 84°-57'-26" East for a distance of 74.85' to a point;
28. **THENCE** South 44°-25'-02" East for a distance of 56.21' to a point;
29. **THENCE** South 43°-25'-54" West for a distance of 103.45' to a point;
30. **THENCE** South 41°-33'-07" West for a distance of 97.15' to a point;
31. **THENCE** South 37°-53'-51" West for a distance of 83.71' to a point;
32. **THENCE** South 31°-38'-56" West for a distance of 106.25' to a point;
33. **THENCE** South 36°-29'-32" West for a distance of 104.13' to a point;
34. **THENCE** South 35°-40'-13" West for a distance of 102.78' to a point;
35. **THENCE** South 30°-34'-37" West for a distance of 93.59' to a point;
36. **THENCE** South 21°-40'-25" West for a distance of 41.66' to a point;
37. **THENCE** South 16°-05'-41" East for a distance of 73.36' to a point;
38. **THENCE** South 63°-14'-58" East for a distance of 104.23' to a point;
39. **THENCE** South 67°-33'-47" East for a distance of 115.67' to a point;
40. **THENCE** North 88°-48'-09" East for a distance of 109.96' to a point;
41. **THENCE** North 83°-58'-36" East for a distance of 87.87' to a point;
42. **THENCE** South 82°-37'-41" East for a distance of 79.29' to a point;
43. **THENCE** South 66°-40'-14" East for a distance of 51.52' to a point;
44. **THENCE** South 60°-08'-32" East for a distance of 55.12' to a point;
45. **THENCE** North 80°-35'-12" East for a distance of 85.21' to a point;
46. **THENCE** North 73°-28'-08" East for a distance of 41.25' to the lands now or formerly of Alice L. Sniffens;
47. **THENCE** along the said lands of Sniffens South 00°-16'-18" West for a distance of 194.65' to a point and a P.K. Nail Found on the northerly line of Sniffens Lane, 50' width;
48. **THENCE** along said Sniffens Lane North 86°-14'-22" West for a distance of 393.45' to a point a Drill Hole found at an angle point in the said Sniffens Lane line;
49. **THENCE** still along said Sniffens Lane South 49°-49'-38" West for a distance of 1,358.17' to a point, an X Cut-Set at the corner formed by the intersection of the said Sniffens Lane line and the easterly line of Main Street, variable width, also known as Connecticut Route 113;
50. **THENCE** along said Main Street North 44°-56'-22" West for a distance of 558.55 to a Rebar set;
51. **THENCE** still along said Main Street line North 40°-09'-02" West for a distance of 504.76 to Rebar;
52. **THENCE** still along said Main Street line North 41°-04'-47" West for a distance of 620.17 to a Concrete Connecticut Highway Department (C.H.D.) Monument Found (poor condition);
53. **THENCE** still along said Main Street line North 35°-40'-47" West for a distance of 228.82 to a point;
54. **THENCE** still along said Main Street line North 29°-33'-17" West for a distance of 104.35' to a T Cut;
55. **THENCE** still along the said Main Street line North 27°-05'-29" West for a distance of 231.58' to a point;

*56. THENCE still along the said Main Street line North 25°-52'-39" West for a distance of 65.98' to an Iron Pin found and to the point or place of BEGINNING.*

*The above described parcel does not include an "Excluded Area, Parcel 2 Block 1" which contains an area of 3,325 square feet or 0.8 acres. The boundary determination with regard to size and location of this parcel is questionable due to the existing locations of the structures on it and the location of the surface utilities within the 20' wide sewer easement. This lot area of 3,325 square feet is based on Tax Map 50.05 of Stratford, Connecticut.*

*The above described parcel TRACT A1 contains an area of 2,244,920 square feet or 51.54 acres.*

March 14, 2008  
METES AND BOUNDS DESCRIPTION  
"TRACT A2"  
PARCEL No. 4 BLOCK 2 TAX MAP 50.05  
TOWN OF STRATFORD, FAIRFIELD COUNTY, STATE OF  
CONNECTICUT

All that certain plot, piece or parcel of land, with the buildings and/or improvements thereon erected, situate, lying and being in the Town of Stratford, County of Fairfield, State of Connecticut, and bounded and described by the following:

BEGINNING at a Town of Stratford Brass Monument at the corner formed by the intersection of the easterly right of way line of Main Street, a variable width roadway, also known as Connecticut Route 113 and the southerly line of Sniffen Lane (50' Wide). Said point of BEGINNING having coordinates North 622,306.37 East 897,171.93 and running thence from said point of BEGINNING the following several courses:

1. Along the said right of way line of Sniffen Lane North 49°-49'-38" East for a distance of 1,333.79' to an iron pin;
2. THENCE South 40°-10'-22" East for a distance of 437.55' to a point;
3. THENCE South 49°-49'-38" West for a distance of 233.16' to a point;
4. THENCE South 20°-32'-22" East for a distance of 27.70' to a point;
5. THENCE North 61°-32'-42" East for a distance of 67.63' to a point;
6. THENCE South 89°-44'-13" East for a distance of 39.20' to a point;
7. THENCE South 70°-25'-28" East for a distance of 37.95' to a point;
8. THENCE South 20°-11'-30" West for a distance of 58.82' to a point;
9. THENCE South 42°-31'-38" East for a distance of 24.33' to a point;
10. THENCE South 59°-20'-33" East for a distance of 31.26' to a point;
11. THENCE South 04°-10'-54" East for a distance of 67.20' to a point;
12. THENCE South 62°-00'-37" West for a distance of 328.81' to a point;
13. THENCE South 26°-53'-53" East for a distance of 114.18' to a point;
14. THENCE North 89°-52'-26" East for a distance of 210.43' to a point;
15. THENCE South 49°-49'-38" West for a distance of 790.00' to a point on the said easterly right of way line of Main Street;
16. THENCE along the said easterly right of way line of Main Street North 52°-58'-22" West for a distance of 568.27' to a point;
17. THENCE still along the said easterly right of way line of Main Street North 44°-56'-22" West for a distance of 296.88' to the point or place of BEGINNING.

The above described parcel TRACT A2 contains an area of 941,038 square feet or 21.60 acres.

March 14, 2008  
METES AND BOUNDS DESCRIPTION  
"TRACT A3"  
PARCEL No. 1 BLOCK 3 TAX MAP 50.05  
TOWN OF STRATFORD, FAIRFIELD COUNTY, STATE OF CONNECTICUT

*All that certain plot, piece or parcel of land, with the buildings and/or improvements thereon erected, situate, lying and being in the Town of Stratford, County of Fairfield, State of Connecticut, and bounded and described by the following:*

*BEGINNING at a concrete Connecticut Highway Department Monument, found to be in fair condition, at the southerly line of lands now or formerly of Timothy Ryan. Said point of BEGINNING having coordinates North 622,895.12 East 896,543.86 also being located on the westerly right of way line of Main Street, a variable width roadway, also known as Connecticut Route 113, at a jog in the said right of way line where the width changes from an approximate width of 60' to 65' and running thence from said point of BEGINNING the following several courses:*

- 1. Along the said right of way line of said Main Street South 40°-11'-51" East for a distance of 329.25 feet to a cross cut on the northerly line of lands now or formerly of the City of Bridgeport;*
- 2. THENCE along the said lands of the City of Bridgeport South 49°-48'-29" West for a distance of 596.45 feet to a rebar on the easterly line of the lands now or formerly of Bridgeport Airport;*
- 3. THENCE along the said easterly line of the lands now or formerly of Bridgeport Airport North 28°-55'-11" West for a distance of 218.22' to a rebar on the said southerly line of lands of Ryan;*
- 4. THENCE along said lands of Ryan North 38°-03'-09" East for a distance of 563.63' to the point or place of BEGINNING.*

*The above described parcel TRACT A3 contains an area of 154,989 square feet or 3.56 acres.*



# Excluding therefrom the following described property:

Land To Be Acquired From  
United States of America  
Main Street - Route 113  
Stratford, Connecticut

## DESCRIPTION

A certain piece or parcel of land located in the Town of Stratford, County of Fairfield and State of Connecticut containing 1.075 acres and being shown on a map entitled "Property Survey Land To Be Acquired From United States of America Main Street (Route 113) & Sniffen's Lane Stratford, Connecticut", by URS Corporation AES, Scale 1"=50', dated August 2007, said parcel being more particularly bounded and described as follows:

Beginning at a point on the Northeastly highway line of Main Street, said point being located South 44° 57' 49" East, 238.33 feet from the intersection of the southeasterly street line of Sniffen's Lane and the northeasterly highway line of Main Street when measured along said northeasterly highway line of Main Street;

Thence running North 45° 20' 23" East, 18.13 feet, South 44° 39' 37" East, 12.42 feet, southeasterly on a curve to the left having a radius of 850.00 feet and an arc length of 129.94 feet, southeasterly on a curve to the left having a radius of 650.00 feet and an arc length of 363.32 feet and South 85° 26' 41" East, 227.73 feet along remaining land of the Grantor;

Thence running South 49° 48' 11" West, 245.05 feet along land now or formerly of the City of Bridgeport;

Thence running North 53° 00' 02" West, 625.03 feet and North 44° 57' 49" West, 58.55 feet along the northeasterly highway line of Main Street to the point and place of beginning.

J379834

URS Corporation  
500 Enterprise Drive, Suite 300  
Bridgewater, CT 06607  
Tel: 860 328-0882  
Fax: 860 328-3891

## **Referral 2.3: Town of North Haven**

### **Subject:**

Proposed Zoning Regulation Amendments pertaining to Section 5.1.3.16 – IL Upper Washington Avenue Multi-Use (ILUWMU) Developments

### **Staff Recommendation:**

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

### **Background:**

The Town of North Haven has submitted proposed zoning regulation amendments pertaining to Automobile Parking and Loading Area Provisions. These changes are applicable to IL Upper Washington Avenue Multi-Use (ILUWMU) Developments. The proposed amendments increase the maximum allowed dwelling units from 50 to 75. The proposal also reduces the non-residential requirements of the buildings, from 25% of the total building square footage to 20%, with changes to indicate the non-residential uses should occur at grade-level. That adjustment will read “At least twenty percent (20%) of the total building square footage of any ILUWMU development shall be dedicated to non-residential uses which shall be restricted to the grade level.” In addition, the amendment changes the reduction permitted for Maximum Height, Feet from “48” to “60.”

### **Communication:**

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



# TOWN OF NORTH HAVEN

MEMORIAL TOWN HALL / 18 CHURCH STREET

NORTH HAVEN, CONNECTICUT 06473



REPLY TO: PLANNING & ZONING COMMISSION

Tel. (203) 239-5321  
Fax (203) 234-2130

7 October 2016



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

Re: Proposed Amendment to the North Haven Zoning Regulations  
Text Changes to Section 5.1.3.16.

Dear Mr. Livshits,

In accordance with Connecticut General State Statutes, enclosed please find a copy of the above referenced proposed amendment to the North Haven Zoning Regulations.

A Public Hearing for this application is scheduled for 14 November 2016.

Very truly yours,

Alan A. Fredricksen  
Land Use Administrator  
AAF/lh  
Enclosures

cc: First Selectman  
V. Carlson, Chairman, Planning & Zoning Commission

10/11/16 Date of Receipt  
21501860 Fee and date paid

#P16-29 File Number  
Approval date

TOWN OF NORTH HAVEN  
PLANNING AND ZONING COMMISSION  
**APPLICATION FORM**  
(Only one item per form)

(ADDRESS OF BUILDING OR BLOCK MAP, BLOCK & LOT NUMBER) \_\_\_\_\_ ZONE \_\_\_\_\_ TOTAL SQUARE FOOTAGE \_\_\_\_\_

THIS APPLICATION IS FOR AND **MUST** INCLUDE THE FOLLOWING:  
\_\_\_\_ Site plan approval (Submit 14\* copies of the site plan) ▶ 1 original and 14 copies of the application  
\_\_\_\_ Certified A-2 Survey  
\_\_\_\_ 2 copies of Bond Estimate Form  
\_\_\_\_ Cite the regulation that permits proposed use \* 14 PLANS @ 24" x 36"

TITLE OF PLAN: TEXT CHANGES TO AMENDMENT SECTION  
5.1.3.16 OF THE ZONING REGULATIONS (447  
WASHINGTON AVE)

\_\_\_\_ Date and most current revision date of plan: \_\_\_\_\_  
\_\_\_\_ CAM site plan review (Submit 14\* copies) \_\_\_\_\_  
\_\_\_\_ Amend zoning regulations \_\_\_\_\_ Section to be amended (Submit 8 copies of proposed amendment)  
\_\_\_\_ Proposed zone change (Submit 14\* copies of location map) \_\_\_\_\_  
\_\_\_\_ Special Permit \_\_\_\_\_ Cite regulation that authorized the special permit  
\_\_\_\_ Fill permit (Submit 14\* copies) \_\_\_\_\_  
\_\_\_\_ Excavation permit (Submit 14\* copies) \_\_\_\_\_  
\_\_\_\_ Permit to grade or regrade the property (Submit 14\* copies of a certified plan showing existing grades and proposed grades)

**ANSWER ALL QUESTIONS THAT ARE APPLICABLE OR WRITE N/A:**

- \_\_\_\_ Does the property for which this application is submitted:
- \_\_\_\_ Lie within 500' of an adjoining municipality or will traffic or water drainage impact an adjoining municipality
- \_\_\_\_ Lie within the Coastal Area Management boundary
- \_\_\_\_ Contain any wetlands and/or watercourses
- \_\_\_\_ Lie within the Aquifer Protection Zone
- \_\_\_\_ Lie within the Channel Encroachment Zone
- \_\_\_\_ Lie within the floodplain or floodway
- \_\_\_\_ Lie within 50' of the Quinnipiac River or Muddy River

**RECEIVED**  
OCT -7 2016  
TOWN of NORTH HAVEN  
LAND USE AND DEVELOPMENT

ENGINEER'S NAME  
Chatsworth Capital Corporation  
Print Applicant's Name  
95 E. Putnam Ave, Greenwich CT  
Applicant's Address  
203-413-9980 203-629-5963<sup>06830</sup>  
Applicant's Phone Number      Fax Number  
[Signature]  
Applicant's Signature

ENGINEER'S PHONE NUMBER  
WA447LLC  
FAX NUMBER  
Print Owner's Name  
445 Washington Ave North Haven  
Owner's Address  
203 506 5512  
Owner's Phone Number  
[Signature]  
Owner's Signature

**Text Changes to Amendment Creating Section 5.1.3.16 of the Zoning  
Regulations of the Town of North Haven, Connecticut adopted February 5, 2007  
with effective date of March 1, 2007**

**Section 5.1.3.16.2** Change the first sentence from “50 residential dwelling units” to “75 residential dwelling units”.

The first sentence shall now read in its entirety as follows: “In no case shall more than 75 residential dwelling units be built on any one parcel of land approved for an ILUWMU development.”

**Section 5.1.3.16.5** Change the third sentence from “25%” to “20%”, change “non-residential/commercial uses” at the end of the sentence to “non-residential uses” and add the further restriction that the non-residential uses “shall be restricted to the grade level”.

The third sentence shall now read in its entirety as follows: “At least twenty percent (20%) of the total building square footage of any ILUWMU development shall be dedicated to non-residential uses which shall be restricted to the grade level.”

**Section 5.1.3.16.15** Change the reduction permitted for Maximum Height, Feet from “48” to “60”.

## **Referral 2.4: Town of Bethany**

### **Subject:**

Proposed Zoning Regulation Amendment to create Section 7.3.1 – Special Exception for lighted signs in the Business and Industrial Zone

### **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 Bethany has submitted a proposed zoning regulation amendment to create Subsection 7.3.1. – Special Exception for lighted signs in the Business and Industrial Zone. The application creates regulations for signs containing lighting which has LED lights either internal or affixed externally. Low profile signs are allowed so long as they are no more than six feet high from the ground. Signs which are not low profile can be a maximum of ten feet in height and mounted from a single pole. Signs cannot be greater than 24 square feet and are required to display the building number atop the sign, which does not count towards the height. The lights on the signs cannot be so bright to distract motorists, and they cannot impede motor vehicle sight lines.

### **Communication:**

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



©1988 Town of Bethany

## PLANNING AND ZONING COMMISSION

TOWN OF BETHANY  
Town Hall - 40 Peck Road  
Bethany, Connecticut 06524-3338  
Tel. (203) 393-2100 Ext. 115  
Fax: (203) 393-0821



October 17, 2016

South Central Regional Council of Governments  
127 Washington Avenue  
4<sup>th</sup> Floor West  
North Haven, CT 06473-1715  
Camento@scrcog.org

Attention: Mr. Carl J. Amento, Executive Director

Dear Mr. Amento:

Pursuant to Section 8-3b. of the Connecticut General Statutes, this letter is to serve as notification that the Bethany Planning and Zoning Commission will hold a public hearing in the Commission Meeting Room of the Bethany Town Hall, 40 Peck Road on Wednesday, December 7, 2016, beginning at 7:15 p.m. pertaining to proposed amendments to the Bethany Zoning Regulations. A copy of the proposed amendments to the Zoning Regulations is attached.

Comments on the proposed amendments are welcome to be made at the public hearing or submitted in writing for receipt into the public hearing record.

Respectfully submitted,

Antonia R. Marek, Clerk  
For the Planning and Zoning Commission

Attachment

**Proposed Amendment to the Bethany Zoning Regulations**

**SECTION 7 – Signs and Parking & Loading Regulations**

**TO BE ADDED:**

**Subsection 7.3.1. – Special Exception for lighted signs in the Business and Industrial Zone:**

- A. All other sign standards contained in Subsection 7.1 and 7.3 pertain to such signs with regard to sign placement, size, landscaping, design, hours of illumination etc. remain applicable, and are enforceable by the Zoning Enforcement Officer and/or the Commission, except that,
  
- B. One (1) sign containing lighting which has LED lights either internal or affixed externally to such sign may be approved by the Commission upon application for and granting of a Special Exception for such a sign upon a finding by the Commission that the sign meets the following standards:
  - 1. The sign must be a low profile type sign which no more than six (6) feet high from the ground. This is the preferred type sign by the Commission. No other type sign will be approved unless it can be shown that it is clearly warranted due to site topography or some other difficult challenge, not including monetary challenges alone.
  - 2. If the sign is not a low profile type sign, the maximum height of the sign shall be no more than ten (10) feet in height from the ground and shall be mounted on a single pole and shall only be permitted as stated above.
  - 3. The total sign area for such a lighted sign shall not be more than 24 square feet in total size. The sign may be a two sided sign.
  - 4. The building number shall be affixed to the top of the sign but does not count for the height of the sign. Numbers must be readable for location by emergency services, but must be no more than nine (9) inches in height.
  - 5. The lights in the sign may not be of such brightness as to distract motorists passing by the sign to the point of causing a safety concern.
  - 6. No sign whether temporary or permanent shall be permitted to be located or be permitted to remain located so as to present an impediment to motor vehicle sight lines which are necessary for entering or exiting a driveway.
  - 7. The approval granted for such a sign shall only be valid for as long as the same use is in place on the same site. Upon cessation of such use the owner shall cause the sign to be removed or re-permitted by the new user.



## **Referral 2.5: Town of Branford**

### **Subject:**

Proposed Zoning Regulation Amendment to Sections 7.13.A and 7.13.B regarding Commercial Kennels and Animal Shelters

### **Staff Recommendation:**

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

### **Background:**

A private applicant in the Town of Branford has proposed Zoning Regulation Amendments pertaining to commercial kennels and animal shelters. The amendments would change the allowed creation of commercial kennels and animal shelters from Special Exception to Not Permitted in BR and BL zones.

The amendment has also proposed a text change in Section 7.13.A – Additional Application Requirements. Applications for kennels would no longer require the applicant to disclose type of kennel operation (breeding, rescue, boarding, etc.), number of dogs permanently housed, or number of dogs temporarily housed on property. New text has been proposed for Section 7.13.B General Requirements, prohibiting any facility from being within 200 feet of a residential building or residential zone district. Outside areas may not be used for overnight containment, and the building must be sound-proofed, ventilated, and approved by State of Connecticut authorities. There must be a plan in place for cleanup of outside areas, considering stormwater impacts and solid waste disposal. Additionally, all dogs must be properly licensed and given their own individual kennel, with no more than 35 dogs to be allowed on site. Lastly, there is to be no breeding or sale of dogs. It was noted that the new language was borrowed from the Town of Guilford Zoning Code Chapter 273.

### **Communication:**

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



PLANNING AND ZONING COMMISSION  
TOWN OF BRANFORD

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

APPLICATION TO THE PLANNING & ZONING COMMISSION

RECEIVED  
OCT 19 2016  
SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS

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

- Zoning Regulation Amendment <sup>\$340.00</sup>
- Zoning Map Amendment
- Subdivision Regulation Amendment
- CGS 14-54 Location Approval

ADDRESS OF PROPERTY 125 North Branford Road

TAX MAP G04-05 BLOCK 003 LOT 002-3 ZONING DISTRICT FG-2

PROPOSED USE Boarding Kennel

PLEASE SUBMIT WITH COMPLETED APPLICATION

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

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

Ptolemy Holdings, LLC

Owner c/o Scott Cavaletz DVM Applicant Applicant is Owner  
PLEASE PRINT PLEASE PRINT

Address 99 Knollwood Dr. New Haven CT 06515 Address \_\_\_\_\_  
 Phone 203-671-1891 Phone \_\_\_\_\_  
 E-mail cavaletzdvm@hotmail.com E-mail \_\_\_\_\_  
 Fax 203-483-0316 Fax \_\_\_\_\_

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Signature [Signature] Signature \_\_\_\_\_

FOR OFFICE USE ONLY:

Receipt Date 10-11-16 Fee Paid \$340.00  
Approved/Denied by P&Z on \_\_\_\_\_ Application # 16-10.3

Scott Gavaletz  
201 East Main Street  
Branford, CT 06405

October 10, 2016

Planning and Zoning Commission  
1019 Main Street  
Branford, CT 06405

Dear Sir or Madam,

I would like to petition the Planning and Zoning Commission to enact a regulation amendment regarding dog kennels in the town of Branford. Please see attached regulation removal and replacement.

Sincerely,



Scott Gavaletz

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4.8.O- line 2- Change table entry from "SE" to "N" under BR and BL headings.

7.13.A- 7.13.B- strike and replace with-

#### **7.13.A Additional Application Requirements**

In addition to all other Special Exception requirements, the application shall contain the following information:

- 1.) Location of kennel buildings and runs on the lot, including any alternate or temporary sites.
- 2.) Setback distances from kennel area to property lines, neighboring homes, wells, and any protected waters.
- 3.) Any existing or proposed vegetative buffer strips.
- 4.) Proposed waste management area (e.g.- composting site, spreading area, or storage bin).
- 5.) Location of wells and septic system.
- 6.) Location of dwellings on property.
- 7.) Waste management plan.
- 8.) Noise management or mitigation plan.

#### **7.13.B General Requirements.**

Standards for dog care facilities. In addition to the standards specified above, the following additional standards must be met.

- 1.) All outdoor kennel operations including animal waste management areas shall be set back a minimum of 100 feet from all wells.
- 2.) No facility (buildings and containment areas) may be located within 200 feet of a residential building or residential zone district.
- 3.) Outside areas shall be used for supervised exercise only and may not be used for overnight containment.
- 4.) The use must be in a building which is properly sound-proofed, ventilated, and with drainage and septic disposal approved by the Director of Health.
- 5.) The facility must be approved by State of Connecticut authorities.
- 6.) There must be a plan approved by the Commission for cleanup of outside areas used by dogs. Said plan shall include consideration of stormwater impacts and disposal of solid wastes.
- 7.) When overnight housing of dogs is proposed, the Commission may require additional setbacks from residential uses or zones in order to insure the use and enjoyment of residential property.
- 8.) All dogs must be housed in individual kennels.
- 9.) In granting a Special Permit, the Commission may specify a maximum number of dogs to be allowed, and in no case shall more than 35 dogs be allowed.
- 10.) All dogs must be properly licensed.
- 11.) No facility shall be used for the breeding or sale of dogs.

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SECTION 4.8

<b>P = Zoning Permit</b>	<b>S = Site Plan</b>	<b>SE = Special Exception</b>	<b>N = Not Permitted</b>
--------------------------	----------------------	-------------------------------	--------------------------

<b>4.8.N AGRICULTURAL USES</b>	<b>BC</b>	<b>BR</b>	<b>BL</b>	<b>MU</b>	<b>IG1</b>	<b>IG2</b>	<b>CP</b>
1. Commercial nurseries and greenhouses.	S	S	S	S	S	S	S
2. Farms.	S	S	S	S	S	S	S
3. Farm stands.	S	S	S	S	S	S	S
4. Farmers' Markets (See Section 7.17)	SE	SE	SE	SE	SE	SE	SE

<b>4.8.O ANIMAL-RELATED USES</b>	<b>BC</b>	<b>BR</b>	<b>BL</b>	<b>MU</b>	<b>IG1</b>	<b>IG2</b>	<b>CP</b>
1. Animal hospital or veterinarian office.	N	N	S	N	S	S	S
2. Commercial kennel and animal shelters. (See Section 7.13)	N	SE	SE	N	SE	SE	N
3. Animal day-care, grooming and training facility.	SE	SE	SE	SE	SE	SE	SE
4. Riding stables and schools. (See Section 7.14)	N	SE	SE	N	SE	SE	N

<b>4.8.P ACCESSORY USES</b>	<b>BC</b>	<b>BR</b>	<b>BL</b>	<b>MU</b>	<b>IG1</b>	<b>IG2</b>	<b>CP</b>
1. Signs	S	S	S	S	S	S	S
2. Parking lots	S	S	S	S	S	S	S

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Contents  
Introduction  
Definitions  
Residence Districts  
Business Districts  
Special districts  
Basic Standards  
Special Requirements  
Procedures  
Administration

**7.13 COMMERCIAL KENNELS.**

**7.13.A Additional Application Requirements.**

In addition to all other Special Exception requirements, the application shall contain the following additional information:

1. Type of kennel operation (i.e. breeding, rescue, boarding).
2. Number of dogs over six (6) months of age to be permanently housed on property.
3. Number of dogs over six (6) months of age to be temporarily housed on property.
4. Location of kennel buildings and runs on the lot, including any alternate or temporary sites.
5. Setback distances from kennel area to property lines, neighboring homes, wells and any protected public waters.
6. Any existing or proposed vegetative buffer strips.
7. Proposed waste management area (e.g. composting site, spreading area or storage bin)
8. Location of wells and septic system.
9. Location of dwellings on property.
10. Waste management plan.
11. Noise management or mitigation plan.

**7.13.B General Requirements.**

1. Area and Bulk Requirements.

MINIMUM		
(1)	SITE AREA	5 acres
(2)	FRONT SETBACK	150 feet
(3)	SIDE SETBACK	150 feet
(4)	REAR SETBACK	150 feet

2. All outdoor kennel operations including animal waste management areas shall be set back a minimum of 100 feet from all wells.
3. All outdoor kennel operation areas shall be set back a minimum of 100 feet from all adjoining property lines.
4. The Commission may impose additional setbacks on proposed outdoor kennel operation areas if it finds that such setbacks are needed to protect nearby properties from noise or other detrimental impacts.

**SECTION 7  
SPECIAL EXCEPTIONS**

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- (b) Isolation of the property from its setting or alteration of the character of the property's setting; and
  - (c) Introduction of visual, audible or atmospheric elements that are out of character with the property or alter its setting.
- (2) In considering this standard, the Commission shall concern itself with the property which is the subject of the special permit application, and only in the case where the property is in a National Register Historic District will it consider impacts on property not part of the application.
- G. Drive-thru service at restaurants shall be allowed in accordance with [§273-20, Table 5, Line No. 28d](#), and where the following standards are met:
- (1) The drive-thru area of service shall be limited to a separate traffic lane which is separately designated for use by drive-through service patrons.
  - (2) The drive-thru service lane shall be at least 10 feet in width.
  - (3) The drive-thru service lane shall be located in an area where it will not unduly interfere with the orderly flow of traffic generated by non-drive-through patrons.
  - (4) Adequate queuing for vehicles approaching the drive-thru service facility shall be provided.
- H. Standards for granting special permits for movie theaters, playhouses, nightclubs. In addition to the standards described in this section and recognizing the special nature of these facilities, including the potential for high volumes of vehicular traffic and the hours of patronage of these facilities, the Commission shall consider the following:
- (1) The impact of traffic generated by the activity on adjacent state and Town roads, including the impact on scenic character.
  - (2) The impact of the proposed use on adjacent and close-by residential neighborhoods.
  - (3) The impact of the proposed activity on the ability of the Town to provide services to the establishment, including the provision of police and emergency services.
- I. Standards for dog care facilities. In addition to the standards specified above, the following additional standards must be met:
- (1) No facility (buildings and containment areas) may be located within 100 feet of a residential dwelling or 150 feet of a residential zone district.
  - (2) Outside areas shall be used for supervised exercise only and may not be used for overnight containment.
  - (3)
  - (4) The use must be in a building which is properly sound-proofed, ventilated and with drainage and septic disposal approved by the Director of Health.
  - (5) The facility must be approved by the appropriate State of Connecticut authorities.

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- (6) There must be a plan approved by the Commission for cleanup of outside areas used by the dogs. Said plan shall include consideration of stormwater impacts and disposal of solid wastes.
  - (7) When overnight housing of dogs is proposed, the Commission may require additional setbacks from residential uses or zones in order to insure the use and enjoyment of residential property.
  - (8) All dogs boarded for the night must be housed in individual kennels.
  - (9) In granting a Special Permit, the Commission may specify a maximum number of dogs to be allowed, and in no case shall more than 35 dogs be allowed.
  - (10) All dogs must be properly licensed.
  - (11) No such facility shall be used for the breeding or sale of dogs.
- J. If an application for a special permit involves an activity regulated pursuant to C.G.S. sections [22a-36](#) to 22a-45, inclusive, the applicant shall submit an application to the Inland Wetlands Commission no later than the day the application is filed for a special permit.
- K. Driveways, parking areas and other impervious surfaces shall be set back a minimum of 8 ft., or the minimum side yard property line setback for a principal structure for the Zone District in which the Special Permit is proposed, whichever is greater, from any property line when a proposed Special Permit use is in a residential zone. This setback area shall be suitably landscaped to provide privacy for and mitigate adverse impacts such as light or noise on any adjacent residential uses. This Section shall not apply where the proposed special permit use is an accessory apartment or a conversion to a 2-family dwelling. Where this Code otherwise provides for a greater setback the larger setback requirement shall prevail. The Commission may reduce or waive this requirement upon a finding that the specific circumstances of the Special Permit application, such as the nature of the use, topography, or landscaping make its imposition unnecessary in accomplishing the purpose of protecting adjacent residential uses.

**§273-81. Additional requirements.**

In granting a special permit, the Commission shall have the power to impose such additional standards and requirements, including limitations on the time for construction or commencement of use, as it deems necessary to carry out the purposes of these regulations.

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## **Referral 2.6: Town of East Haven**

### **Subject:**

Proposed Zoning Regulation Amendments to Schedule A: Line #46 to allow veterinary hospital use in Commercial A Districts

### **Staff Recommendation:**

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

### **Background:**

The Town of East Haven has submitted zoning regulation amendments which would allow veterinary hospitals in Commercial A Districts as they are allowed in Commercial B Districts. The municipality hopes this will strengthen this district's economic sector, making it more adaptive to future change.

Additionally, Section 33.10.3 Alterations of Uses would be amended to allow a change in use within existing commercial tenant spaces by administrative approval of the Zoning Enforcement Officer. The new text would read, "A small change of use within an existing building either within an existing tenant space involving not more than 500 square feet of gross floor area, or an increase of not more than three [3] required parking spaces on the same lot."

### **Communication:**

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

Please mail to:

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

# RPC Referral Submission Form

South Central CT Regional Planning Commission

### 1.) General Information:

Date Sent: 10/14/2016

Subject: East Haven Zoning Regulations Text Change

Applicant Name: Christopher Soto c/o Planning and Zoning Department, East Haven

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

Town/City: East Haven

Referral is from a private individual

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

Public Hearing Date: November 30th, 2016

### 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

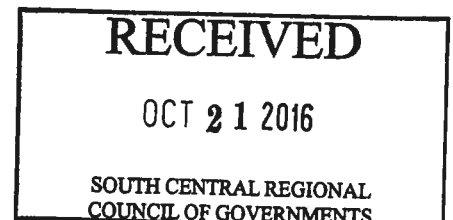
Existing language included (if applicable)

### 4.) Preferred contact regarding this RPC referral:

Name: Christopher Soto

Telephone Number: 203-468-3349

E-mail Address: eh.zoning@gmail.com



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

## **Proposed Text Changes to East Haven Zoning Regulations**

### **Schedule A: Line #46**

#### **Statement of Explanation**

The proposed text changes seeks to further strengthen the Commercial A Districts by allowing the veterinary hospital use in the zone as is allowed in the Commercial B Districts in the Town. Additionally, the regulation would be amended to allow a change in use within existing commercial tenant spaces by administrative approval of the Zoning Enforcement Officer.

These changes would be consistent with the Plan of Conservation and Development, in particular with its section on Economic Development. The Plan of Conservation and Development state as part of its Economic Development Goal that the Town should “encourage the growth and enhancement of the Town’s economic base to achieve a modern, diversified local economy [...]”. By allowing this additional use in the district, the district’s economic vitality would be strengthened and the District would become attractive to an additional economic sector to which it was previously closed off. This would allow the District to be more adaptive in times of economic downturn. In addition the change allowing the Zoning Enforcement Officer to administratively approve a use in a pre-existing tenant space would facilitate the attraction of new businesses and retention of existing businesses as they seek to grow into larger spaces within East Haven.

**Proposed Text Changes to East Haven Zoning Regulations**

**Schedule A: Line #46**

**Text Changes and Amendments**

**Schedule A: Line 46**

The current text for Schedule A, Use Line 46 reads as follows:

(DOES NOT allow the Veterinary Hospitals in the CA-1 & CA-2 Zones)

46	Veterinary Hospitals	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>RA-1</u>
		X	X	X	X	X	X
		<u>RA-2</u>	<u>CA-1</u>	<u>CA-2</u>	<u>CB-1</u>	<u>CB-2</u>	<u>CC</u>
		X	X	X	S	S	S
		<u>CD</u>	<u>LI-1</u>	<u>LI-2</u>	<u>LI-3</u>	<u>S-1</u>	<u>DRA-1</u>
		X	X	X	X	X	X

The proposed text for Schedule A, Use Line 46 would read as follows:

(DOES allow the Veterinary Hospitals in the CA-1 & CA-2 Zones by site plan approval)

46	Veterinary Hospitals	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>RA-1</u>
		X	X	X	X	X	X
		<u>RA-2</u>	<u>CA-1</u>	<u>CA-2</u>	<u>CB-1</u>	<u>CB-2</u>	<u>CC</u>
		X	S	S	S	S	S
		<u>CD</u>	<u>LI-1</u>	<u>LI-2</u>	<u>LI-3</u>	<u>S-1</u>	<u>DRA-1</u>
		X	X	X	X	X	X

**Proposed Text Changes to East Haven Zoning Regulations**

**Schedule A: Line #46**

**Section 33.10.3**

Section 33.10.3 currently reads:

**33.10.3 Alterations of Uses:** A small change of use within an existing building involving not more than 500 square feet of gross floor area, or an increase of not more than three [3] required parking spaces on the same lot.

The proposed text amendment would read (*added text in italics*):

**33.10.3 Alterations of Uses:** A small change of use within an existing building *either within an existing tenant space* involving not more than 500 square feet of gross floor area, or an increase of not more than three [3] required parking spaces on the same lot.

## **Referral 2.7: City of Derby**

### **Subject:**

Proposed Zoning Regulation Amendment to Section 195-17D –Industrial Zone 1, to allow Personal Services as an allowed use

### **Staff Recommendation:**

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

### **Background:**

A private applicant within the City of Derby has submitted zoning regulation amendments to Section 195-17D which would allow “Personal Services” as an allowed use in the Industrial Zone 1 by special exception. The City’s zoning regulations define personal services as establishments concerned with the care of a person and his/her apparel – this can include businesses such as dry cleaners, barber shops, clothing rental, shoe repair, and etc.

### **Communication:**

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



**MILONE & MACBROOM®**

October 19, 2016



**VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED**

ATTN: Carl J. Amento, Executive Director  
South Central Regional Council of Governments  
127 Washington Avenue, 4<sup>th</sup> Floor West  
North Haven, CT 06473-1715

**RE: Proposed Zoning Regulation Text Change  
Derby, Connecticut  
MMI #1563-48-6**

Dear Mr. Amento:

The City of Derby Planning & Zoning Commission has received an Application for Zone Text Change to modify Derby's Regulations for the I-1 zone. In accordance with Connecticut General Statute, the commission is required to give written notice of these changes to the regional planning agencies since the proposed changes affect regulations in zones that are within 500 feet of the boundary of an adjoining municipality. Therefore, on behalf of the City of Derby, enclosed herewith is the Zone Text Change application for your review and comment. The commission anticipates holding a public hearing for this application on November 15, 2016 and another, if necessary, in December in order to receive your comments. Please review and do not hesitate to contact our office with any questions or concerns.

Very truly yours,

**MILONE & MACBROOM, INC.**

Ryan McEvoy, P.E.  
Lead Project Engineer, Civil

Enclosures

cc: Mayor Anita Dugatto – City of Derby  
Theodore J. Estwan Jr. – Chairman, Derby Planning & Zoning Commission  
Carlo Sarmiento – Derby Building Official  
Marjorie Shansky, Esq. – Derby Planning and Zoning Counsel

1563-48-6-01916-2-ltr

Milone & MacBroom, Inc., 99 Realty Drive, Cheshire, Connecticut 06410 (203) 271-1773 Fax (203) 272-9733  
[www.miloneandmacbroom.com](http://www.miloneandmacbroom.com)

PLANNING & ZONING COMMISSION  
1 ELIZABETH ST., DERBY, CT 06418

APPLICATION FOR CHANGE OF ZONE OR ZONE TEXT CHANGE

The undersigned applicant hereby requests the Zoning Commission of the City of Derby to change the zone of property hereinafter described in accordance with the state and local zoning laws applicable thereto.

DATE SUBMITTED 9-22-16 FEE \_\_\_\_\_

1. APPLICANT Bartville Associates LLC

2. ADDRESS 49 Bartville Ave

3. TELE. # 203 736-0644

4. INTEREST: (  ) Owners (  ) Agent

5. Other persons, firms or corporations represented by applicant.  
\_\_\_\_\_

6. ADDRESS \_\_\_\_\_

7. TELE. # \_\_\_\_\_

8. INTEREST: (  ) Owners (  ) Agent

9. LOCATION OF PROPOSED CHANGE: 328 Derby Ave Unit #1

10. LEGAL DESCRIPTION OF PROPERTY: LOTS( <sup>MAP 6-11</sup> 15 ) BLOCK( ) ADDITION( )

11. AREA OF SUBJECT PROPERTY, SQ. FEET, OR ACRES 2400 sq ft


12. PRESENT ZONE: I-1

13. PROPOSED ZONE: I-1

14. Describe briefly the nature and expected effect of the change. Be sure to include an explanation of the legal basis for the proposal: either (a) the error in the map as approved by city council, or (b) the changed or changing conditions making the proposed change necessary. SEE Attached

15. Use and development proposed for the property to be re-zoned, including time schedule for such development. NA

16. Exhibits submitted, number & kind. \_\_\_\_\_

  
Applicant's Signature



Amend section 195-17D (Industrial Zone 1)

To allow “Personal Services” as an allowed use by special exception. There is no anticipated negative impact to public health, safety and welfare.

## **Referral 2.8: City of New Haven**

### **Subject:**

Proposed Zoning Regulation Amendments to Zoning Ordinance Text of Article I Definitions; Article III Residence Districts Section 16 RH-2 Districts: General High Density; Article V, Section 42.0 (Table 3: Use Table), Section 43.0 (Bulk and Yard regulations for business and industrial districts), and Section 45.0 (Regulations for parking, loading, and automotive and drive-in establishments)

### **Staff Recommendation:**

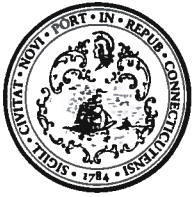
The Proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

### **Background:**

The City of New Haven has submitted several proposed zoning regulation amendments for the purpose of encouraging mixed uses buildings with upper story residential. The amendments are relevant to the following Zoning Districts BD, BD-1, BD-2, BD-3 (Central Business District and adjacent Districts) and BA, BB and BC Zoning Districts. Additional background material will be provided during the meeting and the specific amendments can be reviewed in the Agenda Packet.

### **Communication:**

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



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

October 11, 2016

Honorable Tyisha Walker,  
President  
Board of Alders  
City of New Haven  
165 Church Street  
New Haven, CT 06510

Mr. Michael Smart  
City/Town Clerk  
City of New Haven  
200 Orange Street  
New Haven, CT 06510



Re: PETITION TO AMEND THE ZONING ORDINANCE TEXT OF ARTICLE I. DEFINITIONS; ARTICLE III RESIDENCE DISTRICTS SECTION 16 RH-2 DISTRICTS: GENERAL HIGH DENSITY; ARTICLE V, SECTION 42.0 (TABLE 3: USE TABLE), SECTION 43.0 (BULK AND YARD REGULATIONS FOR BUSINESS AND INDUSTRIAL DISTRICTS) AND SECTION 45.0 (REGULATIONS FOR PARKING, LOADING AND AUTOMOTIVE AND DRIVE-IN ESTABLISHMENTS).

Honorable Ms. Walker and Mr. Smart:

I am pleased to submit for your Honorable Board's consideration a Petition for an Ordinance Amendment to the Zoning Ordinance Text and a proposed Ordinance Amendment for the Board of Aldermen amending the Zoning Ordinance Text of Article I. Definitions; Article III Residence Districts, Section 16 RH-2 districts: General High Density; Article V, Section 42.0 (Table 3: Use Table), Section 43.0 (Bulk and Yard regulations for Business and Industrial Districts) and Section 45.0 (Regulations for Parking, Loading and Automotive and Drive-in Establishments).

The City Plan Department has recently undertaken a series of amendments to the text of the Zoning Ordinance. The general direction of these changes has been to less strictly separate uses into narrowly purposed districts (so-called Euclidian zoning). The City Plan Commission and Board of Alders most recently enacted changes suggested by the department to allow residential uses in Light Industrial (IL) Districts under certain conditions, previous to which it had significantly broadened the scope of permitted commercial uses in the IL Districts. Earlier yet, amendments to General High Density Residential (RH-2) District regulations removed yard requirements that previously led to tall buildings requiring large setbacks from the street – so called “tower in the park” form, as well as reducing minimum parking requirements, and allowing for row house type development. In addition over the past 30 years the City Plan Commission and the Board of Alders has added new business zones to the “B” family, such as the BD-1 (1989), the BD-2 (2006) and BD-3 (2012) and BA-1 (2009) zones.

**ATTACHMENT A**  
**CITY OF NEW HAVEN**  
**BOARD OF ALDERS**

---

In re: Petition to amend the Zoning Ordinance text of article i. Definitions; article iii Residence Districts Section 16 RH-2 districts: general high density; article v, Section 42.0 (table 3: use table), Section 43.0 (bulk and yard regulations for business and industrial districts) and Section 45.0 (regulations for parking, loading and automotive and drive-in establishments).

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**PETITION TO AMEND THE ZONING ORDINANCE TEXT OF ARTICLE I. DEFINITIONS; ARTICLE III RESIDENCE DISTRICTS SECTION 16 RH-2 DISTRICTS: GENERAL HIGH DENSITY; ARTICLE V, SECTION 42.0 (TABLE 3: USE TABLE), SECTION 43.0 (BULK AND YARD REGULATIONS FOR BUSINESS AND INDUSTRIAL DISTRICTS) AND SECTION 45.0 (REGULATIONS FOR PARKING, LOADING AND AUTOMOTIVE AND DRIVE-IN ESTABLISHMENTS).**

Pursuant to 1925 Special Act No. 490 § 5, Article VI § 19, Article VII § 3L and Article XIII § 2 of the Charter of the City of New Haven, and Section 64(d)(1) of the Zoning Ordinance, City of New Haven (the “Zoning Ordinance”), Petitioner, Karyn M. Gilvarg, Executive Director of the City Plan Department of the City of New Haven (“Petitioner”), hereby petitions the Board of Alders of the City of New Haven to amend the Text of the Zoning Ordinance of the City of New Haven. In support of this Petition, Petitioner represents as follows:

1. The City of New Haven (the “City”) has embarked on a series of infrastructure and development projects to encourage a more densely built mixed use central business area, which includes residential dwelling units in both new and converted structures, new retail and business uses, commercial, medical and educational uses and a pedestrian friendly streetscape.
2. These infrastructure projects include: the Downtown Crossing Project: Conversion of Route 34 from highway to urban boulevards, the Downtown Crossing Project provides the street infrastructure for a livable, walkable transit oriented neighborhood with a mix of uses at a similar downtown density which connects the City’s medical district and the Hill neighborhood and Union Station with the City’s central business district. The City has also built or restriped roadways to include wider sidewalks, and bicycle infrastructure such as shared lanes, bike-only lanes, and has installed improved lighting and bicycle racks to promote non-motorized transportation choices.
3. These development projects include: the several new sites created by the Downtown Crossing project for commercial use, development of City owned sites for Gateway Community College, development of new retail and residences at 360 State Street, new residential and a hotel at 245 South Orange Street and other such projects as have been proposed for formerly City owned sites or constructed or converted by private and institutional

developers on privately owned properties. All are contributing to an increasingly vital, busy and compactly developed central business area.

4. The purpose of the Text Amendments is to make the development of mixed use buildings with upper story residential in the central Business District (BD) and adjacent BD-1, BD-2, and BD-3 areas more easily achievable by the removal of standards originally developed to discourage mixed use buildings in business districts and which, while allowing for residential uses in business districts, was intended to do so only in structures devoted solely to residential use and in accordance with standards meant to encourage tall, stand-alone residential buildings in landscaped settings which when not actually damaging were almost always at least disruptive to the physical and structural integrity of existing urban form.
5. It is desirable to similarly make development of mixed use structures with upper story residential in the BA, BA-,BB & BC zones more easily achievable, without increasing the F.A.R, and without decreasing the parking requirements for dwelling units. Many of the BA, BA-1, and BB zones lie along arterial streets and were developed prior to the inception of zoning in New Haven. They have buildings which were built as mixed use buildings, side by side with minimal or no side yards and only small or no setbacks from the sidewalk.
6. It is desirable to create new zoning text for the Business B zones in order to allow those zoning districts to foster mixed commercial, retail,

residential, and in some cases medical and research uses in a dense development that is pedestrian and bicycle friendly with active uses on the ground floor which can be seen from the sidewalks and streets without requiring dimensional Variances from the Board of Zoning Appeals. It is also desirable to make the use of the Zoning Ordinance text easier to understand and more convenient to use.

7. It is desirable to remove from the Zoning Text references to the residence districts which require setbacks and yards between building which are inappropriate in a downtown or commercial district setting, and which require, in some instances, amounts of usable open space that too severely limit the density of development in the central business areas.
8. The proposed Text Amendments to the Zoning Ordinance (described in Schedule D attached hereto) foster these goals by providing the following:
  - a. Promoting the concept of mixed use development in business Districts by eliminating the need for mixed use development to comply with two conflicting and largely irreconcilable sets of development standards and instituting a single set of standards that will apply to all structures in the affected zoning districts.
  - b. Single occupancy vehicle use is discouraged in the B Districts (except the BA, BB & BC districts) by
    - (i) reducing the number of parking spaces required for residential use to ½ space per dwelling unit, (ii) reducing the amount of required parking for nonresidential uses permitted in residence districts when

they are located in business districts and (iii) reductions in required parking for certain business uses

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

9. As required by Article XIII § 2 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 (Vision 2025) as such amendments will encourage intensive mixed use development and will connect the City's business districts with each other. As also required by § 2, these amendments are designed to lessen congestion in the streets, secure safety, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentrations of population, provide adequate provisions for transportation and other public requirements, reflect the character of the applicable zoning districts and their peculiar suitability for the uses to be allowed in such districts, conserve the value of existing buildings, and encourage the most appropriate use of land in the City.

10. As required by Article XIII § 2 of the City of New Haven Charter, the proposed amendments are uniform for each class of buildings or structures



throughout the BD, BD-1, BD-2, BD-3 and BA, BA-1, BB & BC districts and any zoning district to which such amendments apply.

WHEREFORE, Petitioner requests that the Board of Alders approve the Ordinance Amendment to the Zoning Ordinance set forth in Schedule C and Amend the Text of the Zoning Ordinance in the manner set forth in Schedule D.

Respectfully submitted

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Karyn M. Gilvarg, A.I.A.  
Executive Director, City Plan Department

**ATTACHMENT B**

**ORDINANCE RE: PETITION TO AMEND THE ZONING ORDINANCE TEXT OF ARTICLE I. DEFINITIONS; ARTICLE III RESIDENCE DISTRICTS SECTION 16 RH-2 DISTRICTS: GENERAL HIGH DENSITY; ARTICLE V, SECTION 42.0 (TABLE 3: USE TABLE), SECTION 43.0 (BULK AND YARD REGULATIONS FOR BUSINESS AND INDUSTRIAL DISTRICTS) AND SECTION 45.0 (REGULATIONS FOR PARKING, LOADING AND AUTOMOTIVE AND DRIVE-IN ESTABLISHMENTS).**

WHEREAS, on \_\_\_\_\_, 2016 , pursuant to 1925 Special Act No. 490 § 5, Article VII § 3L, Article VI §19, and Article XIII Section 2 of the Charter of the City of New Haven, and Section 64(d)(1) of the Zoning Ordinance, City of New Haven (the “Zoning Ordinance”), the Executive Director of the City Plan Department filed with the New Haven City Clerk for transmission to the Board of Alders a Petition requesting that the Board of Alders Amend the Text of the Zoning Ordinance concerning of article i. Definitions; article iii residence districts section 16 rh-2 districts: general high density; article v, section 42.0 (table 3: use table), section 43.0 (bulk and yard regulations for business and industrial districts) and section 45.0 (regulations for parking, loading and automotive and drive-in establishments); and

WHEREAS, on \_\_\_\_\_, 2016 , pursuant to Article VII, Section 3L and Article XIII § 2 of the City of New Haven Charter, the Board of Alders referred the Petition to the New Haven City Plan Commission for a public hearing;

WHEREAS, on \_\_\_\_\_, 2016 the City Plan Commission, following their public hearing, rendered an advisory report to the Board of Alders after considering the factors set forth in Section 64(d)(2) of the Zoning Ordinance recommending approval of the Petition, City Plan Commission Report No. \_\_\_\_\_; and

WHEREAS, the \_\_\_\_\_ Committee of the Board of Alders, following their public hearing on the matter, accepted the recommendation of the City Plan

Commission and on \_\_\_\_\_ recommended to the full Board with Favorable report that the Zoning Ordinance Text Amendment be adopted; and

WHEREAS, the Board of Alders finds that the Text Amendment to the Zoning Ordinance requested in the Petition is in accordance with the Comprehensive Plan of Development for the City of New Haven as such amendments will encourage new development and encourage reuse of existing underutilized and vacant buildings, and will more clearly and easily allow mixed use in the B - Business Zones.

WHEREAS, the Board of Alders 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 applicable zoning district and its peculiar suitability for the uses to be allowed in such district, conserve the value of existing buildings, and encourage the most appropriate use of land in the City; and

WHEREAS, the Board of Alders further finds that the Text Amendment to the Zoning Ordinance requested in the Petition is uniform for each class of buildings or structures within the BA, BA-1, BB, BC, BD, BD-1, BD-2, and BD-3 zoning district and any zoning district to which such amendments will apply; and

NOW THEREFORE BE IT ORDAINED by the Board of Alders of the City of New Haven orders that the Text Amendments to the Zoning Ordinance set forth in the Petition of the Executive Director of the City Plan Department, and shown in Attachment B are hereby approved and that the Zoning Ordinance Text shall be amended in the manner set forth in Schedule B attached hereto which schedule is incorporated by reference. This

Ordinance shall be effective on the day after the date of publication of this Ordinance Text  
Amendment.

\_\_\_\_\_ Signed                      Date \_\_\_\_\_

Residential Uses In Commercial Districts

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- Section 1. - Definitions.

~~MIXED USE: A structure occupied by one or more of the following ground floor uses: retail goods and personal services, entertainment establishments, food services, offices, or other similar high traffic non-residential uses that contains but is not limited to, upper story residential uses.~~

- Section 16. - RH-2 Districts: General High Density.

~~(a) (1) i. Paragraphs g. and h. of this section, which govern residential uses within the BD zone, shall not apply when a structure existing prior to 1964 is converted to not more than twenty-four (24) dwelling units, provided street frontage within that structure continues in commercial use or office use and said conversion recognizes the development rights of adjacent property~~

- Section 42

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted NA-Not Applicable
In case of conflict between this Table 3 and the text of the Zoning Ordinance, the text shall prevail.

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USE	BA	BA1	BB	BC	BD	BD1	BD2	BD3	BE	IL	IM	IH	Parking
<p><del>Uses Of Same Type As Those Permitted In Residence Districts:</del></p> <p><del>IN THE DISTRICTS INDICATED, THERE ARE PERMITTED AS OF RIGHT ALL OF THE SAME USES AS THOSE WHICH ARE PERMITTED, WHETHER AS OF RIGHT OR BY SPECIAL EXCEPTION, IN CERTAIN RESIDENCE DISTRICTS WITH THE EXCEPTION OF NURSING HOMES, CONVALESCENT HOMES AND REST HOMES, AS FOLLOWS:</del></p> <p><u>A. Residential Uses</u></p>													

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Residential Uses In Commercial Districts

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<p><u>3.</u> Dwelling units in existing structures of at least 50,000sf gross floor area and no less than two stories in height built prior to 1963, at a maximum density of 1 unit per 1000sf of <del>existing</del> gross floor area and limited to gross floor areas as defined in the New Haven Zoning Ordinance except that a maximum 5% increase in building gross floor area for non-habitable areas of interior circulation (i. e., elevators, stairwells and common hallways) is permitted regardless of site floor to area ratio. Commercial Use in such structures or on such properties limited to those permitted in both the IL District by right or Special Permit <del>and</del> either in BA, BA-1 BD-2 or BD-3 Districts by right , Special Exception or Special Permit and excluding all uses listed in Sections M. (Automotive) and O. (Construction and Related Goods and Services) <u>of this table (Table 3)</u></p>																<p><u>c</u></p>
<p><del>IF SUCH USES ARE NOT DWELLINGS, they shall be subject to the bulk and yard and sign regulations of the Business or Industrial District in which they are located, and to the parking requirements of the appropriate Residence District (except that no parking for such uses shall be required in the Business D, Business D-1 and Business D-2 Districts as provided in § 45) and except that in the BD-1 and BD-3 Districts, all uses shall be subject to the parking, loading, bulk, yard and sign regulations set forth in §§ 43, 44 and 45 for such uses in the BD-1 and BD-3 Districts and not to any Residence District regulations regarding such items.</del></p>																

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	<del>§ 7.</del> Assisted Living (see definition), Elderly and Disabled Housing	R	R	X	X	R	R	R	R	X	X	X	X	<u>½ space/uni</u>	y
B.	Transient Lodging														
	Rooming; <del>or</del> boarding <del>or lodging</del> house.	R	X	X	X	R	X	X	X	X	X	X	X	b	none
	Hotel, Bed Breakfast or Tourist Home, 12 or fewer guest rooms	R	R	X	SP	R	R	R	R	X	X	X	X	a	y
	Hotel, Bed Breakfast or Tourist Home, 13 or more guest rooms	R	X	X	SE	R	R	R	R	X	X	X	X	<del>See Also § 45(3)(b)</del> <u>a</u>	y
	Motel.	R	X	X	SE	R	X	X	X	X	X	X	X	<u>a</u>	y
	<del>Boatel.</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>SE</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>b</del>	<del>y</del>
C.	Sale of Food, Drink & Pharmaceuticals														
	STORE SELLING ITS GOODS PREDOMINANTLY AT RETAIL ON PREMISES, AS FOLLOWS:														
	Bakery (Wholesale bakery, see § 42 S. Heavy Commercial).	R	R	X	X	R	R	R	R	R	R	X	X	<del>fn</del> <u>fn</u>	x
	Pharmacy or Cosmetic store, including sale of goods and services customarily incidental thereto.	R	R	X	SE	R	R	R	R	R	R	X	R	<del>fn</del> <u>fn</u>	x
	Convenience store	R	SP	X	SP	R	R	R	R	X	R	R		<del>fn</del> <u>fn</u>	x
	Food specialty store, including but not limited to following lines: Eggs, fish, meat (excluding slaughtering and eviscerating), poultry (excluding	R	R	X	SE	R	R	R	R	X	R	X	X	<del>fn</del> <u>fn</u>	x

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	slaughtering), fruits, nuts, candy, teas, coffee, confection, dairy products, health foods, vegetables.																
	Grocery, Delicatessen, Supermarket or other store carrying a variety of food and related goods.	R	R	X	SE	R	R	R	R	X	R	X	X	<del><b><u>R</u></b></del>			
	Package Alcoholic liquor, subject to <a href="#">§ 42.1</a> provisions.	R	SE	R	X	R	R	R	R	R	R	X	R	<del><b><u>R</u></b></del>	x		
	Poultry market, including slaughtering of poultry for sale on the premises (for other slaughtering, see <a href="#">§ 42 T.</a> )).	SE	SE	X	X	SE	X	X	X	X	X	X	X	<del><b><u>R</u></b></del>	x		
D.	Personal Services																
	Barber shop, beauty shop, reducing salon.	R	SE	X	SE	R	R	R	R	X	R	X	X	<del><b><u>R</u></b></del>	y		
	Laundry, cleaner, dyer, clothing storage establishment (all, including pick-up station), or self-service laundromat, all performing services entirely for retail trade on premises. (For wholesale cleaning, laundering, dyeing, diaper service see <a href="#">§ 42 S.</a> )).	R	SE	X	SE	R	R	R	R	X	R	X	X	<del><b><u>R</u></b></del>	x		
	Health clubs, gyms, personal training, with associated classes	R	R	X	X	R	R	R	R	X	R	X	X	<del><b><u>R</u></b></del>	x		
	Tailor, dressmaker, shoe shine or shoe repair shop.	R	R	X	X	R	R	R	R	X	X	X	X	<del><b><u>R</u></b></del>	x		
	Repair shop for repairs or adjustments to appliances, watches, locks and similar items.	R	R	X	X	R	R	R	R	R	X	X	X	<del><b><u>R</u></b></del>	x		
	Photographic studio.	R	R	X	X	R	R	R	R	X	X	X	X	<del><b><u>R</u></b></del>	y		

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	Travel agency, travel ticket office.	R	R	X	X	R	R	R	R	R	X	X	X	<del><b><u>EB</u></b></del>	y	Formatted: Font: Italic
	Vocational, trade or business school.	R	<del>SE</del>	X	X	R	R	R	R	R	R	X	X	<del><b><u>EB</u></b></del>	y	Formatted: Font: Bold, Italic
	Driving school.	R	<del>SE</del>	R	X	X	X	X	R	X	X	X	X	<del><b><u>EB</u></b></del>	y	Formatted: Font: Italic
	Funeral home.	R	<del>SE</del>	X	X	R	R	R	X	X	X	X	X	<del><b><u>EB</u></b></del>	y	Formatted: Font: Italic
	Gun and weapons repair, firearms training.	<del>SE</del>	X	X	X	<del>SE</del>	X	X	X	<del>SE</del>	<del>SE</del>	X	<del>SE</del>	<del><b><u>EB</u></b></del>	y	Formatted: Font: Italic
	Firing range.	X	X	X	X	X	X	X	X	X	SE	X	SE	<del><b><u>EB</u></b></del>	y	Formatted: Font: Italic
	Pawn shop or swap shop (may include second-hand goods, precious metals purchase or resale), provided no location is within 1,500 feet from the outside entrance to another such use.	<del>SE</del>	<del>SE</del>	X	X	<del>SE</del>	X	X	X	X	X	X	X	<del><b><u>EB</u></b></del>	y	Formatted: Font: Bold
E.	Eating, Drinking Places & Entertainment															Formatted: Font: Italic
	ESTABLISHMENTS SELLING FOOD OR BEVERAGES FOR IMMEDIATE CONSUMPTION ON OR OFF PREMISES, INCLUDING ESTABLISHMENT WHERE LIVE ENTERTAINMENT IS A PRINCIPAL OR ACCESSORY USE.															Formatted: Font: Italic
	FOR PURPOSES OF THIS ZONING ORDINANCE A CHANGE FROM ONE CLASSIFICATION OF EATING, DRINKING OR ENTERTAINMENT ESTABLISHMENT TO ANOTHER															Formatted: Font: Italic



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	structure, or adult use as defined in <u>§ 42.3</u> of this ordinance.																		
	Adult cabaret more than 1,500 feet from another adult cabaret, bar in the same structure, or adult use as defined in <u>§ 42.3</u> of this ordinance:																		
	With Liquor Service.	X	X	X	X	SE	X	X	X	SE	SE	X	SE	<del>FD</del>	x				
	No Liquor Service.	X	X	X	X	SE	X	X	X	SE	SE	X	SE	<del>FD</del>	x				
F.	Vending Machines																		
	Vending machine selling food or personal articles or services, so placed that it is not beyond any street or building line, not within any required yard, and does not interfere with pedestrian or vehicular traffic.	R	X	R	SE	SE	SE	SE	SE	R	R	X	R	<del>See 45(e)</del>	<del>See 45(e)</del>				
	Pedestrian-accessible automatic teller machines (ATM) located in fully enclosed buildings or structures	R	R	R	R	R	R	R	R	R	R	R	R	<del>See 45(e)</del>	<del>See 45(e)</del>				
G.	General Merchandise and Clothing																		
	STORE SELLING OR RENTING ITS GOODS PREDOMINANTLY AT RETAIL ON THE PREMISES, AS FOLLOWS:																		
	Apparel, including all apparel specialties.	R	R	X	X	R	R	R	R	X	X	X	X	<del>FD</del>	x				
	Department store (includes sale of specific items mentioned elsewhere in table, if customarily sold in store).	R	R	X	X	R	R	R	R	X	X	X	X	<del>FD</del>	x				

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	Variety store (including sale of specific items mentioned in this table, if customarily sold in store).	R	R	X	X	R	R	R	R	R	X	X	X	X	<del>£ n</del>	x
H.	Personal Goods															
	SPECIALTY STORE SELLING OR RENTING ITS GOODS PREDOMINANTLY AT RETAIL ON THE PREMISES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING LINES: Books, News Tobacco, Gifts, Cards, Art supplies, Stationery, Pets, Toys, Coins, Flowers, Jewelry, Leather goods, Luggage, Novelties, Sporting goods, Bicycles, Stamps, Hobbies, Art Work, Photo supplies, Music, Musical Instruments, Optical goods, Religious articles.	R	R	X	SE	R	R	R	R	X	X	X	X	<del>£ n</del>	x	
	Gun shops and accessory goods sales including ammunition, subject to <a href="#">§ 42.4</a> zoning ordinance. provisions.	X	X	X	X	SE	X	X	X	SE	SE	X	SE	<del>£ n</del>	x	
I.	Home Goods and Furnishings															
	STORE SELLING OR RENTING ITS GOODS PREDOMINANTLY AT RETAIL ON THE PREMISES, AS FOLLOWS:															
	China, glass, pottery.	R	R	X	X	R	R	R	R	X	R	X	X	<del>£ n</del>	x	
	Antiques and second hand goods, excluding motor vehicles/parts, and excluding materials held only for discard or reprocessing.	R	R	X	X	R	R	R	R	X	R	X	X	<del>£ n</del>	x	
	Fabrics, curtains, linens knitting & upholstery supplies.	R	R	X	X	R	R	R	R	X	R	X	X	<del>£ n</del>	x	

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	Furniture, floor covering, appliances.	R	R	X	X	R	R	R	R	X	R	X	X	<del><i><b>FN</b></i></del>	x	<b>Formatted: Font: Italic</b>	<b>Formatted: Font: Bold</b>
	Farm & garden supplies, includes greenhouse, nursery.	R	R	X	X	X	R	X	R	R	R	X	X	<del><i><b>FN</b></i></del>	x	<b>Formatted: Font: Italic</b>	<b>Formatted: Font: Bold</b>
	Hardware, paint, wallpaper.	R	R	X	X	R	R	R	R	X	R	X	X	<del><i><b>FN</b></i></del>	x	<b>Formatted: Font: Italic</b>	<b>Formatted: Font: Bold</b>
	SPECIALTY HOME GOODS & SKILLED TRADES WITH A COMBINATION OF ON PREMISES FABRICATION AND SALES, AS FOLLOWS:															<b>Formatted: Font: Bold</b>	
	Art work, art supplies, baskets, books, candles, curtains, dresses, fabrics, furniture, gifts, glass, jewelry, linens, musical instruments, optical goods, pottery, photography, printing, sporting goods, stationary, toys, upholstery.	R	R	R	R	R	R	R	R	R	SP	SP	SP	<del><i><b>IS</b></i></del>	x	<b>Formatted: Font: Italic</b>	<b>Formatted: Font: Bold</b>
	Music, Film and Recording Studio	SP	SP	X	X	SP	SP	SP	SP	R	SP	SP	SP	<del><i><b>IS</b></i></del>	x	<b>Formatted: Font: Italic</b>	<b>Formatted: Font: Bold</b>
J.	Financial Services															<b>Formatted: Font: Bold</b>	
	Bank or other credit agency.	R	R	R	X	R	R	R	R	R	R	X	X	<del><i><b>FN</b></i></del>	y	<b>Formatted: Font: Italic</b>	<b>Formatted: Font: Bold</b>
	Broker Investment company.	R	R	X	X	R	R	R	R	R	R	X	X	<del><i><b>FN</b></i></del>	y	<b>Formatted: Font: Italic</b>	<b>Formatted: Font: Bold</b>
	Insurance company or agency.	R	R	R	X	R	R	R	R	R	R	X	X	<del><i><b>FN</b></i></del>	y	<b>Formatted: Font: Italic</b>	<b>Formatted: Font: Bold</b>
	Remuneration, money order, notary establishments	SE	SE	SE	X	SE	SE	SE	R	SE	X	X	X	<del><i><b>FN</b></i></del>	y	<b>Formatted: Font: Italic</b>	<b>Formatted: Font: Bold</b>
	Check cashing or payday loan establishments	SP	SP	SP	X	SP	SP	SP	X	SP	X	X	X	<del><i><b>FN</b></i></del>	y	<b>Formatted: Font: Italic</b>	<b>Formatted: Font: Bold</b>
K.	Office															<b>Formatted: Font: Bold</b>	
	OFFICE - NO STORAGE OF A STOCK IN TRADE (EXCEPT															<b>Formatted: Font: Bold</b>	

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	SAMPLES) OR HEAVY MATERIALS OR EQUIPMENT, & NO COMMODITIES SALE ON PREMISES, AS FOLLOWS:																					
	General, charitable, philanthropic, other professional.	R	R	X	X	R	R	R	R	X	R	X	X	<del><u>EO</u></del>	y	Formatted: Font: Italic	Formatted: Font: Bold					
	Radio or television stations studio and/or offices only.	R	R	X	X	R	R	R	R	R	R	X	X	<del><u>EO</u></del>	y	Formatted: Font: Italic	Formatted: Font: Bold					
	Utility, including exchange.	R	SP	SE	SE	R	R	R	R	R	R	X	X	<del><u>EO</u></del>	y	Formatted: Font: Italic	Formatted: Font: Bold					
	Wholesale or distribution.	R	SP	X	X	R	R	R	X	R	R	X	X	<del><u>EO</u></del>	y	Formatted: Font: Italic	Formatted: Font: Bold					
L.	Amusements																					
	ESTABLISHMENT SO ARRANGED THAT LIGHTS, NOISE, VIBRATION, AND ALL OTHER POSSIBLE DISTURBING ASPECTS CONNECTED WITH ITS OPERATION ARE ENCLOSED, SCREENED OR OTHERWISE CONTROLLED TO THE EXTENT THAT THE OPERATION OF THE ESTABLISHMENT WILL NOT UNDULY INTERFERE WITH THE USE AND ENJOYMENT OF STREETS OR PROPERTIES IN THE SURROUNDING AREA, AS FOLLOWS:																					
	Adult businesses, including adult bookstores, Adult theaters, adult entertainment centers, rap parlors, massage parlors, saunas, subject to <u>§ 42.3</u> provisions.	X	X	X	X	X	X	X	X	R	R	X	R	<del><u>en</u></del>	x	Formatted: Font: Italic	Formatted: Font: Bold					
	Assembly hall.	SE	SP	X	X	SE	SE	SE	SE	SE	SP	X	X	<del><u>See Above § 45(c)(1)(A), (B)</u></del>	y	Formatted: Font: Italic	Formatted: Font: Italic	Formatted: Font: Italic				



Residential Uses In Commercial Districts

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	Bowling alley, billiard or pool hall, indoor amusement center, drug paraphernalia center.	SE	SE	X	X	SE	SE	X	SE	SE	SE	X	X				<u><del>g</del></u>	y	Formatted: Font: Italic Formatted: Font: Bold
	<del>Dance hall, Social club, athletic club, lodge, veterans or fraternal organization, fraternity, sorority.</del> <u>recreation facilities and community centers.</u>	SE	SP	X	X	SE	SE	SE	SE	SE	SE	X	X				<u><del>g</del></u>	y	Formatted: Font: Italic Formatted: Font: Bold Formatted: Font: Italic Formatted: Font: Italic Formatted: Font: Italic Formatted: Font: Italic Formatted: Font: Italic Formatted: Font: Bold Formatted: Font: Bold
	<del>Drive-in theater.</del>	SE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	<del>as needed</del>	y**	Formatted: Font: Bold Formatted: Font: Bold
	Fair, carnival.	SE	SP	X	X	X	X	X	X	X	SE	X	SE				<u><del>g</del></u>	y	Formatted: Font: 11 pt, Bold Formatted: Font: Italic
	Game machines as an accessory use, subject to <u>§ 42.2</u> provisions.	R	R	R	SE	R	R	R	R	R	R	X	R				<del>none</del> <u>NA</u>	<del>none</del> <u>NA</u>	Formatted Table Formatted: Font: Italic Formatted: Font: Bold Formatted: Font: Italic
	Game rooms, subject to <u>§ 42.2</u> provisions.	SE	SE	SE	X	SE	X	SE	SE	SE	SE	X	SE				<u><del>j</del></u>	y	Formatted: Font: Italic Formatted: Font: Bold Formatted: Font: Bold
	Miniature golf, golf driving range.	SE	X	X	X	X	X	X	X	X	SE	X	X				<u><del>g</del></u>	y	Formatted: Font: Bold
	Music or dancing school.	R	X	X	X	R	R	X	R	X	R	X	X				<u><del>g</del></u>	y	
	Public access park (passive or action recreation), open space or community garden	R	R	R	R	R	R	R	R	R	R	R	R				<u><del>NA</del></u>	<u><del>NA</del></u>	Formatted: Font: Bold
	State sponsored off-track betting facilities and teletrak facilities, teletheater or other legalized wagering systems, facilities & services.	X	X	X	X	SE	X	X	X	X	X	X	SE				<u><del>g</del></u>	y	Formatted: Font: Italic Formatted: Font: Bold

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	Theater, excluding drive-in, 250 or fewer seats.	R	R	X	X	R	R	X	R	X	X	X	X	<del>f.P</del>	y	
	Theater, excluding drive-in, 251 or more seats.	R	SP	X	X	R	SE	X	R	X	X	X	X	<del>f.P</del> <sup>4</sup> <del>See Article 2 of Part III.</del>	y	
	Trampoline center.	SE	X	X	X	X	X	X	X	X	R	X	X	<del>f.P</del>	y	
M.	Automotive															
	ESTABLISHMENT CONFORMING TO STATE OF CONNECTICUT REGULATIONS AND <u>§ 45</u> , AS FOLLOWS:															
	Sale of automotive accessories, parts, tires, batteries, other supplies.)	R	X	R	X	R	R	X	X	R	R	X	R	See 45(b)	See 45(b)	
	Gasoline station, as defined by Ch. 250, C.G.S.	SE	X	R	X	SE	SE	SE	SE	SE	SE	X	SE	See 45.B	See 45(b)	
	Car wash (a/k/a auto laundry).	SE	X	R	X	X	X	X	X	X	X	X	X	See 45(b)	See 45(b)	
	Motorcycles: Sale or rental with inventory, repair.	X	X	R	X	X	X	X	X	X	R	X	X	See 45(b)	See 45(b)	
	Automobiles, automobile trailers, and trucks.															
	<u>1.</u> Repair of such vehicles, no full body paint spraying or body and fender work except replacement.	R	X	R	X	SE	X	X	X	R	R	X	R	See 45(b)	See 45(b)	
	<u>2.</u> Repair of such vehicles, including full body paint spraying and all body and fender work.	SE	X	R	X	SE	X	X	X	SE	R	X	R	See 45(b)	See 45(b)	

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3. Rental of such vehicles with inventory. Inventory within structure shall be permitted by special exception.	R	X	R	X	R	X	SE	SE	R	R	X	R	See 45(b)	See 45(b)
4. Sale of such vehicles with inventory when used, where incidental to operation of a gas station or repair garage, and where no more than 5 used vehicles for sale are kept on premises at one time.	SE	X	R	X	SE	X	X	X	R	R	X	R	See 45(b)	See 45(b)
5. Sale of such vehicles with inventory when used, with no limit on quantity of vehicles.	X	X	R	X	X	X	X	X	R	R	X	R	See 45(b)	See 45(b)
6. Sale of such vehicles with inventory when new:														
a. Automobiles.	X	X	R	X	X	X	X	X	X	X	X	X	See 45(b)	See 45(b)
b. Automobile trailers or trucks.	X	X	R	X	X	X	X	X	R	R	X	R	See 45(b)	See 45(b)
Sale or rental of any vehicle described above, with no inventory of such vehicles kept on premises, but with incidental show models and demonstrator vehicles permitted in case of sales.	R	X	R	X	R	R	SE	SE	R	R	R	X	<del><i><b>u</b></i></del>	y
N. Marine														
Marina, yacht club) <del><i><b>with up to 4 slips</b></i></del>	X	X	X		X	X	X	X	X	X	SP	X	<del><i><b>u</b></i></del>	y
<del><i><b>Marina, yacht club with more than four slips</b></i></del>	<del><i><b>X</b></i></del>	<del><i><b>X</b></i></del>	<del><i><b>X</b></i></del>	<del><i><b>SP</b></i></del>	<del><i><b>X</b></i></del>	<del><i><b>X</b></i></del>	<del><i><b>X</b></i></del>	<del><i><b>X</b></i></del>	<del><i><b>X</b></i></del>	<del><i><b>X</b></i></del>	<del><i><b>SP</b></i></del>	<del><i><b>X</b></i></del>	<del><i><b>u</b></i></del>	
Fishing, fish sales (including shellfish).	X	X	X	SP	X	X	X	X	R	X	R	X	<del><i><b>u</b></i></del>	x

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	Sale of boats, boat parts & accessories, fishing equipment, boat fuel & ice, & similar supplies.	X	X	X	SP	X	X	X	X	R	R	R	R	<del><b><u>i</u></b></del>	x	<b>Formatted: Font: Italic</b>	<b>Formatted: Font: Bold</b>
	Boat rental or charter, boat sightseeing.	X	X	X	SP	X	X	X	X	R	X	R	R	<del><b><u>i</u></b></del>	y	<b>Formatted: Font: Italic</b>	<b>Formatted: Font: Bold</b>
	Boat building, repair, service and storage:.															<b>Formatted: Font: Bold</b>	
	100 foot length or less.	X	X	X	SP	X	X	X	X	X	R	R	R	<del><b><u>i</u></b></del>	x	<b>Formatted: Font: Italic</b>	<b>Formatted: Font: Bold</b>
	Over 100 foot length.	X	X	X	SP	X	X	X	X	SE	R	SP	R	<del><b><u>i</u></b></del>	x	<b>Formatted: Font: Italic</b>	<b>Formatted: Font: Bold</b>
	Deep-sea shipping facility or Seaplane base.	X	X	X	X	X	X	X	X	SE	R	X	R	<del><b><u>i</u></b></del>	x	<b>Formatted: Font: Italic</b>	<b>Formatted: Font: Bold</b>
	Salvage or dredging company.	X	X	X	X	X	X	X	X	X	X	X	R	<del><b><u>i</u></b></del>	x	<b>Formatted: Font: Italic</b>	<b>Formatted: Font: Bold</b>
O.	Construction & Related Goods & Services															<b>Formatted: Font: Bold</b>	
	Home improvement company, interior decorator, upholsterer, furniture repairer, general contractor, special trade contractor or worker, building materials, sign making, fuel or ice, with all storage of goods, materials & equipment (other than off-street parking and loading of vehicles) and all processing and manufacturing kept within a completely enclosed building(s) & the entire establishment occupies 2,000 square feet or less of net floor area.	R	R	X	X	R	R	X	R	R	R	R	R	<del><b><u>i</u></b></del>	See <a href="#">§ 4</a>	<b>Formatted: Font: Italic</b>	<b>Formatted: Font: Bold</b>
	Same uses as above, with no limit as to floor area or enclosure, except as specified in <a href="#">§ 46</a> . & <a href="#">§ 47(c)</a> .	X	X	X	X	X	X	X	X	R	SP	SP	R	<del><b><u>i</u></b></del>	x	<b>Formatted: Font: Italic</b>	<b>Formatted: Font: Bold</b>
	Off-site Construction Staging Area:															<b>Formatted: Font: Bold</b>	

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	Less than 1,000 SF total area.	R	SP	R	R	SP	SP	SP	SP	SP	R	SP	SP	R	<del>none</del> <b>NA</b>	<del>none</del> <b>N</b>	<b>Formatted: Font: Italic</b>
	1,000 SF or more total.	SP	X	SP	SP	SP	SP	SP	SP	SP	SP	X	SP	<del>none</del> <b>NA</b>	<del>none</del> <b>N</b>	<b>Formatted: Font: Bold</b>	
	Monument sales establishment, with incidental processing to order (excluding shaping of stones & similar processes).	R	SE	X	X	X	X	X	X	R	R		R	<del>i</del> <b>S</b>	x	<b>Formatted Table</b>	
	Monument sales establishment or monument works, with no limit as to processes.	X	X	X	X	X	X	X	X	R	X	R	<del>i</del> <b>S</b>	x	<b>Formatted: Font: Italic</b>		
P.	Business Goods															<b>Formatted: Font: Bold</b>	
	ESTABLISHMENT SELLING OR RENTING ITS GOODS PREDOMINANTLY AT RETAIL ON PREMISES, AS FOLLOWS:															<b>Formatted: Font: Bold</b>	
	Office equipment and supplies.	R	R	X	X	R	R	X	R	R	R	SP	X	<del>e</del> <b>N</b>	x	<b>Formatted: Font: Italic</b>	
	Business machines or scales.	R	R	X	X	R	R	X	R	R	R	SP	X	<del>e</del> <b>N</b>	x	<b>Formatted: Font: Italic</b>	
	Restaurant or bar supply.	R	R	X	X	R	R	X	R	R	R	SP	X	<del>e</del> <b>N</b>	x	<b>Formatted: Font: Italic</b>	
	Dental, hospital, beauty, barber, store or lab supply.	R	R	X	X	R	R	R	R	R	R	SP	X	<del>e</del> <b>N</b>	x	<b>Formatted: Font: Italic</b>	
Q.	Business & Miscellaneous Personal & Public Services															<b>Formatted: Font: Bold</b>	
	Off premises signs, as regulated by <a href="#">§ 44.1</a> :															<b>Formatted: Font: Bold</b>	
	Mini-panel.	SE	X	SE	SE	SE	SE	SE	SE	SE	SE	X	SE	<del>none</del> <b>NA</b>	<del>none</del> <b>N</b>	<b>Formatted: Font: Bold</b>	
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Poster, Bulletin or Spectacular.	R	X	R	X	X	X	X	X	X	R	R	X	R	<del>none</del> <u><b>NA</b></u>	<del>none</del> <u><b>N</b></u>	
On premises signs, as regulated by <a href="#">§ 44</a> .	R	R	R	R	R	R	X	R	R	R	R	X	R	<del>none</del> <u><b>NA</b></u>	<del>none</del> <u><b>N</b></u>	
Ambulance service.	R	<del>SP</del>	X	X	R	X	R	R	R	R	X	R	<del>i</del> <u><b>s</b></u>	<del>y</del>		
Caterer.	R	R	X	X	R	R	R	R	R	R	X	X	<del>i</del> <u><b>s</b></u>	<del>x</del>		
Cold storage facility renting only individual lockers for home customer storage of food. (For other cold storage facilities, see <a href="#">§ 42</a> S. Heavy Commercial).	R	X	X	X	R	X	X	X	R	R	X	R	<del>i</del> <u><b>s</b></u>	<del>x</del>		
Conference Center	X	X	X	SP	SP	X	SP	SP	X	X	X	X	<del>f</del> <u><b>p</b></u>	<del>y</del>		
Convention Center	X	X	X	X	SP	X	SP	SP	X	X	X	X	<del>f</del> <u><b>p</b></u>	<del>y</del>		
Commercial kennel or other establishment, where the care, breeding or sale of animals is the principal purpose of the enterprise, with no animals to be located within 500' of any residentially zoned property.	SE	X	X	X	X	X	X	X	X	SE	X	SE	<del>i</del> <u><b>s</b></u>	<del>x</del>		
Delivery service establishment, vehicles limited to 1 ton capacity (Also see <a href="#">§ 42</a> S. Heavy Commercial).	R	X	X	X	R	X	X	X	R	R	X	R	<del>i</del> <u><b>s</b></u>	<del>x</del>		
Employment agency.	R	X	X	X	R	R	R	R	R	R	X	R	<del>i</del> <u><b>o</b></u>	<del>y</del>		
Internal building cleaning, window cleaning.	R	R	X	X	R	SE	SE	R	R	R	X	R	<del>s</del>	<del>y</del>		
News distribution enterprise.	R	X	X	X	R	X	X	X	R	R	X	R	<del>i</del> <u><b>s</b></u>	<del>x</del>		

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Printing, engraving, or other reproduction services, limited to 2,000 square feet net floor area.	R	R	X	X	R	<del>SE</del>	R	R	R	R	R	R	R	<del><u>i</u></del> <u>S</u>	none
Printing, engraving, or other reproduction services with no limit as to floor area.	X	X	X	X	R	X	R	R	R	R	R	R	R	<del><u>i</u></del> <u>S</u>	x
<del>Public utility substation, reservoir, dam, park, police or fire station, telephone exchange, post office or other government office or service establishment.</del>	<del>R</del>	<del>SP</del>	<del>R</del>	<del>SE</del>	<del>R</del>	<del>R</del>	<del>R</del>	<del>R</del>	<del>R</del>	<del>R</del>	<del>R</del>	<del>SP</del>	<del>R</del>	<del><u>i</u></del>	<del>y</del>
Public or private pumping station	R	R	R	R	R	R	R	R	R	R	R	R	R	<del><u>i</u></del> <u>S</u>	y
Research or testing laboratory, including research and/or development laboratories which are High Technology Uses, limited to 2000 S.F. net floor area used for laboratory purposes	X	X	X	R	R	R	R	R	R	R	R	R	R	<del><u>i</u></del> <u>S</u>	none
Research or testing laboratory with no floor area limit, including research and/or development laboratories which are High Technology Uses	X	X	X	X	X	X	R	R	R	R	R	R	R	<del><u>i</u></del> <u>S</u>	x
Other High Technology Uses, High Technology Services and High Technology Equipment Design and Fabrication (See definitions)	X	X	X	R	R	R	R	R	R	R	R	R	R	<del><u>i</u></del> <u>S</u>	y
Self storage facility.	X	X	X	X	X	X	R	X	R	R	SP	R	R	<u>i</u>	y
Special workplace daycare Family Daycare Home, Group Daycare Home, and Child Daycare Center.	R	R	R	SE	R	R	R	R	R	R	R	R	R	<u>i</u>	y
Uniform sales or rental establishment.	R	R	X	X	R	R	R	R	R	R	X	R	R	<del><u>i</u></del> <u>S</u>	x

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	<i>Utility, including exchange.</i>	<i>R</i>	<i>SP</i>	<i>SE</i>	<i>SE</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>SP</i>	<i>R</i>	<i>d</i>	<i>y</i>
	Vending machine operator or repairer.	R	SE	X	X	R	X	X	X	R	R	X	R	<u><b>is</b></u>	x
	Veterinarian, pet daycare and pet groomer (excluding establishment where care, breeding or sale of animals is the enterprise's main purpose and/or where animals are boarded overnight) with all facilities within fully enclosed building(s).	R	R	X	X	R	SE	X	R	R	R	X	X	<u><b>dm</b></u>	y
R.	Transportation														
	On or off-site parking lot or parking structure for employees, customers, or visitors for any business or industrial use, or commercial parking lot or parking structure, also as regulated by § 45. of this ordinance and excluding auto sales, service and rental except as otherwise permitted by this Use Table.	R	R	R	R	R	R	R	R	R	R	R	R	<i>none NA</i>	<i>none NA</i>
	On or off-site parking lot or parking structure containing between 26 and 200 parking spaces for employees, customers, or visitors for any business or industrial use, or commercial parking lot or parking structure, also as regulated by § 45 of this ordinance and excluding auto sales, service and rental except as otherwise permitted by this Use Table.	R	<u><b>SP<sup>1</sup></b></u>	R	<u><b>SP<sup>1</sup></b></u>	R	R	R	R	R	R	R	R	<i>none NA</i>	<i>none NA</i>
	On or off-site parking lot or parking structure capable of containing 200 or more parking spaces for employees, customers, or visitors for any business or industrial use, or any commercial parking lot or parking structure capable of containing 200 or more parking space, also as regulated by § 45 of this ordinance and excluding auto sales	<u><b>SP<sup>1</sup></b></u>	X	<u><b>SP<sup>1</sup></b></u>	<u><b>SP<sup>1</sup></b></u>	<u><b>SP<sup>1</sup></b></u>	<u><b>SP<sup>1</sup></b></u>	<u><b>SP<sup>1</sup></b></u>	<u><b>SP<sup>1</sup></b></u>	<u><b>SP<sup>1</sup></b></u>	<u><b>SP<sup>1</sup></b></u>	<u><b>SP<sup>1</sup></b></u>	<u><b>SP<sup>1</sup></b></u>	<i>none NA</i>	<i>none NA</i>

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	service and rental except as otherwise permitted by this Use Table.															
	Intercity passenger station or terminal, Railroad passenger station, or Heliport.	X	X	X	X	R	X	R	SP	R	R	X	SE	<u><del>IS</del></u>	y	
	Storage of commercial vehicles (where not an accessory use to another permitted use).	X	X	X	X	X	X	X	X	R	R	X	R	<u><del>none NA</del></u>	<u><del>none NA</del></u>	
	Taxi dispatching station (no vehicle storage).	R	X	X	X	R	R	R	R	R	R	X	X	<u><del>IS</del></u>	y	
	Taxi terminal.	X	X	X	X	X	X	X	X	R	R	X	X	<u><del>IS</del></u>	y	
	Transportation or other right-of-way.	R	R	R	R	R	R	R	R	R	R	R	R	<u><del>none NA</del></u>	<u><del>none NA</del></u>	
	Truck or rail freight yard or terminal.	X	X	X	X	X	X	X	X	R	R	X	R	<u><del>IS</del></u>	x	
S.	Heavy Commercial															
	Cleaning, laundering, dyeing, or diaper service plant.	X	X	X	X	X	X	X	X	R	R	SP	R	<u><del>IS</del></u>	x	
	Cold storage facility, no limit as to customer type.	X	X	X	X	X	X	X	X	R	R	X	R	<u><del>IS</del></u>	x	
	External building cleaning, disinfecting, or exterminating establishment.	X	X	X	X	X	X	X	X	R	R	X	R	<u><del>IS</del></u>	x	
	Food processing or wholesale bakery.	X	X	X	X	X	X	X	X	R	R	R	R	<u><del>IS</del></u>	x	
	Warehousing, or moving and storage establishment.	X	X	X	X	X	X	X	X	R	R	X	R	<u><del>IS</del></u>	x	
	Wholesaling or distribution, including the handling of stock and incidental retailing.	X	X	X	X	X	X	X	X	R	R	SP	R	<u><del>IS</del></u>	x	

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Residential Uses In Commercial Districts

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

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Dumping, as defined and regulated by <a href="#">§46(e)</a> and subject to other applicable regulations.	X	X	X	X	X	X	X	X	X	X	X	X	X	SE	<del>IS</del>	x
Emery cloth, sand paper, carborundum or pumice manufacture.	X	X	X	X	X	X	X	X	X	X	X	X	X	SE	<del>IS</del>	x
Explosive or fireworks manufacture.	X	X	X	X	X	X	X	X	X	X	X	X	X	SE	<del>IS</del>	x
Fertilizer manufacture from organic material or its compounding for sale.	X	X	X	X	X	X	X	X	X	X	X	X	X	SE	<del>IS</del>	x
Glue or size manufacture or processes involving recovery from fish or animal material.	X	X	X	X	X	X	X	X	X	X	X	X	X	SE	<del>IS</del>	x
Gypsum, cement, plaster or plaster of Paris manufacture.	X	X	X	X	X	X	X	X	X	X	X	X	X	SE	<del>IS</del>	x
Household hazardous waste collection centers, as defined and regulated by <a href="#">§ 46(g)</a> , subject to other applicable regulations.	X	X	X	X	X	X	X	X	X	X	SE	X	SE	<del>IS</del>	x	
Junkyard, as defined and regulated by <a href="#">§ 46</a> , subject to all State of Connecticut and other applicable regulations.	X	X	X	X	X	X	X	X	X	X	X	X	X	SE	<del>IS</del>	x
Motor vehicle recycling facility, as defined and regulated by <a href="#">§ 46</a> and subject to all State of Connecticut & other applicable regulations.	X	X	X	X	X	X	X	X	X	X	X	X	SP	<del>IS</del>	x	
Nitrating process.	X	X	X	X	X	X	X	X	X	X	X	X	X	SE	<del>IS</del>	x
Outdoor storage of fuels, chemicals or building materials (whether in tanks or other containers), except as incidental to other activities.	X	X	X	X	X	X	X	X	X	X	X	X	X	SE	<del>IS</del>	x

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Outdoor storage of materials related to boat manufacturing.	X	X	X	R	X	X	X	X	X	X	X	R	X	<del>NA</del>	<del>*NA</del>
Outdoor storage of up to 500 square feet of materials, customary and incidental to principal use of the property.	R	R	R	R	R	R	X	X	R	R	R	R	<del>none NA</del>	<del>none NA</del>	
Outdoor storage of more than 500 square feet of material.	X	X	X	SP	X	X	X	X	X	SP	X	SP	<del>none NA</del>	<del>none NA</del>	
Petroleum refining.	X	X	X	X	X	X	X	X	X	X	X	SE	<del>IS</del>	x	
Public sewage disposal plant or incinerator.	X	X	X	X	X	X	X	X	X	X	X	R	<del>IS</del>	x	
Quarry, as defined and regulated by <a href="#">§ 46(f)</a>	X	X	X	X	X	X	X	X	X	X	X	SE	<del>IS</del>	x	
Slaughterhouse or stockyards, rendering or reduction of animal matter.	X	X	X	X	X	X	X	X	SE	X	X	X	<del>IS</del>	x	
Sulfurous, sulfuric, nitric, picric or hydrochloric or other corrosive acid manufacture or the manufacture of poison gases, bleaching powder or chlorine, except as incidental to a permitted use.	X	X	X	X	X	X	X	X	X	X	X	SE	<del>IS</del>	x	
Transmitting tower for radio or television station.	X	X	X	X	X	X	X	X	X	X	X	SE	<del>IS</del>	y	
Waste processing and transfer.	X	X	X	X	X	X	X	X	SE	SE	X	SE	<del>IS</del>	x	
Wood or bone distillation.	X	X	X	X	X	X	X	X	X	X	X	SE	<del>IS</del>	x	
U. Medical															

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Nursing Homes/Rest Homes/Residential Care Homes as defined in Conn. Gen. Stat. §§ 19a-490 and 19a-521	R	SP	X	X	SE	SE	R	R	X	X	X	X	<del>l</del>	y
General and Special Inpatient Hospitals	R	SP	X	X	SE	R	R	X	X	X	X	X	<del>See §§ 12(b)(1)-(3), 45(a)(1)-(4), k</del>	y
Home Health Care Agencies/Assisted Living Service Agencies as defined in Conn. Gen. Stat. § 19a-490	R	R	X	X	R	R	R	R	X	X	X	X	<del>e o</del>	y
Health Practitioners' Office (See definition)	R	R	X	X	R	R	R	R	X	X	X	X	<del>See also § 20-210-1, 20-210-2, 20-210-3, 20-210-4, 20-210-5, 20-210-6, 20-210-7, m</del>	y
Health Care Clinic (See definition)	R	SP	X	X	R	R	R	R	X	X	X	X	<del>See §§ 12(b)(1)-(3), 45(a)(1)-(4), m</del>	y
Outpatient Surgical Facilities/Ambulatory Surgical Center licensed by the Connecticut Department of Health pursuant to Conn. Gen. Stat. § 49a-493b	R	SP	X	X	R	SE	R	R	X	X	X	X	<del>See also § 12(b)(1)-(3), 45(a)(1)-(4), m</del>	y
Recovery Care Centers licensed by the Department of Public Health pursuant to Regs. Conn. State Agencies §19a-495-571	R	SP	X	X	R	SE	R	R	X	X	X	X	<del>See also § 12(b)(1)-(3), 45(a)(1)-(4), k</del>	y
<del>V, Institutional and Public Uses</del>														
<del>Religious Institutions including parish houses, rectories, convents, and other facilities normally</del>	<del>R</del>	<del>R</del>	<del>R</del>	<del>SP</del>	<del>R</del>	<del>R</del>	<del>R</del>	<del>R</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>g</del>	

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• **Notes:**

- ~~(1) Nonresidential uses only.~~
- 2) The open space requirements for the BD-1 and BD-3 Districts shall be those set forth in § 43(i)(1) and not those set forth in § 16(a)(1)g.
- ~~(3) Exempt.~~
- (4) In the Marine Commercial District (BC) a marina, yacht club with ten or less slips is allowed as-of-right. A marina, yacht club with over ten slips requires a special permit.
- ~~(5) Parking/Loading Requirements are governed by Section 45 for the Business D-1 and Business D-3 Districts.~~

**Notes**

**1 Parking lots and structures located entirely on parcels subject to a development agreement with the City of New Haven entered into prior to June 1, 2007 require only site plan approval.**

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

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

(a)

Definitions.

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

(b)

Maximum FAR.

(1)

The maximum FAR permitted in the district(s) specified shall not exceed the following:

FAR	Zoning District
2.0	BA, BA-1, BB, BC and IM
3.0	IL

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4.0	IH
6.0	BD, BD-1**, BD-2*, BD-3 and BE
	*Where a lot in a BD-2 District abuts a residence district along a rear or side lot line, the maximum permitted FAR is 2.5. ** Where a lot in a BD-1 District abuts an RS-1, RS-2, RM-1 or RM-2 Residence District, the maximum permitted FAR is 3.0.

~~(2)~~*Floor area ratios (FAR) may be increased under the exception stated in § 43(f)(1) below.*

(c)

Maximum building height.

(1)

Except as provided in subsections 43(c)(2), (3), (4), (5) and (6), there shall be no direct limit on building height in any business or industrial district (although indirect limits may be produced by floor area ratio and other requirements).

(2)

In the Business C zone, the maximum average building height shall be 35 feet.

(3)

No building in a Business D-2 District shall exceed 200 feet above average finished lot grade provided a building shall be entitled ten feet of additional height if such building is registered as a Leadership in Energy and Environmental Design (LEED)-certified building for new commercial construction and major renovation projects, as established by the United States Green Building Council, or an equivalent standard, and the owner or applicant certifies its good faith intent to achieve such standard.

(4)

In the BA-1, the maximum building height shall be 45 feet. Buildings shall also have a minimum of two stories and a minimum building height of 25 feet.

(5)

In the BD-3 District, if the average height of a principal building exceeds 100 feet above average finished lot grade and if any portion of the principal building has frontage on College, Temple, Church, or Orange Streets, or on Church Street South (between Columbus Avenue and South Frontage Road), Lafayette Street, Washington Avenue or Congress Avenue then one 15-foot stepback of the upper levels of the building shall be required on the façade that fronts on such street, commencing no later than the point at which the height of the building is the same as the total of the width of the street that the building fronts on. The depth of the stepback need not be uniform, provided that at one point, the stepback is 15 feet from the front of the building façade at the floor immediately below the floor at which the stepback begins, and provided further, that the depth of the stepback area on the roof of the floor below the floor at which the stepback begins must be at least 250 square feet. If the principal building fronts on more than one such street, then only one stepback shall be required. (see Figure 43.1)

(6)



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Where a lot in a BD-1 District abuts property in an RS-1, RS-2, RM-1 or RM-2 Residential District, a maximum building or structure height of 70 feet is permitted.

(7)

On any lot in located in a BD-3 District located south of South Frontage Road, Rte. 34, except for lots:

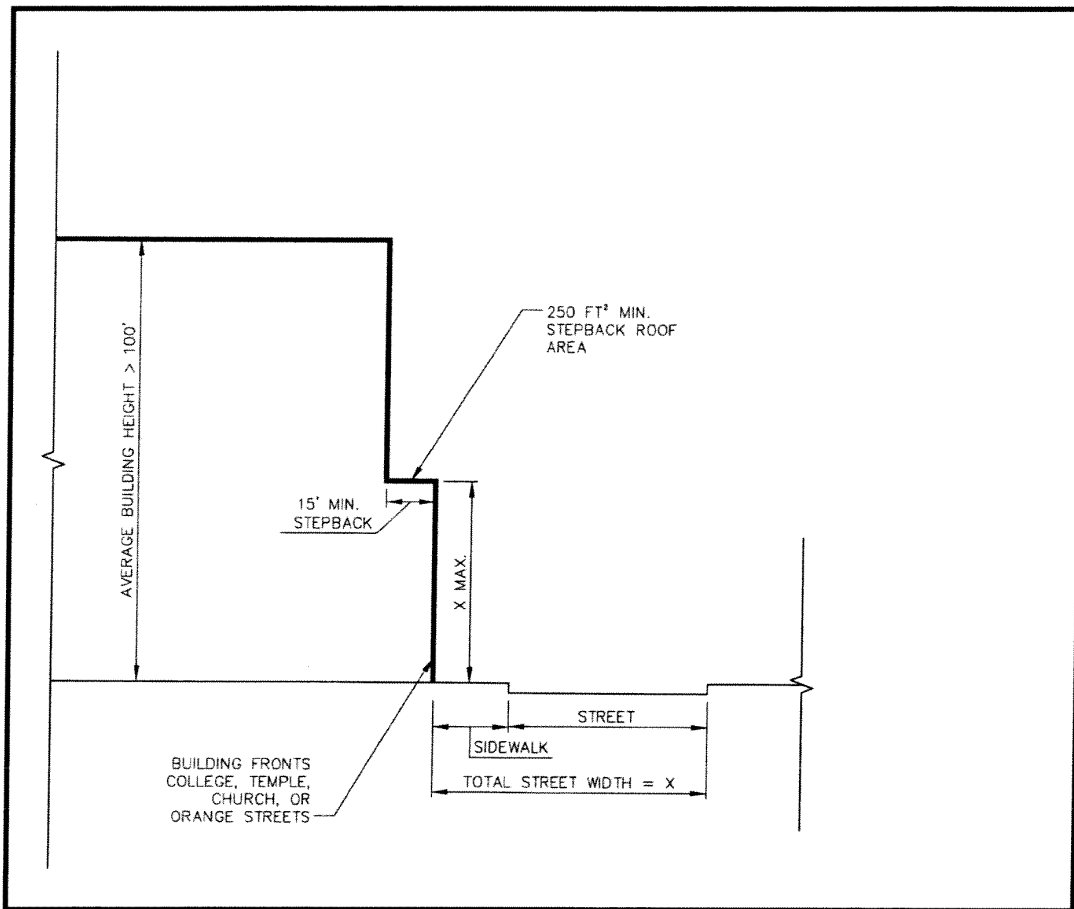
- a. directly abutting South Frontage Road, Rte. 34, or
- b. directly abutting Church Street South between Columbus Avenue and South Frontage Road,  
or
- c. directly abutting Lafayette Street, or
- d. directly abutting Washington Avenue or Congress Avenue between Lafayette and Liberty  
Streets:

a maximum building height of 70 ft. is permitted.

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**Example of BD-3 Stepback Requirements**



**Figure 43.1 BD-3 Stepback Requirements**

(d) Maximum building coverage. There shall be no direct limit on building coverage in any business or industrial district, ~~(although indirect limits may be produced by floor area ratio, parking and loading, and other requirements).~~

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(e)

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

(f)

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

The following requirements shall apply in all other business or industrial districts except for BD, BD-1 and BD-3 Districts (see Section 43(f)(4), except in the BA-1 District (see Section 43(h)), and except where a business or industrial district abuts a residence district (see § 47). These requirements shall apply to both principal and accessory buildings.

(1)

Front yards: There shall be no front yard required in any business or industrial district, *but for each one foot of front yard depth (and for each one foot of depth of a street-level arcade) that is provided for the full width of the principal building along any street, the maximum floor area ratio stated in section 43(b)(2) above may be increased by one percent above the base amount permitted.*

(2)

Side yards: There shall be no side yard required in any business or industrial district, except that in any case where a side yard is actually provided such side yard shall be required to be not less than five feet for a building wall having an average height of 20 feet or less, and not less than one for each four feet of average height for a building wall having an average height of more than 20 feet.

(3)

Rear yards: There shall be a rear yard in all business and industrial districts of not less than 10 feet for a building wall having an average height of 30 feet or less and not less than one foot for each three feet of average height for a building wall having an average height of more than 30 feet.

(4) There shall be no minimum yard requirements in the BD, BD-1 or the BD-3 Districts. Except that in the BD-3 District there shall be a minimum of 15 feet of unobstructed land from the ground up on which no structures shall be located between the outer face of a building foundation wall at grade of a principal building that fronts on a street and the curb of such street in order to provide for sidewalks, streetlights and landscaped areas between the sidewalk and the curb.

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Additionally, in the BD-3 District, when a mixed use or a residential principal building which is four stories or less, contains one or more windows that face a nonresidential building on the same lot, there shall be a minimum of ten feet of unobstructed land from the ground up between the nonresidential building and the residential principal building or mixed use building. If such residential principal building or such mixed use building faces a nonresidential building on an adjacent lot or faces an adjacent vacant lot, then there shall be a minimum ten-foot side or rear yard (as the case may be) on the lot on which such residential principal building or mixed use building is located facing the adjacent lot.

(g)

Structures within required yards. The following rules shall apply to yards provided under § 43(f)(e)(1) above or required under § 43(f)(2) and 43(f)(3) above:

(1)

No wall of a building shall extend beyond the outer face of a building foundation wall into such a yard for more than six (6) inches.

(2)

A projection from a building may extend into such a yard for not more than one-half the width of such yard, but in no case more than five feet into such yard for fire escapes, one-story open porches, ramps, loading docks, and steps leading up to the ground floor, or three feet into such yard for all other projections, and in no case to within two feet of any lot line.

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(h) Usable Open Space/Common Amenity Space for the BC, BD, BD-1, BD-2, BD-3 and IL Districts

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(1) 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.

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(2)

In the BC, BD, BD-1, BD-2, BD-3 and IL Districts, for all mixed use buildings and residential principal buildings both existing and proposed, 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.

(3)

In the BC, BD, BD-1, BD-2, BD-3 and IL Districts, mixed use buildings and residential principal buildings both existing and proposed 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.

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(i)Principal entrances in the BD-3 District. Buildings facing College Street, Orange Street, Temple Street, or Church Street shall have a principal entrance facing such streets or on the corner of any of the above listed streets and another street.

~~(3j)~~

Transparent and active uses in the BD-3 District.

~~a.(1).~~

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

~~b.(2)~~

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

~~c.(3)~~

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

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~~(4)~~

~~Additional requirements for buildings in a BA-1 District:~~

~~(1)~~

~~Yards facing the public right of way: Building façades must abut or be located within 10 feet of at least 75 percent of the each property line abutting the public street. (see figure 43.1 below)~~

~~(2)~~

~~Side yards: No minimum side yards are required.~~

~~(3)~~

~~Rear yards: Minimum ten-foot rear yard.~~

~~(4)~~

~~Corner lots: Are exempt from rear yard requirements for the first 50 feet from the street.~~

~~(5)~~

~~Doors and Entrances: Buildings must have a primary entrance facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.~~

~~(6)~~

~~Transparency: In new buildings, except for buildings or portions of buildings containing residential or religious uses or health care facilities on the first floor, a minimum of 75 percent of the street-facing first floor building façade between two feet and eight feet in height must comprise clear windows that allow views of indoor space or product display areas. The bottom of any window or product display window used to satisfy this standard may not be more than three feet above the adjacent sidewalk.~~

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(7)

~~Security bars and Gates: Solid metal security gates, bars, or solid roll-down metal windows shall not be permitted. Link or grill type security devices shall be permitted. If installed on the outside, the coil boss shall be recessed and concealed behind the building wall.~~

(8)

~~Landscaping: All parts of the property visible from the public right of way or from residential units contained on the property or adjoining properties shall be adequately landscaped to maximize recreational utility and aesthetic views. Landscape improvements may include pavers or paved surfaces, gravel, trees, shrubs, ground cover, and wherever possible, the retention of existing landscape features.~~

(9)

~~Fencing: Rear yard property lines should be fenced where they abut residential zones. Alleyways should have decoratively designed gates or fences. Fences in front or side yards should not obscure sight lines to increase public safety. Chain link fences are prohibited except for temporary fences for construction.~~

(10)

~~Screening: All trash receptacles, dumpsters, or bins placed outside the building must be screened from view from the public right of way and constructed and maintained so as to prevent noxious sights, odors, vermin, or other nuisances.~~

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**Figure 43.2 BA-1 Yard Requirements**

(11)

~~Design guidelines: The following design guidelines should apply to all buildings in a BA-1 District. They should to the greatest extent possible, be incorporated into the design of new buildings and the renovation of existing structures. Guidelines shall apply when there are proposed modifications to a building façade to include replacement of windows, replacement of façade materials, or additions to or extensions of a façade.~~

a.

~~General design principles: Emphasis should be on a pedestrian sealed environment. Buildings should harmoniously blend with the existing neighborhood character. All materials, colors, and architectural details used on the exterior of a building should be compatible with the building style, and with each other. A building designed of an architectural style that normally includes certain integral materials, colors, and or details should incorporate such into its design. Plans should reflect an attention to detail, the use of quality materials, and good craftsmanship.~~

b.

~~Scale, mass and continuity: Buildings should generally relate in scale and design to the surrounding buildings where such buildings represent quality construction and design associated with historical development of the area. Buildings should reflect a continuity of treatment in the following ways:~~

1.

~~Maintain, when appropriate, the building mass and scale of adjacent buildings.~~

2.

~~Maintain front yard build-to-lines.~~

3.

~~Maintain cornice and transition lines in buildings of the same height.~~

4.

~~Primary horizontal and vertical lines in the architectural composition should remain visible or be incorporated into the design.~~

c.

~~Building entrances: All entrances to a building should be defined and articulated by architectural elements of the building. Any such element utilized should be architecturally compatible with the style, materials, colors, and details of the building as a whole.~~

d.

~~Fenestration: The arrangement and design of windows and doors in a building should be architecturally compatible with the style, materials, colors and details of the building. Windows should be vertically proportioned wherever possible. To the extent possible, upper story windows should be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows. All windows should be stylistically consistent with the building and energy efficient.~~

e.

~~Roofs: Roof types should be appropriate to a buildings architectural type. Embellishments such as dormers, belvederes, masonry chimneys, cupolas, clock towers and other such embellishments are encouraged if appropriate to the building vernacular. Repairs to existing construction should conform to the building vernacular.~~

f.

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~~Buildings shall have a prominent architectural feature that shall distinguish the building from other buildings in the district.~~

~~g. Façades: The architectural treatment of the front façade should be continued, in its major features, around all visibly exposed sides of a building. All sides of a building should be architecturally designed to be consistent with regard to style, materials, colors, and details. Deteriorated materials should be restored to actual function if possible, and if not possible, should be replaced with similar materials that have the same form and surface characteristics without visually changing the façade's character. New buildings should, at street level, have clear glass windows sufficiently transparent to provide views into the interior of the building.~~

~~h. Storefront façades: Storefronts should be integrally designed as part of the entire façade. Buildings with multiple storefronts should be architecturally uniform throughout through the use of architecturally compatible materials, colors, details, awnings, canopies and marquees.~~

~~i. Signage and lighting fixtures. Attachments and/or fixtures should complement the architectural design of the façade and should be appropriate in scale to the ornamentation and the design elements of the building. Fixtures and attachments should not obscure historically significant materials, architectural features or decorative details.~~

~~j. Signage: Signage should be architecturally compatible with style, materials, color and details of the building and neighborhood.~~

~~k. Awnings, canopies and marquees: Awnings, canopies and marquees are permitted at ground level. Such treatments should be designed to complement the building and should be compatible with the materials, colors, and details of the building and neighborhood. In buildings with multiple storefronts compatible awnings, canopies and marquees should be used as a means to unify the building. Solid, lighted awnings and canopies are not permitted. Vinyl awnings are not permitted.~~

~~(12) Special permit: All proposed uses of greater than 5,000 net square feet, whether located in new or existing structures, shall require a Special Permit in order to ensure that such relatively large proposals are compatible with and meet the general criteria and standards of the Business A-1 District as described and defined in Section 41.~~

~~(i) — Additional requirements for the BD-3, BD-1 and IL 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~~



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~~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, BD-3 and IL Districts, for all mixed-use buildings and residential principal buildings both existing and proposed, 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, BD-3 and IL Districts, mixed-use buildings and residential principal buildings both existing and proposed 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.~~

(k)

Additional requirements for buildings in a BA-1 District:

(1)

Yards facing the public right-of-way: Building façades must abut or be located within 10 feet of at least 75 percent of the each property line abutting the public street. (see figure 43.1 below)

(2)

Side yards: No minimum side yards are required.

(3)

Rear yards: Minimum ten-foot rear yard.

(4)

Corner lots: Are exempt from rear yard requirements for the first 50 feet from the street.

(5)

Doors and Entrances: Buildings must have a primary entrance facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

(6)

Transparency: In new buildings, except for buildings or portions of buildings containing residential or religious uses or health care facilities on the first floor, a minimum of 75 percent of the street-facing first floor building façade between two feet and eight feet in height must comprise clear windows that allow views of indoor space or product display areas. The bottom of any window or product display window used to satisfy this standard may not be more than three feet above the adjacent sidewalk.

(7)

Security bars and Gates: Solid metal security gates, bars, or solid roll-down metal windows shall not be permitted. Link or grill type security devices shall be permitted. If installed on the outside, the coil boss shall be recessed and concealed behind the building wall.

(8)

Landscaping: All parts of the property visible from the public right-of-way or from residential units contained on the property or adjoining properties shall be adequately landscaped to maximize recreational utility and aesthetic views. Landscape improvements may include pavers or paved

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surfaces, gravel, trees, shrubs, ground cover, and wherever possible, the retention of existing landscape features.

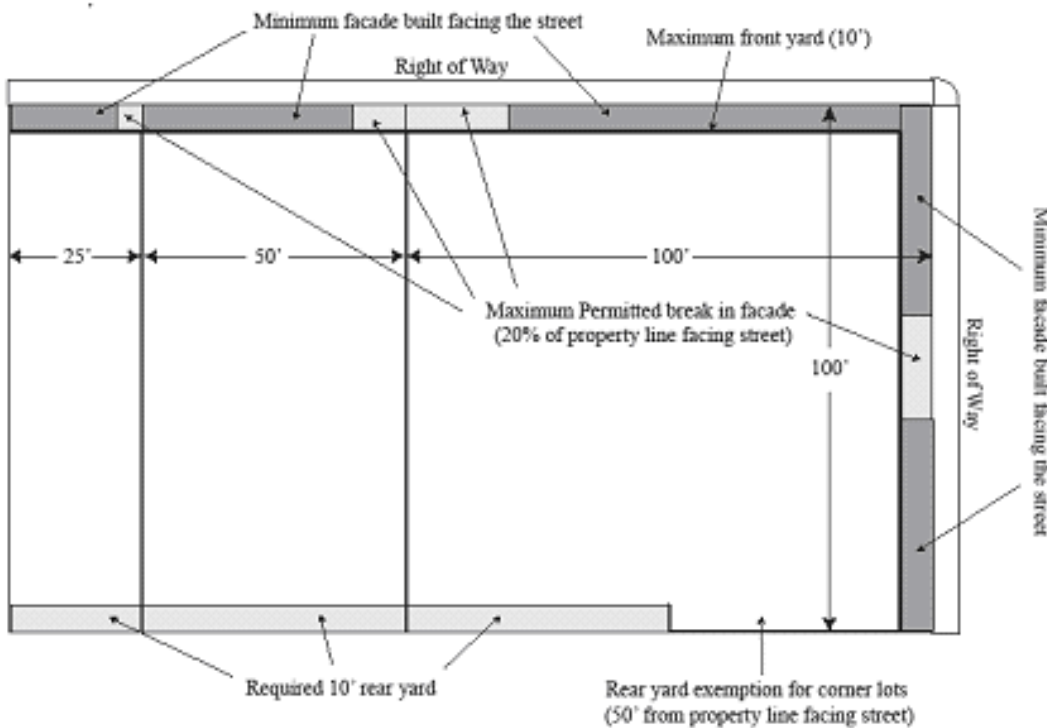
(9)

Fencing: Rear yard property lines should be fenced where they abut residential zones. Alleyways should have decoratively designed gates or fences. Fences in front or side yards should not obscure sight lines to increase public safety. Chain link fences are prohibited except for temporary fences for construction.

(10)

Screening: All trash receptacles, dumpsters, or bins placed outside the building must be screened from view from the public right-of-way and constructed and maintained so as to prevent noxious sights, odors, vermin, or other nuisances.

Example of BA-1 Yard Requirements



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*Figure 43.2 BA-1 Yard Requirements*(11)

*Design guidelines: The following design guidelines should apply to all buildings in a BA-1 District. They should to the greatest extent possible, be incorporated into the design of new buildings and the renovation of existing structures. Guidelines shall apply when there are proposed modifications to a building façade to include replacement of windows, replacement of façade materials, or additions to or extensions of a façade.*

a.

*General design principles: Emphasis should be on a pedestrian-scaled environment. Buildings should harmoniously blend with the existing neighborhood character. All materials, colors, and architectural details used on the exterior of a building should be compatible with the building style, and with each other. A building designed of an architectural style that normally includes certain integral materials, colors, and/ or details should incorporate such into its design. Plans should reflect an attention to detail, the use of quality materials, and good craftsmanship.*

b.

*Scale, mass and continuity: Buildings should generally relate in scale and design to the surrounding buildings where such buildings represent quality construction and design associated with historical development of the area. Buildings should reflect a continuity of treatment in the following ways:*

1.

*Maintain, when appropriate, the building mass and scale of adjacent buildings.*

2.

*Maintain front yard build-to lines.*

3.

*Maintain cornice and transition lines in buildings of the same height.*

4.

*Primary horizontal and vertical lines in the architectural composition should remain visible or be incorporated into the design.*

c.

*Building entrances: All entrances to a building should be defined and articulated by architectural elements of the building. Any such element utilized should be architecturally compatible with the style, materials, colors, and details of the building as a whole.*

d.

*Fenestration: The arrangement and design of windows and doors in a building should be architecturally compatible with the style, materials, colors and details of the building. Windows should be vertically proportioned wherever possible. To the extent possible, upper story windows should be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows. All windows should be stylistically consistent with the building and energy efficient.*

e.

*Roofs: Roof types should be appropriate to a buildings architectural type. Embellishments such as dormers, belvederes, masonry chimneys, cupolas, clock towers and other such embellishments are encouraged if appropriate to the building vernacular. Repairs to existing construction should conform to the building vernacular.*

f.

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**Buildings on corner lots: Buildings on corner lots should be considered important structures because they contain more than one façade that is exposed to the street. These buildings should be enhanced with appropriate architectural embellishments.**

g.

**Facades: The architectural treatment of the front façade should be continued, in its major features, around all visibly exposed sides of a building. All sides of a building should be architecturally designed to be consistent with regard to style, materials, colors, and details. Deteriorated materials should be restored to actual function if possible, and if not possible, should be replaced with similar materials that have the same form and surface characteristics without visually changing the façade's character. New buildings should, at street level, have clear glass windows sufficiently transparent to provide views into the interior of the building.**

h.

**Storefront façades: Storefronts should be integrally designed as part of the entire façade. Buildings with multiple storefronts should be architecturally uniform throughout through the use of architecturally compatible materials, colors, details, awnings, canopies and marquees.**

i.

**Signage and lighting fixtures. Attachments and/or fixtures should complement the architectural design of the façade and should be appropriate in scale to the ornamentation and the design elements of the building. Fixtures and attachments should not obscure historically significant materials, architectural features or decorative details.**

j.

**Signage: Signage should be architecturally compatible with style, materials, color and details of the building and neighborhood.**

k.

**Awnings, canopies and marquees: Awnings, canopies and marquees are permitted at ground level. Such treatments should be designed to complement the building and should be compatible with the materials, colors, and details of the building and neighborhood. In buildings with multiple storefronts compatible awnings, canopies and marquees should be used as a means to unify the building. Solid, lighted awnings and canopies are not permitted. Vinyl awnings are not permitted.**

(12)

**Special permit: All proposed uses of greater than 5,000 net square feet, whether located in new or existing structures, shall require a Special Permit in order to ensure that such relatively large proposals are compatible with and meet the general criteria and standards of the Business A-1 District as described and defined in Section 41.**

- (i)(j)

*Additional requirements for the BD-3 and BD-1 Districts*

(l)

*Usable Open space /common amenity space:*

m.

*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*

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~~a. Each parcel shall have a minimum of 3,000 square feet of usable open space per dwelling unit. In the BD-1 and BD-3 Districts, for all mixed-use buildings and residential principal buildings, a minimum of 1,000 square feet 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.~~

*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 42(i)(1)b above.*

~~(2)(1)~~

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

The following regulations shall apply to all *business and industrial uses and zone districts* described in section 42 of this ordinance, *(excluding uses of types permitted in residence districts, which shall be subject to the requirements of the appropriate residence district, as indicated in subsection 42(a) above).*

In any case where provisions of this section 45 are applicable, the plans submitted shall be sufficient in scope and character to determine that all relevant requirements of this section are adhered to.

In any case in which the zoning enforcement officer is uncertain as to the applicability of standards or the adequacy of facilities, such questions shall be referred to the department of traffic and parking for an opinion. Where further refinement of the provisions of this section 45 is necessary, reference shall be made to The Traffic Engineering Handbook, Institute of Traffic Engineers, in its latest edition, or to A Policy on Arterial Highways in Urban Areas, American Association of State Highway Officials, in its latest edition.

(a) Parking and loading.

(1) Off-street parking and off-street loading spaces shall be furnished in the following quantities for new uses *business and industrial uses in the case and* of expansion of existing uses *and new uses which require more such parking and loading spaces than were required for the immediately prior use (except where otherwise indicated in Section 45 in the Business A-1, Business D, D-1, D-2 and D-3 Districts as provided in clause a.1. below).* *If existing parking and loading spaces for an existing use are needed for such existing use to meet the ratios and stated below, such parking or loading spaces may not be credited for any expansion of such use. Parking lots and parking structures containing less than 200 parking spaces shall be permitted as of right unless otherwise indicated in the Table of Use Regulations in section 42. Parking lots or parking structures capable of containing 200 or more parking spaces shall be allowed by special permit only in accordance with section 64(e) except that such parking lots and structures located entirely on parcels subject to a development agreement with the City of New Haven entered into prior to June 1, 2007, require only site plan approval. Special permit applications for parking lots and parking structures may be heard at the same time as any related applications for site plan review.*

a.

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

Table 45 (a)(1)a.

Key Letter	General Description of Uses	Quantity of parking spaces
a	Motel, <del>or Hotel, Tourist Home,</del> <u>Bed and Breakfast</u>	1 per unit
b	<del>Other transient lodging</del> <u>Rooming or Boarding House Fraternities and Sororities</u>	1 per 3 sleeping rooms
c	<u>Dwelling, Unit</u>	<u>.5 per dwelling unit, except for 1 per dwelling unit in BA and BA-1 Districts</u>
d	<u>Assisted Living and Elderly Housing</u>	<u>.33 per dwelling unit</u>
e	<u>Live Work Loft</u>	<u>1 per unit</u>
f	<u>Custodial Care</u>	<u>See Section 19</u>
g	<u>Religious institutions,</u>	<u>1 for each eight seats in the largest place of assembly based upon the maximum occupancy of both fixed and movable seats</u>
h	<u>Cultural activities including art galleries, libraries and museums.</u>	<u>1 per each 8 seats in each place of assembly based upon the maximum occupancy of both fixed and movable seats</u>

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<del>i</del>	<del>Public and private elementary and secondary schools</del>	<u><b>1 for each 8 seats in each place of assembly commonly having events open to the public, based upon the maximum occupancy of both fixed and movable seats,</b></u>
<del>j</del>	<del>Public and private colleges and universities.</del>	<u><b>Minimum parking: One parking space for each two full-time faculty members or the equivalent (two part-time members equaling one full-time member), plus one parking space for each three employees, plus one parking space for each three non-resident students, plus one parking space for each six beds if residents are allowed to keep automobiles, plus one parking space for each eight seats in each place of assembly (other than classrooms) commonly having one-half or more of its attendance made up of students (and otherwise having one parking space for each four seats) based on the maximum occupancy of both fixed and movable seats,</b></u>
<del>k</del>	<del>General and Special Inpatient Hospitals</del>	<u><b>Minimum parking: One parking space for each four patient beds (excluding bassinets), plus one parking space for each staff or visiting doctor (based on the average number of such doctors at the hospital or health care clinic at peak times), plus one parking space for each four employees in the largest shift including nurses; plus, in the case of health care clinics, a number of parking spaces for patients equal to twice the number of parking spaces required for doctors</b></u>
<del>l</del>	<del>Nursing Homes/Rest Homes/Residential Care Homes</del>	<u><b>1 per patient bed</b></u>
<del>m</del>	<del>Health Care Clinic</del>	<u><b>3 per 1,000sf of gross floor area</b></u>
<del>n</del>	Retail sales and services:	<u><b>1 per 400sf of gross floor area</b></u> <i>1 per 200 sq. ft. of total sales or service area</i>
<del>o</del>	<del>General<del>Other</del> office, including Research Labs and High Technology Services</del>	<u><b>1 per 750<del>600</del> sq. ft. of gross floor area <del>net office floor area</del></b></u>

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<del>fp</del>	Place of assembly, eating or drinking place, funeral home	1 per 4 seats (total capacity)
<del>gg</del>	<u>Indoor Amusement including Game Rooms as defined in Section 42f</u>	1 per 4 persons present at such facilities when they are filled to capacity
<del>f</del>	Vocational, trade or business school	1 per 2 students present at one time
<del>ie</del>	Industrial, heavy commercial, transportation, marine, miscellaneous services	1 per 2 employees on the largest shift
<del>ti</del>	Game room, as defined in section 42.2	1 per 2 game machines
<del>ku</del>	Marina	1 per slip
<del>l</del>	<i>Single Family Dwelling Unit</i>	<i>1 per dwelling unit</i>
<del>m</del>	<i>Assisted Living and Elderly Housing</i>	<i>.5 per dwelling unit</i>
<del>p</del>	<i>Custodial Care</i>	<i>See Section 19</i>
<del>o</del>	<i>Live Work Loft</i>	<i>1 per unit</i>

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1. Exceptions: Section 45(a)(1)a. shall not apply to any business or industrial use in the Business A-1, D-1, D-2 Districts except as set forth below.

A. In the business A-1 zone the following parking standards shall apply to all properties and buildings:

1. All residential uses—5 space per unit.
2. Nonresidential uses of 2,000 square feet or less gross floor area—No requirement.
3. Nonresidential uses of greater than 2,000 square feet gross floor area—Two spaces per 1,000 square feet.



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- 4. In all cases, the off street parking provided on a lot for non-residential uses may not exceed three spaces per 1,000 square feet gross floor area.
- 5. Mixed use buildings may share parking requirement between residential and non-residential uses. Up to half the residential parking requirement may be counted toward daytime non-residential parking requirements so long as there is a reasonable evidence that such uses will not adversely affect residential tenants.
- 6. Off-street parking shall be located to the rear of the principle building and otherwise attractively screened so as to not negatively impact on the view from the public right-of-way. There shall be no front yard parking.
- 7. Sidewalk curb-cuts should be minimized. Where possible, adjacent lots should share parking access from the public right-of-way. If new curb cuts are required for a development project, pre-existing disused curb cuts must be restored per city standards.
- 8. Drive-in or drive-thru establishments are prohibited.

B. In the Business D, D-1, D-2 and BD-3 Districts Section 45(a)(1)a. shall not apply to any except the following uses:

- 1. General and Special and Hospitals
- 2. Health Care Clinics, Nursing Home or Recovery Care Center
- 3. Dwellings(including elderly and assisted living and live/work lofts)
- 4. Establishment not meeting the definition of "Restaurant" under Article I, Section 1 of these regulations and selling or serving alcoholic beverages for immediate consumption on or off premises, including accessory entertainment, or permitting immediate consumption of alcoholic beverages on or off premises, including accessory entertainment. (BD and BD-1 Districts only)

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

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

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- ~~A:~~  
Hotel, bed and breakfast or tourist home with 13 or more guests.
- ~~B:~~  
Funeral home.
- ~~C:~~  
Establishment not meeting the definition of "Restaurant" under Article I, Section 1 of these regulations and selling or serving alcoholic beverages for immediate consumption on or off premises, including accessory entertainment, or permitting immediate consumption of alcoholic beverages on or off premises, including accessory entertainment.
- ~~D:~~  
General and special hospital, outpatient clinic and public health center (subject to Section 12(b)(1)h.).
- ~~E:~~  
Health Practitioners' Offices.
- ~~F:~~  
Assembly hall.
- ~~G:~~

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~~Dance hall, lodge, social club, veterans or fraternal organization.~~

~~H.~~

~~Theater.~~

~~I.~~

~~Outpatient Surgical Facilities/Ambulatory Surgical Centers.~~

~~J.~~

~~Nursing Homes.~~

~~K.~~

~~Recovery Care Centers~~

2.

In the ratios above, any fraction of the stated amount of floor area, seats, etc., shall require one parking space, but after the first such parking space, only a fraction of one-half or greater shall require an additional parking space.

3.

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

4.

~~Except in the Business D-1 and D-3 Districts, and except as provided in subsection 45(a)(7) below, i~~n order to be credited to the quantity of parking spaces required for a use, any parking space not on the same lot as such use shall be within ~~300~~1000 feet walking distance of such use, except that in the BA and BA-1 Districts such spaces must be within 300 feet of the subject lot. All such arrangements ~~and~~ shall comply with paragraph 45(a)(5) below.

5.

The quantity of parking required may be satisfied in whole or in part by transition parking described in subparagraph 13(b)(3)c., if permitted by special exception.

6.

In order to be credited to the quantity of spaces required, each parking space shall have an area of not less than nine feet by 18 feet in the case of self-service parking, or eight feet by 18 feet in the case of garage or attendant parking, exclusive of adequate driveways and aisles except that in all districts, Notwithstanding the foregoing, in the Business D-1 and D-3 Districts, up to 30 percent of required parking spaces may be compact parking spaces. No area shall be credited as a parking space which is in any part also credited or used as a loading space.

7.

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

~~8.~~

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~~In the business A-1 zone the following parking standards shall apply to all properties and buildings:~~

~~A:~~

~~All residential uses—One space per unit.~~

~~B:~~

~~Nonresidential uses of 2,000 square feet or less gross floor area—No requirement.~~

~~C:~~

~~Nonresidential uses of greater than 2,000 square feet gross floor area—Two spaces per 1,000 square feet.~~

~~D:~~

~~In all cases, the off street parking provided on a lot for non-residential uses may not exceed three spaces per 1,000 square feet gross floor area.~~

~~E:~~

~~Mixed use buildings may share parking requirement between residential and non-residential uses. Up to half the residential parking requirement may be counted toward daytime non-residential parking requirements so long as there is a reasonable evidence that such uses will not adversely affect residential tenants.~~

~~F:~~

~~Off street parking shall be located to the rear of the principle building and otherwise attractively screened so as to not negatively impact on the view from the public right of way. There shall be no front yard parking.~~

~~G:~~

~~Sidewalk curb cuts should be minimized. Where possible, adjacent lots should share parking access from the public right of way. If new curb cuts are required for a development project, pre-existing disused curb cuts must be restored per city standards.~~

~~H:~~

~~Drive in or drive thru establishments are prohibited.~~

~~98.~~

In all districts, for any nonresidential use and residential uses in BA and BA-1 districts the 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 per Table 45(a)(1)a., exceptions in Section 45(a)(1)a.1.notwithstanding. For any residential use in other nonresidential districts the site shall provide four bicycle spaces for the first ten required parking spaces es and one additional bicycle space for each additional ten required motor vehicle parking spaces or fraction thereof per Table 45(a)(1)a.

And~~Or~~

In any case of a use for which ten or more motor vehicle parking spaces are required one bicycle parking space may be substituted for one motor vehicle parking per each ten required motor vehicle parking spaces or fraction thereof.

A.

Bicycle parking spaces shall comply with designs approved by the City of New Haven Department of Transportation, Traffic and Parking and at a minimum must provide a bicycle rack that permits the locking of a bicycle frame and one wheel while supporting the bicycle in a stable position that will not damage the bicycle or its components or interfere with pedestrian access to the sidewalk and ingress and egress to

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buildings or facilities. Required bicycle parking spaces are also subject to the additional following standards:

1.

Short-term bicycle parking is intended to encourage bicycling for shoppers, customers and visitors by providing convenient bicycle parking located adjacent to main entrances of buildings. It should be located within 50 feet of each main building entrance as measured by the most direct pedestrian access route.

2.

Long term bicycle parking provides safe and weather protected places for users requiring longer periods of bicycle storage such as residents, employees and students. Specific requirements include:

a.

Long term bicycling must be located on or within 100 feet of the site.

b.

At least 50 percent of required spaces must be covered.

c.

The area must be locked or secured.

3.

Short and long range parking by use.

a.

Multi-family residential: Short term—10%, long term—90%

b.

Retail, Restaurant: Short term—66%, long term—33%

c.

Office: Short term—20%, long term—80%

d.

Manufacturing and warehouse: long term-100%

e.

Medical uses: Short term—66%, long term—33%

f.

Other uses to be determined by City Plan Commission

b.

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

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Key Letter	General Description of Uses	Gross floor Area (in square feet)	Quantity of loading spaces
x	Use which is primarily concerned with the handling of goods	2,400-20,000 20,001-50,000 50,001-80,000 each add'l. 45,000	1 2 3 1 additional
y	Use which is not primarily concerned with handling goods	2,400—75,000 75,001—200,000 200,001-333,000 each add'l. 150,000	1 2 3 1 additional

1.

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

2.

In order to be credited to the quantity of **loading spaces** required for a use, any **loading** space not on the same lot as such use shall be in an area immediately adjacent to such **lot** or (1) connected to it by underground tunnel of sufficient size to accommodate the types of materials intended for loading and unloading and (2) part of a centralized loading space system to provide the regular loading space service to such use.

3.

Each **loading space** shall be sufficient in size and arrangement to accommodate trucks of the type servicing the establishment. Aisles in off-street parking areas may be used as **loading spaces** or maneuver area for entry into **loading spaces**, if the efficient operation of the off-street parking area is not affected thereby.

4.

In any case where an off-street **loading space** or **spaces** have been established, loading shall thereafter take place in such space or spaces in preference to any public street or sidewalk.

(2)

All parking and loading areas shall have adequate access to a street or alley, be suitably surfaced and drained, and be provided with bumper or wheel guards where necessary to prevent encroachment of vehicles beyond property lines. Sufficient off-street maneuvering area shall be provided. Required yards may be used for parking, provided all other requirements of this ordinance are adhered to.

(3)

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

a.

There shall be a buffer strip of land at least five feet in width within such business or industrial district, between the parking or loading area and such residence district.

b.

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There shall be a suitable fence, wall or evergreen planting at least five feet in height, designed to screen noise, odors, visibility and headlight glare, between the parking or loading area and such residence district (except that such fence, wall or planting shall conform to the sight distance requirement in subparagraph (4)c. below).

~~Such artificial lighting as is used for the parking or loading area shall be so arranged that no direct rays fall within such residence district.~~

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(4)

Free flow of traffic and protection of pedestrian areas:

a.

Access and egress shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing of vehicles on sidewalks or streets. If a reservoir of vehicle standing area on the property is necessary to prevent such blocking of traffic, an adequate reservoir shall be provided.

b.

Facilities shall be so arranged that no vehicle is allowed to stand or be parked on any sidewalk or other area between the curb and the street line, or on any other area which is privately owned but used by the public as a sidewalk.

Adequate sight distances shall be maintained for vehicles and pedestrians.

d.

No access or egress shall be so arranged that vehicles can enter or leave the area only by backing on or across any sidewalk or to or from any street.

e.

An access or egress driveway shall cross a sidewalk only in such a way that its width at the inner edge of the sidewalk is no greater than its width at the curb (excluding any curved or tapered section known as "curb return"). Any portion of a parking or loading area (or other area for maneuvering or standing of vehicles) abutting a sidewalk at a point other than a permitted driveway shall be provided with suitable copings, wheel stops, bumper guards or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway.

f.

The construction specifications for curb cuts for driveways (such as line and grade materials) shall be determined by reasonable standards established by the Department of Public Works, and by the City of New Haven Ordinance entitled An Ordinance to Regulate the Laying of Walks, Curbs, Combined Curbs and Gutters, and any amendments thereto. The number, location and length of curb cuts for driveways shall be determined by reasonable standards established by the department of traffic and parking.

(5)

Any parking or loading space not located on the same lot as the structure or use to which it is assigned, in order to be credited to the quantity of parking or loading spaces required for such structure or use, must be either:

a.

Owned by or under long-term lease to the owner of such structure or use, with appropriate deed restrictions and long-term leases recorded on the New Haven Land Records; or

b.

Made available on a long-term basis by a public agency or agencies, with written certification from such public agency or agencies as to such availability.

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(6)

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

a.

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

b.

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

c.

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

1.

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

2.

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

3.

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

(7)

The Board of Zoning Appeals shall have the power to lessen the requirements of this ordinance as to the number of parking or loading spaces required and/or increase the maximum allowable walking distance to such parking spaces, but only upon a finding that either particular circumstance or mitigative measures qualify such action. Particular circumstance may include, but not be limited to availability of public parking, proximity to public transit or significant levels of pedestrian access mitigative measures may include, but not be limited to van and/or car pooling, public parking validation programs, flexible work schedules or other transportation demand management measures. All deviations from normal requirements by means of this paragraph (7) shall be considered as special exceptions under subsection 63(d) of this ordinance. In the case of any religious, educational or medical institution which has an overall parking plan for all of its facilities which has been approved by the Board of Zoning Appeals the 300 or 1000 foot parking distance set forth in this ordinance, including this Section 45, shall not apply.

(8)

Once any required parking or loading space has been established within the provisions of paragraph (1) above, whether on the same lot as the structure or use to which it is assigned or on a separate lot, such

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parking or loading space shall not be discontinued if the result would be a reduction below the amount of parking or loading required by this ordinance. Any such discontinuance of a parking or loading space shall constitute a violation of this ordinance, and any existing building permit or certificate of occupancy that could not have been issued without the assignment of such parking or loading space to the structure or use for which it was issued shall become null and void.

(b)

Automotive establishments. The following requirements shall apply to automotive establishments as indicated regardless of the district in which they are located. Where requirements of State Statutes, the Connecticut Motor Vehicle Commissioner, the Board of Zoning Appeals or some other authority also apply, the strictest of the requirements shall control.

(1)

Gasoline stations.

a.

All pump islands shall be located at least 13 feet from any street line.

b.

The provisions for free flow of traffic and protection of pedestrian areas in paragraph 45(a)(4) above shall apply. In particular, sight distances shall not be obstructed by temporary or permanent signs, racks, displays or other materials or equipment.

c.

Facilities shall be so arranged that no servicing of any vehicle shall take place on any public street or sidewalk, and no storage of any vehicle shall take place on any sidewalk. Adequate area for parking, storage and servicing of vehicles shall be provided on private property.

d.

Servicing other than retail sale of gasoline and oil, and minor services customarily incidental thereto, shall be conducted within a building.

(2)

Repair and limited repair of vehicles.

a.

The provisions for free flow of traffic and protection of pedestrian areas in paragraph 45(a)(4) above shall apply.

b.

Facilities shall be so arranged that no servicing or repair of any vehicle shall take place on any public street or sidewalk, and no storage of any vehicle shall take place on any sidewalk. Adequate area for parking, storage and servicing and repair of vehicles shall be provided on private property.

c.

All repairs other than minor emergency repairs, and all servicing other than customary outdoor services such as tire and chain work shall be conducted within a building. All vehicles which are inoperable by reason of collision shall be stored within a building or be screened in such a manner as to be hidden from view from streets and surrounding properties.

(3)

Sale of new or used vehicles.

a.

The provisions for free flow of traffic and protection of pedestrian areas in paragraph 45(a)(4) above shall apply.



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b.

Adequate area for storage of vehicles and for parking of employee and customer automobiles shall be provided on private property.

c.

Any repairing of vehicles shall conform to paragraph 45(b)(2) above.

(4)

Car or truck wash (a/k/a Auto laundries).

a.

The provisions for free flow of traffic and protection of pedestrian areas in paragraph 45(b)(4) above shall apply. Compliance with such provisions shall be assured by adequate design of the establishment, including a reservoir of vehicle storage and standing area on the property, outside the car or truck wash, of at least one-fifth the hourly capacity in vehicles of such facilities.

(c)

*Drive-in establishments.* The following requirements shall apply to drive-in restaurants, drive-in banks, drive-in laundries, customer pick-ups, drive-in vending machines, and other facilities serving customers either sitting in their vehicles or stepping out briefly to pick up or deliver goods or conduct other business.

The provisions for free flow of traffic and protection of pedestrian areas in paragraph 45(b)(4) above shall apply. Compliance with such provisions shall be assured by adequate design of the establishment, with particular attention to provision of sufficient vehicle stacking capacity.