

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **ZONING ORDINANCE TEXT AMENDMENT Amend Article V**
 Section 42: Table 3. Use Table Concerning Permitted Uses in Light
 Industrial (IL) Districts and Certain Other Business and Industrial Districts

REPORT: 1513-09

ADVICE: Approve

BACKGROUND

The City Plan Director has submitted to the Board of Alders a proposed Zoning Ordinance Text Amendment to Section 42, Table 3 of the zoning ordinance to allow for a more extensive variety of permitted commercial uses in existing Light Industrial Districts. The proposed amendments are partially the result a general perception of City staff that the current list of permitted uses is restrictive to the point of hindering effective development in IL Districts. In a more immediate sense however they are also the result of recommendations that are part of the recently adopted Mill River Plan.

PUBLIC HEARING:

PLANNING CONSIDERATIONS:

In its current form Table 3 allows a fairly broad range of nonresidential uses in Light Industrial Districts. In addition to conventional light industry a number of service, automotive related and some retail use are also permitted by right. In addition to these approximately 65 primary and accessory uses another 20 are conditionally permitted either by Special Exception or Special Permit (see attached lists). Based on Commission experience and especially recommendations of the Mill River Plan, however, it has become apparent that a number of commercial uses considered key to the effective development of IL Districts are not currently found among the list of currently permitted uses.

The 30 or so proposed uses (see attached lists) can be broken down into a number of categories. Of possibly the most significance, free standing office use would now be allowed. A wider variety of retail uses, many related to home improvement, would also be permitted. A broader range of services, many of which are not necessarily appropriate in neighborhood commercial areas, are now included. Finally a number of recreational and entertainment uses of both a commercial and noncommercial (as well as indoor and outdoor) nature are now allowed

The reason for the proposed amendments are generally twofold. First of all it has become clear that the existing IL District, while permitting a fairly broad range of uses, does not necessarily do so in a way that takes due consideration of the relationship of these uses to either each other or the rest of the City. Inclusion of the proposed uses should not only provide for more uses that lend themselves to existing structures in IL Districts, but should also increase opportunities for the establishment of areas of complementary uses.

It is also important that these amendments be viewed as an initial step in the implementation of the Mill River Plan. The Plan does call for the establishment of residential uses in certain areas and under certain conditions. The Commission is of the view that before noncommercial use is introduced into the IL Districts at any appreciable scale the standards should exist to ensure the location of residences in adjacency to commercial uses compatible with and complementary to residences. This current proposal is a reflection of that view.

LISTS OF EXISTING AND PROPOSED USES

I. Currently Permitted Uses in IL Districts

By Right

1. Drug or Cosmetic store, including sale of goods and services customarily incidental thereto.
2. Package Alcoholic liquor, subject to § 42.1. provisions
3. Vocational, trade or business school.
4. Vending machine selling food or personal articles or services.
5. Pedestrian-accessible automatic teller machines (ATM) located in fully enclosed buildings or structures
6. Bank or other credit agency.
7. Adult businesses, including adult bookstores, Adult theaters, adult entertainment centers, rap parlors, massage parlors, saunas, subject to § 42.3 provisions.
8. Bakery
9. Establishment selling food for immediate consumption on or off premises
10. Restaurant, as defined in Article I, Section 1, selling or serving alcoholic beverages for immediate consumption on or off premises, including accessory entertainment, or permitting immediate consumption of alcoholic beverages on or off premises, including accessory entertainment.
11. Other establishment 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.
12. Drive-in establishment selling food for immediate consumption on or off premises — more than 250 feet from any residential use.
13. Game machines as an accessory use, subject to § 42.2 provisions.
14. Sale of automotive accessories, parts, tires, batteries, other supplies.
15. Repair of such vehicles, no full body paint spraying or body and fender work except replacement.
16. Repair of such vehicles, including full body paint spraying and all body and fender work.
17. Rental of such vehicles with inventory. Inventory within structure shall be permitted by special exception.
18. 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.
19. Sale of such vehicles with inventory when used, with no limit on quantity of vehicles.
20. Sale of new automobile trailers or trucks.
21. 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.
22. Sale of boats, boat parts & accessories, fishing equipment, boat fuel & ice, & similar supplies.
23. Boat building, repair, service and storage.
24. Deep-sea shipping facility or Seaplane base.

25. 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.
26. Monument sales establishment or monument works, with no limit as to processes.
27. Office equipment and supplies.
28. Business machines or scales.
29. Restaurant or bar supply.
30. Dental, hospital, beauty, barber, store or lab supply.
31. Poster, Bulletin or Spectacular Signs.
32. On premises signs, as regulated by § 44.
33. Ambulance service.
34. Cold storage facility renting only individual lockers for home customer storage of food.
35. Delivery service establishment, vehicles limited to 1 ton capacity (Also see § 42 S. Heavy Commercial).
36. Employment agency.
37. Internal building cleaning, window cleaning.
38. News distribution enterprise.
39. Printing, engraving, or other reproduction services with no limit as to floor area.
40. Public utility substation, reservoir, dam, park, police or fire station, telephone exchange, post office or other government office or service establishment.
41. Public or private pumping station
42. 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
43. Research or testing laboratory with no floor area limit, including research and/or development laboratories which are High Technology Uses
44. Other High Technology Uses, High Technology Services and High Technology Equipment Design and Fabrication (See definitions)
45. Self-storage facility.
46. Special workplace daycare Family Daycare Home, Group Daycare Home, and Child Daycare Center.
47. Uniform sales or rental establishment.
48. Utility, including exchange.
49. Vending machine operator or repairer
50. 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.
51. 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.
52. Intercity passenger station or terminal, Railroad passenger station, or Heliport.
53. Storage of commercial vehicles (where not an accessory use to another permitted use).
54. Taxi dispatching station (no vehicle storage).

55. Taxi terminal.
56. Transportation or other right-of-way.
57. Truck or rail freight yard or terminal.
58. Heavy Commercial
59. Cleaning, laundering, dyeing, or diaper service plant.
60. Cold storage facility, no limit as to customer type.
61. External building cleaning, disinfecting, or exterminating establishment.
62. Food processing or wholesale bakery.
63. Warehousing, or moving and storage establishment.
64. Wholesaling or distribution, including the handling of stock and incidental retailing.
65. Outdoor Storage of up to 500sf of material accessory to principal use of the property
66. Antenna or wireless sites on existing structures

By Special Exception

1. Gun and weapons repair, firearms training.
2. Firing range
3. Gun shops and accessory goods sales including ammunition.
4. Drive-in establishment selling food for immediate consumption on or off premises — within 250 feet of any residential use.
5. Adult cabaret more than 1,500 feet from another adult cabaret, bar in the same structure, or adult use as defined in § 42.3 of this ordinance
6. Assembly hall.
7. Bowling alley, billiard or pool hall, indoor amusement center, drug paraphernalia center.
8. Dance hall, social club, club, lodge, veterans or fraternal organization, fraternity, sorority.
9. Fair, carnival.
10. Game rooms, subject to § 42.2 provisions
11. Gasoline station, as defined by Ch. 250, C.G.S.
12. Mini-panel signs.
13. 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.
14. Manufacturing, processing, storage, or other commercial or industrial use not specifically mentioned, subject to other provisions of this & not analogous to any use specifically mentioned ordinance and in particular § 46, outdoor activities & storage, waste, dumping, quarries and § 48, performance standards.
15. Waste processing and transfer.

By Special Permit

1. Live-Work Loft Residences Pursuant To Article III Section 18A
2. Art work, art supplies, baskets, books, candles, curtains, dresses, fabrics, furniture, gifts, glass, jewelry, linens, music & recording studios, musical instruments, optical goods, pottery, photography, printing, sporting goods, stationary, toys, upholstery.
3. Music and Recording Studio
4. Off-site Construction Staging Area
5. On or off-site parking lot or parking structure capable of containing 200 or more parking spaces for employees, customers, or visitors for any business or industrial use, or any

commercial parking lot or parking structure capable of containing 200 or more parking space, also as regulated by § 45 of this ordinance and excluding auto sales service and rental except as otherwise permitted by this Use Table.

II. Proposed Additional Uses

By Right

1. Food specialty store, including but not limited to following lines: Eggs, fish, meat (excluding slaughtering and eviscerating), poultry (excluding slaughtering), fruits, nuts, candy, teas, coffee, confection, dairy products, health foods and vegetables.
2. Grocery, Delicatessen, Supermarket or other store carrying a variety of food and related goods.
3. Barber shop, beauty shop, reducing salon.
4. Laundry, cleaner, dyer, clothing storage establishment (all, including pick-up station), or self-service laundromat, all performing services entirely for retail trade on premises.
5. Health clubs, gyms, personal training, with associated classes.
6. Driving school
7. China, glass, pottery.
8. Antiques and second hand goods, excluding motor vehicles/parts, and excluding materials held only for discard or reprocessing.
9. Fabrics, curtains, linens knitting & upholstery supplies Furniture, floor covering, appliances
10. Farm & garden supplies, includes greenhouse, nursery. Hardware, paint, wallpaper.
11. Art work, art supplies, baskets, books, candles, curtains, dresses, fabrics, furniture, gifts, glass, jewelry, linens, music & recording studios, musical instruments, optical goods, pottery, photography, printing, sporting goods, stationary, toys, upholstery.
12. Music, **FILM (new use)** and Recording Studio.
13. Broker Investment company.
14. Insurance company or agency.
15. General, charitable, philanthropic, other professional office.
16. Radio or television stations studio and/or offices only.
17. Utility, including exchange.
18. Wholesale or distribution office.
19. Miniature golf, golf driving range.
20. Music or dancing school
21. Public access park (**PASSIVE OR ACTIVE RECREATION**) **OPEN SPACE (new use)** or community garden.
22. Trampoline center.
23. Car wash (a/k/a auto laundry).
24. Motorcycles: Sale or rental with inventory, repair.
25. Boat rental or charter, boat sightseeing.
26. Caterer
27. 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).
28. Health Care Clinic

Proposed Special Exception Uses

1. Poultry market, including slaughtering of poultry for sale on the premises.
2. Theater, excluding drive-in, 250 or fewer seats

Proposed Special Permit Uses

1. **Outdoor theater and similar outdoor areas of assembly (new use)**
2. 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) of over 2,000sf (change from Special Exception)

Use Eliminated from IL Districts

1. Drive-in establishment selling food for immediate consumption on or off premises

Uses Eliminated from all Districts

1. House trailers: Sale or rental with inventory, repair.
2. Auto racing club

TEXT: See ATTACHMENT A

The text has been slightly revised from the original text that was submitted to the Board of Alders

Article XIII, Sections 2(B) and 2(C) of the Charter of the City of New Haven requires the following finding:

The City Plan Commission finds that the proposed text amendments comply with Article XIII, Sections 2(B) and 2(C) of the Charter of the City of New Haven in that they are (i) uniform for each class of buildings or structures, (ii) made in accordance with the comprehensive plan, (iii) designed to lessen congestion in the streets, secure safety from fire, panic and other dangers, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate the adequate provisions for transportation, water, sewerage, parks and other public requirements, and (iv) made with reasonable consideration as to the character of the IL District and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

Section 64(d) (2) of the New Haven Zoning Ordinance requires that the City Plan Commission take into consideration in evaluating any amendment to the Zoning Map:

a. Errors in the existing ordinance, changes that have taken place in the city and in patterns on any of construction and land use, the supply of land and its peculiar suitability for various purposes, the effect of a map change on the surrounding area, the purposes of zoning and the comprehensive plan of the City of New Haven;

The Commission finds that the existing table of permitted uses in IL Districts is not just unnecessarily restrictive but more importantly restrictive to the point of preventing the development in these areas in a manner that would not only provide areas for light industrial uses but also for a wide variety of compatible and complementary commercial uses of lesser intensity

that would in effect support such industrial use. The proposed changes will also serve to facilitate the anticipated introduction of limited residential use in existing structures in IL Districts and as such represents an appropriate response to “changes that have taken place in the City”.

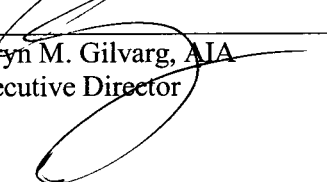
b. Whether some other method or procedure under the zoning ordinance is more appropriate... The proposed text amendment expands the range of permitted uses in IL Districts. There is no other mechanism in the ordinance that does this.

The Commission further finds the proposed amendments serve a substantial government interest, are in the public interest and promote the health, safety and general welfare of the community without unreasonable limits on land use and therefore recommends approval.

ADVICE AND FINDINGS

Based on all of the above it is the recommendation of the Commission that the proposed text amendment is in full compliance with the standards and requirements of Article XIII, Sections 2(B) and 2(C) of the Charter of the City of New Haven and Section 64(d) (2) of the New Haven Zoning Ordinance and should be approved.

ADOPTED: December 16, 2015
Edward Mattison
Chair

ATTEST: 
Kafyn M. Gilvarg, AIA
Executive Director