

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: ZONING ORDINANCE TEXT AMENDMENT, Amend Article I, Section 1 (Definitions); Article II Section 2a and Article V (to create a new Central Business/Mixed Use District - BD-3), Article III, Section 12 (to reflect changes in the definitions of certain medical uses), Article III, Section 18 (to add new live-work lofts), Article III, Section 19 (to prohibit custodial care facilities in the BD-3 District), Article III, Section 29 and Article V, Section 45 (to state the parking/loading requirements for uses in the BD-3 District, to reduce the required parking for health care clinics where there is an overall parking plan and to reduce the number of required parking spaces when there is shared parking in the BD-3 District, and in all districts, to provide for the reduction of the size of parking spaces and the reduction of required parking where carsharing parking spaces are provided), Article V, Section 42 (to add and eliminate certain uses and to provide parking requirements for certain uses), Article V, Section 43 (to provide bulk, yard, setback, open space, common space, and transparent and active use requirements in the BD-3 District), Article V, Section 44 and 44.3 (signage for the BD-3 District)(Economic Development Administrator).

REPORT: 1459-11

ADVICE: Approval of Revised Schedule D (attached)

ZONING MAP AMENDMENT, Amend Title VI, Volume III of the Code of Ordinances to Change the Zoning Designation of 11.4 acres of property located in the State Route 34 Connector from Business D-Central Business District (BD) to new Central Business/Mixed Use District (BD-3) (Economic Development Administrator).

REPORT: 1459-12

ADVICE: Approval

BACKGROUND

The Economic Development Administrator is proposing to amend the City of New Haven Zoning Map by changing the zoning designation of approximately 11.4 acres of vacant land in the Route 34 corridor from Business D-Central Business (BD) to a new zoning district to be known as the Central Business/Mixed Use District (BD-3). As indicated on the attached map, the new BD-3 District will be bounded by Martin Luther King Boulevard on the north, the Air Rights Garage on the west, Legion Avenue/South Frontage Road on the south and the extension of South Orange Street to the east. The Economic Development Administrator also proposes a number of amendments to the text of the Zoning Ordinance to prescribe the uses, bulk, yard, dimensional, parking and loading requirements for this new district.

The goal of this proposal is to reconnect the Medical District and the Hill neighborhoods with the Downtown Business District and Union Station and the State Street Railroad Station. It envisions creating a mixed use neighborhood in the former Route 34 Corridor which is transit oriented, pedestrian and bicycle friendly and which takes advantage of the neighborhood's proximity to the Medical District (Yale School of Medicine, Yale-

New Haven Hospital, and Pfizer). It is anticipated that medical services, life sciences, biotechnology and research and development laboratories will locate in the Project area. In connection with these goals, the Economic Development Administrator has proposed a new mixed use zoning district for this area. This new BD-3 (Central Business/ Mixed Use) District will allow for a wide variety of uses , including newly defined high technology and medical uses, require first floor active uses and primary entrances to face certain streets in the district in order to make the area livable and walkable, mandate open space and common space areas, require stepbacks for tall buildings, and create incentives for reducing single vehicle occupancy use by providing reduced parking requirements for certain uses and when carsharing facilities and shared parking are provided.

The City Plan Department has reviewed the proposed map and text amendments and has made a number of technical changes to the proposed amendments to create consistency in the zoning ordinance. The revised text amendments are attached to this report (Schedule D revised December 23, 2011).

PUBLIC HEARING

Karyn Gilvarg, City Plan Director, noted what was before the Commission this evening was a zone map change to BD-3 and accompanying text which set forth the regulations for the new BD-3 zone. The Commission was charged with constant review of the effectiveness of the zoning ordinance and the comprehensive plan adopted in 2003 had identified some issues along the Route 34 urban boulevard which should be addressed. The Mayor in 2005 had stressed in his framework for future growth a number of areas where the City could grow by infilling such areas as surface parking lots and converting them to more productive development. The City's Route 34 project which came out of the Mayor's priorities was known as Downtown Crossing, a project to convert the north and south bound Frontage Roads to more street-like arterials and also creating development sites between them. The City had pursued federal grants and had been fortunate to receive a USDOT TIGER II grant. She noted the corridor created between the frontage roads was essentially a Transit Oriented Development (TOD), a critical area of the city where development could be oriented towards the fastest growing employment areas in the New Haven economy, health care, medical research and hi tech sectors. The text change set out a zone which would allows those sectors to grow while allowing other uses to be mixed in.

Thomas Talbot, Deputy Director, Zoning, noted the boundaries of the proposed rezoning were Martin Luther King Boulevard to the north, South Frontage Road to the south, Air Rights Garage to the west and South Orange Street to the east. The area was approximately 11.4 acres and had no buildings. To create the new zone, he had reviewed the uses in the BD zone, and had eliminated some incompatible uses (such as automotive parts stores, pawn shops, etc.). Also removed were inpatient hospitals which would be limited to the BD-2 zone.

Mr. Talbot reiterated the bullet points he had shared with the Commission several months ago:

The BD zone allowed a FAR of 6, and the proposed BD-3 zone would maintain that ratio while incorporating new uses. The medical uses in the ordinance had been revamped and

updated incorporating high technology uses. There was a residential component as well for new buildings in the BD-3 zone which did not have the usual BD setback requirements, and lowered the parking requirement to ½ space per dwelling unit, thus allowing for higher density. Definitions of conference center and convention center had been added. Laboratories had been separated into distinct types where formerly they had been lumped together. Bulk and area standards had been modified, open space and common space requirements added and parking requirements modified with provisions added to reduce requirements due to carsharing or shared parking.

Mr. Talbot was speaking from a revised Schedule D dated December 21, 2011, updated from the initial submission to the Board of Aldermen.

He further explained that live-work lofts would be permitted in the BD-3 zone by Special Permit.

Commissioners further questioned the various laboratory categorizations and definition of street. Mr. Talbot said labs were regulated under federal law. Also, the definition of street had been added merely due to the fact that one did not currently exist in the Zoning Ordinance.

Mr. Elicker asked about the difference between Conference Centers (up to 500, with lodging accessory) and Convention Centers (300 and up).

Mr. Mattison asked why not require a Special Exception or Special Permit for convention centers.

Mr. Talbot noted these both would require site plan review.

Ms. Gilvarg noted there were other standards in the Zoning Ordinance which would trigger scrutiny and possibly need for relief from the Board of Zoning Appeals. A Special Permit also required a public hearing and was based upon particular standards found in the Zoning Ordinance.

Mr. Elicker said the proposed ordinance was a great proposal, but would propose that convention centers be eliminated from BD, BD-2 and by special permit in BD-3.

Mr. Mattison then asked if anyone wished to speak on the zoning amendments.

Kelly Murphy, Economic Development Administrator, noted a scenario where there might be a medical use with a conference center. She asked whether it was the size of a conference or convention center that was a concern.

Mr. Elicker said the Special Permit would consider size and other elements of a proposal.

Mr. Mattison agreed he would make a convention center by special permit.

Mr. Elicker offered a compromise amendment, to make both conference centers and convention centers by Special Permit in BD, BD-2 and BD-3 zones. In the BC zone conference centers only (and not convention centers) would be permitted by Special Permit. All of the Commissioners agreed to incorporate this change in their recommendation.

Attorney Carolyn Kone raised the issue of an assembly hall within an office building and asked whether the definition of convention center did not include an assembly hall.

Ms. Gilvarg noted an assembly hall accessory to an office use would not fall under either newly proposed primary use.

As there was no further testimony Mr. Mattison closed the hearing at 7:58 PM.

EXISTING CONDITIONS

The subject property is located at the eastern end of what is known as the Route 34 Corridor. The Route 34 corridor is an existing State highway. This portion of the corridor is currently zoned BD (Central Business District). The zoning districts proximate to the Route 34 corridor are BD districts, PDD#28, PDD #15, BA, and RO. In the BD district, laboratory use is limited to 2,000 square feet. Additionally, certain requirements limit the density of development. For example in the BD district, rear yards are required and side yards may be required for commercial buildings. For residential buildings located in the BD zone, the dimensional (bulk and yard) and open space requirements for residential zoning districts apply, and for nonresidential uses which are allowed in the BD zone because they are permitted in the RH-2 district, the parking requirements of the RH-2 District apply.

The current zoning ordinance does not reflect the current settings in which medical services are being provided in the City and does not include a number of current technological and research uses which the City hopes to attract to the Route 34 corridor and elsewhere in the City. Additionally, the text amendment proposes to add uses such as convention centers and conference centers, which are not provided for in the current ordinance in any of the zoning districts.

PROPOSED ZONING**Uses – Section 42 Use Table*****Non-Residential***

In order to create a mixed use neighborhood, the proposed BD-3 District will include many of the uses permitted in the BD District. It does exclude, however, a number of uses permitted in the BD District, such as inpatient hospitals, which are more appropriately located in other districts specifically designed for these uses, as well as other uses permitted in the BD zone which are not compatible with a pedestrian based mixed use urban neighborhood such as motels, funeral homes, drive in food establishments, automotive parts stores, pawn shops, check cashing establishments, automotive repair shops, custodial care facilities, used car sales, and similar uses.

In order to take advantage of the proximity of the new BD-3 District to the nearby medical district and attract outpatient medical uses and research laboratories to the district, the proposed text amendments will allow research and testing laboratories with no floor area limit, in contrast to BD Districts which limit the size of such facilities to 2,000 square feet. Additionally, under the proposed text amendments, new high technology uses have been added to the Use Table. These new uses, which are defined in Article 1, Section 1, include high technology uses, such as research and development laboratories associated with biological and biomedical services and other technologies, high technology equipment design and fabrication and high technology services as permitted under federal and state law. These new uses will generally be permitted by right not only in the proposed BD-3 District but in many other business and industrial districts as well.

Under the proposed text amendments, all medical related uses have been consolidated in the Use Table under a new medical use category (Category “U”). A number of medical services have been added to the zoning ordinance to reflect the wide array of medical services offered in the City and to clarify where such uses are permitted. The prior undefined term “medical practitioner” in the use table has been replaced by the new term “health practitioner’s office” which includes the offices of a wide array of practitioners, including physicians, chiropractors, dentists, psychologists, social workers, etc. (See Article I, Section 1). These offices are permitted as of right in the new BD-3 district and in the business districts where medical practitioners’ offices are currently allowed.

The proposed text amendments also delete the current undefined terms “outpatient clinic”, “public health clinic”, “regional outpatient clinic” and “regional public health clinic” in the Use Table (Section 42). A new term “health care clinic”, which is defined (See Article I, Section 1), includes a wide array of health clinics, such as outpatient hospital clinic, dialysis centers, physical therapy offices, walk-in clinics, family planning clinics, etc. Health Care Clinics are permitted as of right in the BA, BD, BD-2 and BD-3 districts and by special exception in the BA-1 and BD-1 districts. Additional new medical uses also include home health care agencies, outpatient surgical facilities, ambulatory surgical centers, and recovery care centers. Nursing homes, rest homes and residential care homes, which are currently referenced in the residential district regulations, have been added to the Use Table and are permitted as of right in the BA, BD-2 and BD-3 districts, by special permit in the BA-1 district and by special exception in the BD-1 District. Currently, convalescent homes, rest homes and nursing homes are permitted by special permit in the BC district and as of right in the BA, BA-1, BB, BD, BD-1 and the BD-2 districts, because they are uses that are allowed in certain residential districts.

The final category of new non-residential use included in the proposed district (as well as in some other similar districts) is one that permits both conference centers and convention centers. Based upon the potentially significant impact of these uses upon surrounding areas in terms of traffic, noise, etc. it is the recommendation of the Commission that unlike most other uses proposed for the BD-3 District, a Special Permit from the City Plan Commission be required for both in BD, BD-2 and BD-3 Districts and for Conference Centers only in Marine Commercial (BC) Districts. This recommendation is reflected in the amended Schedule D submitted to the Board along with this report.

Residential

Residential uses in the district are subject to new regulatory language that will facilitate the creation of a truly mixed-use environment within the district. Of the most significance is the removal of the existing requirement that in all nonresidential districts any new residential construction must comply with residential bulk and area standards. It is now subject to the much less onerous standards of nonresidential development in the district. Also, as noted below, parking requirements in this district have been reduced by half as compared to anywhere else in the City where multifamily residential development is permitted. Finally, live work units (currently permitted only in pre-1963 industrial and commercial space) will now be permitted in new structures and in buildings built after

1963 in the new BD-3 District by special permit so as to provide yet another form of mixed use development.

Bulk, Yard, Open Space, Primary Entrance, and Signage Requirements for the BD-3 District

In order to create a densely developed neighborhood in the BD-3 District, the floor area ratio is proposed to be 6.0 (as in all other BD Districts) and there will be no maximum sizes of courts for nonresidential buildings (residential and mixed use buildings must have a minimum court size of 20' for buildings not exceeding 30' tall and one foot for each four feet in height for taller buildings). There are no yard requirements in the BD-3 District, but 15' of land must be provided between a building and the curb of a street for sidewalks, street lights, etc., and where a residential or mixed use building has windows facing a nonresidential building, 10' of land must separate the buildings.

In order to make the streets in the new BD-3 district pedestrian friendly, a 15' stepback is required if a building exceeds 100 feet and has frontage on College, Temple, Church, or Orange Streets. Additionally, buildings facing these streets must have their principal entrances (as defined in Article 1, Section 1) facing such streets. Transparent and active uses, such as retail stores and restaurants, are required on the ground floors of mixed use and nonresidential buildings fronting these streets or Martin Luther King Boulevard or Legion Avenue/South Frontage Road.

In the BD-3 District, open space, which will now be defined under the text amendment to include a wide variety of spaces devoted to recreation (Article 1, Section 1), must be provided for both nonresidential buildings in excess of 10,000 square feet and residential and mixed use buildings. Nonresidential buildings must provide 25 square feet of open space per 1,000 square feet and residential/ mixed use buildings must provide 50 square feet of open space per dwelling unit. If a building is located proximate to a public space, such as a public park, these requirements are reduced. Also, in the BD-3 District, mixed use buildings and residential buildings must provide 50' square feet of common space per dwelling unit which can include additional open space, common rooms, such as bicycle rooms, gyms, etc or individual storage space.

The total area of signs in the BD-3 District for a building may not exceed four square feet for each foot of length of the front building wall, and there may be no flashing signs.

Parking and Loading

The proposed text amendments provide incentives to encourage transportation systems other than owner occupied vehicles and to discourage underutilization of required parking facilities. In all zoning districts, where carsharing spaces are provided (e.g. zip cars), 50% of such spaces may be compact spaces as defined in text amendments, and in a 50 car or smaller lot/garage, for each carsharing space provided, two spaces may be subtracted from the number of required spaces up to a five percent reduction in the number of required spaces. In a larger lot, for each carsharing space provided, five spaces may be subtracted from the number of required spaces up to 10% of the required spaces.

In the BD-3 District, the parking requirements for residential use have been reduced to one-half space/dwelling unit. Additionally, live-work units and assisted living facilities will require one-half space/unit. The only commercial uses that require parking in this district are health care clinics, which will require three spaces for each 1,000 gross square feet, and nursing homes and recovery care centers, each of which will require one space/bed. Moreover, in the proposed BD-3 district, the walking distance between a required parking space and a use has been increased to 1000'. If a health care clinic is part of an institutional overall parking plan, only 2 spaces will be required. Additionally, in the BD-3 District, one-half of the parking requirements for the residential portion of a mixed used building can be used to satisfy the nonresidential parking requirements of the building, if approved by the Department of Transportation, Traffic and Parking. If a nonresidential building makes its parking available to the public, then its parking requirements may be reduced by 15%. Additionally, in this new district, two or more uses or structures which use a parking facility at alternate times can each reduce their parking requirements by 25%, if they enter into an agreement that is approved by the Department of Transportation, Traffic and Parking. Also, in the BD-3 district, 30% of required spaces may be compact car spaces (7.5' x 15'). Finally, the text amendments propose to create a uniform size for all non compact parking spaces of 9' x 18'.

PLANNING CONSIDERATIONS AND FINDINGS

Section(s) 181 and 182 of the Charter of the City of New Haven requires the following finding:

The City Plan Commission finds that the proposed map and text amendments comply with Sections 181 and 182 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 proposed BD-3 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 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 applicant has demonstrated to the Commission that the property at issue, due primarily to its location, has the potential to play a very unique functional role in the City's overall plan of development, one that recommends itself to the creation of a new zoning district. Located in close proximity to areas of relatively high density of commercial, residential, medical, institutional and transportation related uses, the creation of the BD-3 District serves as both a

buffer between many of those uses in existing surrounding areas while at the same time creating a district where they can exist together in a fully integrative manner. Furthermore this proposal, with its introduction of contemporary use categories and more sustainable approaches to issues such as parking, mixed uses and overall density, 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 scope of both the physical area and degree of regulatory change required clearly indicate the appropriateness of an application to The Board of Aldermen for a Zoning Map Amendment.

c. In the case of a map change, the size of the area involved. As a general policy, the City Plan Commission shall not consider favorably any petition which would result in a total contiguous area (separated only by streets, and excluding the area of streets) of less than two acres in the case of a residence district, less than one acre in the case of a Business District, or less than four acres in the case of an Industrial District.

The lot area of the current proposal is slightly over 11 acres and is clearly large enough for the successful implementation of any or all types of development permitted in the district. In addition it should be noted that by virtue of its inclusive and highly flexible character could easily be expanded in the future.

In addition to the above required findings the Commission recognizes that the proposed map and text changes create the proper regulatory framework necessary for:

1. The development of the subject portion of the Route 34 Corridor as a transit oriented district designed to maximize access to and use of public transportation resources, both rail and bus, not only along the corridor but also in connection to similar resources throughout much of the rest of the City, and;
2. Enhancement of the connective relationship between the medical district, downtown and Yale University through the reconnection of streets across the corridor and the requirement that an active, visible first floor commercial presence be established and maintained on those streets, and;
3. The creation of an essentially new mixed-use urban neighborhood providing for a broad range of uses, both nonresidential and residential, in a physical manner intended to maximize the complementary potential of a mixed use environment while at the same time minimizing conflict between disparate uses.


The Commission also recognizes the validity of process that has resulted in the current proposal. Originating with the elimination of uses currently permitted in BD Districts which are not conducive to the creation of a fully realized mixed-use environment, it then moved to a carefully considered process of including new uses (including uses and definitions of use entirely new to the City) selected to best achieve a genuinely functional mixed-use environment and best retain its connective relationship with surrounding areas. Finally, it involved the development of bulk and area requirements (including parking), form based standards that provide a structural means by which to maximize the benefits of a mixed use neighborhood and to, again, reflect its connective character. It is the view of the Commission that the result of this process is a map and set of regulations that will result not only in the creation of a fully functional mixed use district area but which will have measureable positive impact upon surrounding districts.

RECOMMENDATIONS

Based on all of the above it is the recommendation of the Commission that the proposed map and text amendments (revised Schedule D attached) are in full compliance with the standards

and requirements of Section(s) 181 and 182 of the Charter of the City of New Haven and Section 62(d)(2) of the New Haven Zoning Ordinance and should be approved.

ADOPTED: December, 21, 2011
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director

REVISED SCHEDULE D

DECEMBER 23, 2011

Additions are underlined; Deletions are crossed out
Revisions from Scheduled D submitted to the Board of Aldermen are highlighted in yellow

ARTICLE I. DEFINITIONS

Section 1. Definitions

Section 1. - Definitions.

ASSISTED LIVING FACILITY: A facility consisting of private residential units which provides a managed group living environment, including the provision of assisted living services as described in Regs., Conn. State Agencies § 17b-342-2(c)(1).

BUILDING, NONRESIDENTIAL: A *building* that is devoted to one or more of the commercial or industrial uses listed in § 42B.-T. and/or the nonresidential uses permitted in residential districts and which is not a *mixed use* building.

CARSHARING PARKING SPACE: A *parking space* that is reserved for the parking of a vehicle that is available to multiple users.

COMPACT PARKING SPACE: A *parking space* that measures 7.5' x 15'.

CONFERENCE CENTER: A *building* or group of *buildings* used for business and professional conferences and seminars accommodating up to 500 people along with associated accessory functions, such as lodging and facilities for eating and recreation designed to be used primarily for conference attendees. The provision of rooms for rent and meals generally available to the public shall not be considered associated accessory uses.

CONVENTION CENTER: A *building* or group of *buildings* designed to accommodate 300 or more people used for business or professional conventions, conferences, seminars, product displays, trade shows, special events, recreational activities, and entertainment or athletic functions, along with accessory functions, including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption, excluding the provision of rooms for rent.

ENTRANCE, PRINCIPAL: A point of access for pedestrians to a *building*, which entrance faces a *street* and determines a property address for the *building*. A *building* may have more than one principal entrance.

HEALTH CARE CLINIC: An outpatient clinic licensed by the Connecticut Department of Health pursuant to Regs. Conn. State Agencies § 19-13-D45 or an outpatient clinic that provides the services described in said regulation which is operated by a partnership or an individual and licensed by the Connecticut Department of Health, an outpatient hospital clinic, a medical walk-in clinic, a physical therapy office, an occupational therapy office, an outpatient chronic dialysis center, a community health center, a public health center, an Industrial Health Facility as that term is defined in Regs. Conn. State Agencies § 19-13-D1.(b)(3)(F), an occupational health clinic, a clinic operated by a union exclusively for its members and their dependents, a family planning and reproductive health service center, a primary care clinic, a clinical or diagnostic laboratory, a sports medicine clinic, an emergency services clinic, a wellness center, a dental clinic, an imaging center, and/or a mental health center, but not including an Outpatient Surgical Center listed in Section 42.

HEALTH PRACTITIONER'S OFFICE: Office of a physician, osteopath, dentist, audiologist, naturopath, optometrist, psychologist, social worker, chiropractor, and/or nurse practitioner but not including an office which is defined as a Healthcare Clinic or an Outpatient Surgical Center listed in Section 42.

HIGH TECHNOLOGY EQUIPMENT DESIGN AND FABRICATION: A use which has as its principal function the research, development, engineering, design, assembly, fabrication, machining and/or light manufacturing of high technology equipment used in *high technology uses*, instrumentation and computer software and the associated warehousing of such equipment.

HIGH TECHNOLOGY USES: A use , including a research and/ or development laboratory, which has as its principal function the research, development, engineering, design, assembly, fabrication, or machining and/or light manufacturing of high technology uses, including but not limited to uses associated with agricultural technology, biological or pharmaceutical technology, software technology, telecommunications, biomedical technology, defense and aerospace technologies or other technology oriented or emerging industrial or business activity and the associated warehousing of such products as permitted by applicable state and/or federal law

HIGH TECHNOLOGY SERVICES: A use which has as its principal function the providing of services to high technology uses, including but not limited to computer information transfer, communication, distribution, management, processing, administrative, experimental, developmental, technical, or testing services.

LIVE-WORK CONVERSION AND LIVE-WORK UNIT: A unit that contains both a residential use and a commercial/work activity including but not limited to Home Occupations and residences with a professional office described in § 13(b)(2)a. as well as other commercial and fabrication uses subject to the requirements of §§ 18A & 18B.

OPEN SPACE: Space on a *lot* or on or attached to a *building* which is unoccupied by *principal* or *accessory buildings* and is not devoted to a parking structure, a parking lot (although landscaped islands in a parking lot can be counted toward satisfying open space requirements) or service driveways. Open Space includes but is not limited to parks, lawns, running trails, wildlife viewing areas, ponds, balconies, patios, courtyards, gardens, private yards, plazas, greens, square, paths and walkways, rooftop green spaces and patios, terraces, playgrounds, swimming pools, tennis courts, and other outdoor spaces devoted to recreation, relaxation or gathering opportunities.

PARKING, SHARED: An arrangement in which two or more *uses* or *structures* with different peak parking demands use the same off-street *parking spaces* to meet off-street parking requirements. *Publicly shared parking* is an arrangement where at least 50% of the off-street parking provided for a *building* is available for public use, in terms of or allocation of time when the parking spaces are available to the public. *Privately shared parking* is an arrangement where two or more *uses* and/or *structures* agree to share the same parking spaces.

SIGN, PROJECTING or BLADE A *sign* attached to and projecting out from a *building* face or wall, generally at right angles to the *building*, including *signs* that project into the right-of-way.

STREET: A right of way for pedestrian, vehicular and bicycle traffic, whether designated as a sidewalk, path, street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or otherwise designated which has been dedicated or acquired for public uses and has been accepted by the Board of Aldermen as a public right-of-way.

ARTICLE II. ESTABLISHMENT OF DISTRICTS; ZONING MAP

Sec. 2. Districts enumerated; map adopted; interpretation.

Secs. 3-10. Reserved.

Section 2. Districts enumerated; map adopted; interpretation.

a. For the purpose of this ordinance the City of New Haven is divided into the following districts:

Residence Districts

RS-1	Districts:	Special Single-Family
RS-2	Districts:	General Single-Family
RM-1	Districts:	Low-Middle Density
RM-2	Districts:	High-Middle Density
RH-1	Districts:	Special High Density
RH-2	Districts:	General High Density

RO	Districts:	Residence-Office
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Business Districts

BA	Districts:	General Business
BA-1	Districts:	Neighborhood Center Mixed-Use
BB	Districts:	Automobile Sales
BC	Districts:	Marine
BD	Districts:	Central Business
BD-1	Districts:	Central Business/Residential
BD-2	Districts:	Central Business/Medical
BD-3	Districts:	Central Business/Mixed-Use
BE	Districts:	Wholesale and Distribution

Industrial Districts

IL	Districts:	Light Industry
IM	Districts:	Light Industry - Marine
IH	Districts:	Heavy Industry

Other Districts

PARK Districts
CEMETERY Districts
AIRPORT District
Planned Development Districts
Historic Districts
Coastal Management District
Inland Wetland District
Flood Damage Prevention District
Soil Erosion and Sediment Control District

ARTICLE III. RESIDENCE DISTRICTS: DISTRICT REGULATIONS

Section 12. RS-2 Districts: General Single-Family

(b)(1)h. General and special inpatient hospitals, and health care clinics and public health centers; excluding private offices for doctors, convalescent homes, rest homes, nursing homes, sanitariums, homes for the aged and handicapped, and orphanages. Noise, odors, electrical disturbance, radioactive particles and rays, and all possible disturbing aspects connected with the operation of such *uses* shall be enclosed, screened or otherwise controlled to the extent that the operation of any such *use* shall not unduly interfere with the use and enjoyment of properties or streets in the surrounding area.

Minimum parking: One *parking space* for each 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 or public health center 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 and public health centers, a number of *parking spaces* for patients equal to twice the number of *parking spaces* required for doctors; all of which *parking spaces* are to be located on the same *lot* or within 300 feet *walking distance* except in the BD-3 District.

Section 18A. Live-work loft conversions.

The purpose of this provision is to encourage adaptive reuse of existing older loft style multi-level commercial and industrial structures existing in 1963 to limited work and residence use by Special Permit in all residential districts and in business and industrial districts as set forth in Section 42, as follows:

Section 18B. Live-Work Units (Post 1963 and new structures)

(a) Live-Work Units other than Live-Work Loft Conversions described in Section 18A shall be allowed by Special Permit in the Business D-3 district.

(b) Live-Work Units shall comply with the following requirements:

1. Noise, odors, light, dust, dirt, fumes, or other environmental impacts from the work conducted in the *Live-Work Unit* will be so enclosed, screened or otherwise contained so as not to adversely affect the use and enjoyment of other properties in the surrounding area.

2. The proprietor of the business located in the *Live-Work unit* shall live in the *Live-Work Unit*, and up to two persons who do not reside in the *Live-Work Unit* may work in the unit.

3. No portion of a *Live-Work Unit* may be separately leased or sold.

4. At least thirty (30) percent of the total square footage of the *Live-Work Unit* shall be allocated to residential use.

5. The display and sale of products in the *Live-Work Unit* shall be limited to products created in the *Live-Work Unit*.

Section 19. Custodial Care Facilities.

(4) ***Prohibited Locations.*** Custodial care facilities are prohibited in the following zoning districts:

- a. Residential: RS-1, RS-2, RH-1, RH-2 and RO;
- b. Business: BB, BC, BD-3 and BE; and
- c. Industrial: IL, IM and IH.

TABLE 1. SUMMARY SCHEDULE OF PERMITTED USES IN RESIDENCE DISTRICTS

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

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

Zoning District

<i>Use Category</i>	<i>RS-1</i>	<i>RS-2</i>	<i>RM-1</i>	<i>RM-2</i>	<i>RH-1</i>	<i>RH-2</i>	<i>RO</i>
Residential, Temporary & Agricultural:							
Single-family detached dwellings	R	R	R	R	R	R	R
Other single-family dwellings	X	X	R	R	R	R	R
Two-family and multi-family dwellings	X	X	R	R	R	R	R
Limited conversion of dwellings by variance	see	Text	X	X	X	X	X
Residential accessory buildings structures and uses	R	R	R	R	R	R	R
Garden apartment buildings	X	X	R	R	R	R	R
Rooming, Boarding and Lodging houses	X	X	X	X	X	R	X
Automobile trailer camps	X	X	X	X	X	SE	X
Temporary Uses and Structures	SE	SE	SE	SE	SE	SE	SE
Agriculture	X	R	R	R	X	R	R
<u>Live-Work Loft Conversions</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>

Section 29. Parking

(b) All *parking spaces* shall have an area of at least 189 square feet exclusive of adequate driveways and aisles, have direct access to a circulation aisle, alley or street, be suitably surfaced and drained and be provided with bumper or wheel guards where needed. All parking areas containing three or more parking spaces shall include a turnaround designed and located so that vehicles can enter and exit the area without backing into the public right of way.

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

(k) Two *parking spaces* may be subtracted from the quantity of parking spaces required for a *use* or a *structure* for each *carsharing parking space* provided in a parking lot or structure containing 50 or fewer parking spaces serving such *use* or *structure*, provided, however, that in no event shall the number of *parking spaces* provided for a *use* or a *structure* (excluding *carsharing parking spaces*) be reduced by more than 5% of the *parking spaces* required for such *use* or *structure*. Five *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 such parking lot or structure containing in excess of 50 *parking space*, 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 10% of the *parking spaces* required for such *use* or *structure*. Fifty percent of *carsharing parking spaces* at the same location may be *compact parking spaces*.

ARTICLE V. BUSINESS AND INDUSTRIAL DISTRICTS Section 41 – Description and purpose of business and industrial districts

Business D-3 Districts-Central Business/Mixed-Use

These districts in the urban core are reserved for intensive development, including multi-story and mid and high rise buildings. They provide for mixed uses, including hospital outpatient clinics, other medical clinics, biotechnology research centers, high and medium density residences, offices, and commercial uses, including retail shops and restaurants. These districts also connect the City’s central business and medical and educational districts with each other and with the City’s transportation center at Union Station. The Central Business/Mixed Use districts are pedestrian, bicycle and transit friendly. Uses on the ground floors of nonresidential and mixed use buildings that face public rights of way in these districts should include retail and active uses that are in part or in whole transparent from sidewalks and streets.

Section 42. Use regulations for business and industrial districts.

The following table describes the *uses* permitted in each business or industrial district.

In any case where a *use* is not specifically referred to by the following table, its status under this section shall be determined by the zoning enforcement officer, by reference to ~~the most~~ a clearly analogous use or uses that are specifically referred to by the table. When the status of a use has been so determined by the zoning enforcement officer, such determination shall thereafter have general applicability to all uses of the same type. For uses that are not specified and are not clearly analogous to uses specifically referred to in the following table, an application must be made either for an amendment to the zoning ordinance or for a use variance with the Board of Zoning Appeals.

Accessory uses customarily incidental to uses in the table are permitted in connection with such uses. Such *accessory uses* may include residences of caretakers and other such persons who must live in the area for the convenience of business or industry, and their dependents.

Matters closely related to use are regulated by:

- (1) Bulk and yards..... § 43 and § 47
- (2) Signs . . . § 44
- (3) Parking and loading . . . § 45
- (4) Automotive and drive-in establishments . . . § 45
- (5) Outdoor activities and storage . . . § 46
- (6) Performance standards . . . § 48

ZONING DISTRICT ABBREVIATIONS

BA:	General Business
BA-1	Neighborhood Center Mixed Use

BB:	Automotive Sales
BC:	Marine Commercial
BD:	Central Business
BD-1:	Central Business/Residential
BD-2:	Central/Business/Medical
<u>BD-3</u>	<u>Central Business/Mixed-Use</u>
BE:	Wholesale and Distribution
IL:	Light Industry
IM:	Light Industry/Marine
IH:	Heavy Industry

INTERPRETATION OF USE TABLE

R:	Permitted as of right
SE:	Permitted only by special exception under § 63(d) of this ordinance
SP:	Permitted only by special permit under § 64(e) of this ordinance
X:	Not permitted

Parking:	Key letters refer to Parking Standards in § 45(a)(1)a.
Loading:	Key letters refer to Loading Standards in § 45(a)(1)b.

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
 In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading (5)
A.	Uses Of Same Type As Those Permitted In Residence Districts:														
	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:														
	1. In any RM-1 District.	X	X	X	SP	X	X	X	X	X	X	X	X		
	2. In any RM-2 District.	R	R ⁽¹⁾	R	X	X	X	X	X	X	X	X	X		
	3. In any RH-2 District	X	X	X	X	R	R	See Text	R ⁽²⁾	X	X	X	X		
	In the BD-3 District, Table 3 shall govern whether nonresidential uses shall be permitted in the BD-3 District, where there is a conflict between Table 3 and the RH-2 District regulations regarding nonresidential uses. 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-3 District, 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-3 District and not to any residential regulations regarding such items.													See requirements of Appropriate Dwellings Residential District for Parking and Loading Standards except for the BD-3 District. For the BD-3 District, see §45	
	Convenience Goods and Services as defined in § 31 shall not be included in this § 42(a)														

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
 In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading (5)
	4. Custodial care facilities (See § 19).	SE	SE	X	X	SE	SE		X	X	X	X	X		
	For New Construction Only:		(2) (3)												
	Except for the BD-3 District, IF SUCH USES ARE DWELLINGS they shall be subject to the building requirements, parking standards, and all other appropriate Residence District regulations. Such regulations shall apply even though the building contains another use or uses in addition to a dwelling unit or units. In the BD-3 District, the building, bulk, yard, and sign requirements and parking standards set forth in §§ 43, 44 and 45 for the BD-3 District shall apply to all uses.		(2) (3)												
	For Adaptive Reuse of Structures Built Prior to 1963, Provided the First Floor Remains in Commercial Use:														
	Irrespective of use, whether a dwelling or business, the building, bulk and yard regulations applicable to the appropriate Business or Industrial District shall govern.														
A.2	Residential														
	5. Mixed-Use residential uses (See definition)	X	R	X	X	X	X	X	R	X	X	X	X		Y
	6. Live-Work Loft Residential Conversions Pursuant To Article III Section 18A	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	See Section 18A(a)(3)	Y
	7. Live-Work Unit - (Post 1963 and new structures) (See definition)	X	X	X	X	X	X	X	SP	X	X	X	X	1 space/unit	Y
	8. Assisted Living (see definition). Elderly and Disabled Housing	R	R	X	X	R	R	R	R	X	X	X	X	½ space unit	Y

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
 In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading (5)
B. Transient Lodging														
Rooming, boarding or lodging 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	a See also §45(a)(1)a.1A	y
Motel.	R	X	X	SE	R	X	X	X	X	X	X	X	a	y
Bootel.	X	X	X	SE	X	X	X	X	X	X	X	X	b	y
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	c	X
Drug or Cosmetic store, including sale of goods and services customarily incidental thereto.	R	R	X	SE	R	R	R	R	R	R	X	R	c	X
Convenience store	R	SP	X	SP	R	R	R	R	R	X	R	c	c	X
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, vegetables.	R	R	X	SE	R	R	R	R	X	X	X	X	c	X
Grocery, Delicatessen, Supermarket or other store carrying a variety of food and related goods.	R	R	X	SE	R	R	R	R	X	X	X	X	c	
Package Alcoholic liquor, subject to §42.1. provisions.	R	SE	R	X	R	R	R	R	R	R	X	R	c	X

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
 In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading (5)
Poultry market, including slaughtering of poultry for sale on the premises (for other slaughtering, see § 42(t)).	SE	SE	X	X	SE	X	X	X	X	X	X	X	c	x
D. Personal Services														
Barber shop, beauty shop, reducing salon.	R	SE	X	SE	R	R	R	R	X	X	X	X	c	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 § 42(s)).	R	SE	X	SE	R	R	R	R	X	X	X	X	c	x
Health Clubs, gyms, personal training with associated classes.	R	R	X	X	R	R	R	R	X	X	X	X	c	x
Tailor, dressmaker, shoe shine or shoe repair shop.	R	R	X	X	R	R	R	R	X	X	X	X	c	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	c	x
Photographic studio.	R	R	X	X	R	R	R	R	X	X	X	X	c	y
Travel agency, travel ticket office.	R	R	X	X	R	R	R	R	R	X	X	X	c	y
Vocational, trade or business school.	R	SE	X	X	R	R	R	R	R	R	X	X	h	y
Driving school.	R	SE	R	X	X	X	X	R	X	X	X	X	i	y

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
 In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (S)	Loading (S)
Funeral home.	R	SE	X	X	R	R	R	X	X	X	X	X	f See also §45(a)(1) a.1B	y
Gun and weapons repair, firearms training.	SE	X	X	X	SE	X	X	X	SE	SE	X	SE	c	y
Firing range.	X	X	X	X	X	X	X	X	X	SE	X	SE	c	y
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.	SE	SE	X	X	SE	X	X	X	X	X	X	X	c	y
E. Eating, Drinking Places & Entertainment														
ESTABLISHMENT'S SELLING FOOD OR BEVERAGES FOR IMMEDIATE CONSUMPTION ON OR OFF PREMISES, INCLUDING ESTABLISHMENT WHERE LIVE ENTERTAINMENT IS A PRINCIPAL OR ACCESSORY USE.														
FOR PURPOSES OF THIS ZONING ORDINANCE A CHANGE FROM ONE CLASSIFICATION OF EATING, DRINKING OR ENTERTAINMENT ESTABLISHMENT TO ANOTHER SHALL BE CONSIDERED A NEW USE.														
EATING AND DRINKING PLACES														
Establishment selling food for immediate consumption on or off premises.	R	R	R	SE	R	R	R	R	R	R	SP	R	f	x

TABLE 3. USE TABLE

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

In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading (5)
Restaurants, as defined in Article 1 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.	SE	SE	SE	R	R	R	R	R	SE	R	SP	R	f	x
Other establishments 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	SE	SE	SE	R	R	SE	R	SE	SE	R	SP	R	f See also §45(a)(1)a.1 C.	x
Drive-in establishment selling food for immediate consumption on or off premises -- more than 250 feet from any residential use.	R	X	R	X	R	X	X	X	R	R	X	R	f	x
Drive-in establishment selling food for immediate consumption on or off premises -- within 250 feet of any residential use.	SE	X	SE	X	X	X	X	X	SE	SE	X	SE	f	x
ADULT ENTERTAINMENT ESTABLISHMENTS														
Adult cabaret less than 1,500 feet from another adult cabaret, bar in the same structure, or adult use as defined in § 42.3 of this ordinance.	X	X	X	X	X	X	X	X	X	X	X	X	f	x
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:														
With Liquor Service.	X	X	X	X	SE	X	X	X	SE	SE	X	SE	f	x
No Liquor Service.	X	X	X	X	SE	X	X	X	SE	SE	X	SE	f	x

TABLE 3. USE TABLE

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

In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading (5)
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	See 45(c)	See 45(c)
	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	See 45(c)	See 45 (c)
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	c	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	c	x
	Variety store (including sale of specific items mentioned in this table, if customarily sold in store).	R	R	X	X	R	R	R	R	X	X	X	X	c	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	c	x

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
 In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (S)	Loading (S)
Gun shops and accessory goods sales including ammunition, subject to § 42.4 zoning ordinance provisions.	X	X	X	X	SE	X	X	X	SE	SE	X	SE	c	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	X	X	X	c	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	X	X	X	c	x
Fabrics, curtains, linens knitting & upholstery supplies.	R	R	X	X	R	R	R	R	X	X	X	X	c	x
Furniture, floor covering, appliances.	R	R	X	X	R	R	R	R	X	X	X	X	c	x
Farm & garden supplies, includes greenhouse, nursery.	R	R	X	X	X	R	X	R	R	X	X	X	c	x
Hardware, paint, wallpaper.	R	R	X	X	R	R	R	R	X	X	X	X	c	x
SPECIALTY HOME GOODS & SKILLED TRADES WITH A COMBINATION OF ON PREMISES FABRICATION AND SALES, AS FOLLOWS:														
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	SP	SP	SP	SP	i	x

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
 In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading (5)
	<u>Music and Recording Studios</u>	SP	SP	X	X	SP	SP	SP	SP	SP	SP	SP	SP	i	x
J.	Financial Services														
	Bank or other credit agency.	R	R	R	X	R	R	R	R	R	R	X	X	c, e	y
	Broker Investment company.	R	R	X	X	R	R	R	R	R	R	X	X	c, e	y
	Insurance company or agency.	R	R	R	X	R	R	R	R	R	R	X	X	c, e	y
	Remuneration, money order, notary establishments	SE	SE	SE	X	SE	SE	SE	R	SE	X	X	X	c, e	y
	Check cashing or payday loan establishments	SP	SP	SP	X	SP	SP	SP	X	SP	X	X	X	c, e	y
K.	Office														
	OFFICE - NO STORAGE OF A STOCK IN TRADE (EXCEPT SAMPLES) OR HEAVY MATERIALS OR EQUIPMENT, & NO COMMODITIES SALE ON PREMISES, AS FOLLOWS:														
	<u>Medical practitioner.</u>	R	R	X	X	R	R	R		X	X	X	X	d	y
	General, charitable, philanthropic, other professional.	R	R	X	X	R	R	R	R	X	X	X	X	e	y
	Radio or television stations studio and/or offices only.	R	R	X	X	R	R	R	R	R	X	X	X	e	y
	Utility, including exchange.	R	SP	SE	SE	R	R	R	R	R	X	X	X	e	y
	Wholesale or distribution.	R	SP	X	X	R	R	R	X	R	X	X	X	e	y

TABLE 3. USE TABLE

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

In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading (5)
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 § 42.3 provisions.	X	X	X	X	X	X	X	X	R	R	X	R	c	x
	Assembly hall.	SE	SP	X	X	SE	SE	SE	SE	SE	SE	X	X	f See also §45(a)(1)a.1. F.	y
	Auto racing club.	SE	X	SE	X	X	X	X	X	X	X	X	X	g	y
	Bowling alley, billiard or pool hall, indoor amusement center, drug paraphernalia center.	SE	SE	X	X	SE	SE	X	SE	SE	SE	X	X	g	y
	Dance hall, social club, club, lodge, veterans or fraternal organization, fraternity, sorority.	SE	SP	X	X	SE	SE	SE	SE	SE	SE	X	X	g See also §45(a)(1)a.1. G	y
	Drive-in theater.	SE	X	X	X	X	X	X	X	X	X	X	X	as needed	y
	Fair, carnival.	SE	SP	X	X	X	X	X	X	X	SE	X	SE	g	y

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
 In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading (5)
Game machines as an accessory use, subject to § 42.2 provisions.	R	R	R	SE	R	R	R	R	R	R	X	R	none	none
Game rooms, subject to § 42.2 provisions.	SE	SE	SE	X	SE	X	SE	SE	SE	SE	X	SE	j	y
Miniature golf, golf driving range.	SE	X	X	X	X	X	X	X	X	X	X	X	g	y
Music or dancing school.	R	X	X	X	R	R	R	R	X	X	X	X	g	y
Public access park or community garden	R	R	R	R	R	R	R	R	X	X	X	X		
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	g	y
Theater, excluding drive-in, 250 or fewer seats	R	R	X	X	R	R	X	R	X	X	X	X	f	y
Theater, excluding drive-in, 251 or more seats.	R	SP	X	X	R	SE	X	R	X	X	X	X	f	y
Trampoline center.	SE	X	X	X	X	X	X	X	X	X	X	X	g	y
M. Automotive														
ESTABLISHMENT CONFORMING TO STATE OF CONNECTICUT REGULATIONS AND § 45, 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)

TABLE 3. USE TABLE

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

In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading(5)
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	X	X	X	See 45(b)	See 45(b)
House trailers: Sale or rental with inventory, repair.	X	X	R	X	X	X	X	X	X	X	X	X	See 45(b)	See 45(b)
Automobiles, automobile trailers, and trucks.														
1. 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
2. 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)
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)

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
 In case of conflict, the District Regulations shall prevail, unless otherwise stated in this Table 3.

Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading(5)
5. Sale of such vehicles with inventory when used, with no limit on quantity of vehicles.	X	X	R	X	X	X	X	X	X	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	c	y
N. Marine														
Marina, yacht club.	X	X	X	(4)	X	X	X	X	X	X	SP	X	k	y
Fishing, fish sales (including shellfish).	X	X	X	SP	X	X	X	X	R	X	R	X	I	x
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	i	x
Boat rental or charter, boat sightseeing.	X	X	X	SP	X	X	X	X	R	X	R	R	i	y
Boat building, repair, service and storage: 100 foot length or less.	X	X	X	SP	X	X	X	X	X	R	R	R	i	x
over 100 foot length.	X	X	X	SP	X	X	X	X	SE	R	R	R	i	x
Deep-sea shipping facility or Seaplane base.	X	X	X	X	X	X	X	X	SE	R	R	R	i	x
Salvage or dredging company.	X	X	X	X	X	X	X	X	X	X	X	R	i	x

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
 In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (S)	Loading(S)
O.	Construction & Related Goods & Services														
	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 2000 square feet or less of net floor area.	R	R	X	X	R	R	X	R	R	R	R	R	i	See § 45
	Same uses as above, with no limit as to floor area or enclosure, except as specified in § 46. & § 47(C)(4).	X	X	X	X	X	X	X	X	R	R	SP	R	i	x
	Off-site Construction Staging Area: Less than 1000 SF total area.	R	SP	R	R	SP	SP	SP	SP	R	SP	SP	R	none	none
	Off-site Construction Staging Area 1000 SF or more total.	SP	X	SP	SP	SP	SP	SP	SP	SP	SP	X	SP	none	none
	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	i	x
	Monument sales establishment or monument works, with no limit as to processes.	X	X	X	X	X	X	X	X	X	R	X	R	i	x

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
 In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	<i>Use</i>	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading(5)
P.	Business Goods														
	ESTABLISHMENT SELLING OR RENTING ITS GOODS PREDOMINANTLY AT RETAIL ON PREMISES, AS FOLLOWS:														
	Office equipment and supplies.	R	R	X	X	R	R	X	<u>R</u>	R	R	SP	X	c	x
	Business machines or scales.	R	R	X	X	R	R	X	<u>R</u>	R	R	SP	X	c	x
	Restaurant or bar supply.	R	R	X	X	R	R	X	<u>R</u>	R	R	SP	X	c	x
	Dental, hospital, beauty, barber, store or lab supply.	R	R	X	X	R	R	R	<u>R</u>	R	R	SP	X	c	x
Q.	Business & Miscellaneous Personal & Public Services														
	Off premises signs, as regulated by § 44.1:														
	Mini-panel.	SE	X	SE	SE	SE	SE	SE	SE	SE	SE	X	SE	none	none
	Poster, Bulletin or Spectacular.	R	X	R	X	X	X	X	<u>X</u>	R	R	X	R	none	none
	On premises signs, as regulated by § 44.	R	R	R	R	R	R	X	<u>R</u>	R	R	X	R	none	none
	Ambulance service.	R	SP	X	X	R	X	R	<u>R</u>	R	R	X	R	i	y

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
 In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading(5)
Caterer.	R	R	X	X	R	R	R	<u>R</u>	R	X	X	X	i	x
Cold storage facility renting only individual lockers for home customer storage of food. (For other cold storage facilities, see § 42(s), Heavy Commercial).	R	X	X	X	R	X	X	<u>X</u>	R	R	X	R	i	x
<u>Conference Center</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>SP</u>	<u>SP</u>	<u>X</u>	<u>SP</u>	<u>SP</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	f	y
<u>Convention Center</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>SP</u>	<u>X</u>	<u>SP</u>	<u>SP</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	f	y
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	<u>X</u>	X	SE	X	SE	i	x
Delivery service establishment, vehicles limited to 1 ton capacity (Also see § 42(s) Heavy Commercial).	R	X	X	X	R	X	X	<u>X</u>	R	R	X	R	i	x
Employment agency.	R	X	X	X	R	R	R	<u>R</u>	R	R	X	R	i	y
General and special hospitals, outpatient clinics and public health centers.	R	SP	X	X	SE	SE	R		X	X	X	X	See § 12(b)(1)h	y
Internal building cleaning, window cleaning.	R	R	X	X	R	SE	SE	<u>R</u>	R	R	X	R		y
News distribution enterprise.	R	X	X	X	R	X	X	<u>X</u>	R	R	X	R	i	x
Printing, engraving, or other reproduction services, limited to 2,000 square feet net floor area.	R	R	X	X	R	SE	R	<u>R</u>	R	R	R	R	i	none
Printing, engraving, or other reproduction services with no limit as to floor area.	X	X	X	X	R	X	R	<u>R</u>	R	R	R	R	i	x

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
 In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading(5)
Public utility substation or pumping station, reservoir, dam, park, police or fire station, telephone exchange, post office or other government office or service establishment.	R	SP	R	SE	R	R	R	R	R	R	SP	R	i	y
Public or private pumping station	R	R	R	R	R	R	R	R	R	R	R	R	i	y
Regional-out-patient-clinics; regional-public-health-centers	X	X	X	X	X	R	R		X	R	X	X	i	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 (For target labs, see §42(e))	R	R	X	X	R	R	R	R	R	R	SP	R	i	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	i	x
Other High Technology Uses, High Technology Uses and High Technology Equipment Design and Fabrication (See definitions)	X	X	X	R	R	R	R	R	R	R	R	R	i	y
Self storage facility.	X	X	X	X	X	X	R	X	R	R	SP	R	i	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	i	y
Uniform sales or rental establishment.	R	R	X	X	R	R	R	R	R	R	X	R	i	x
Utility, including exchange.	R	SP	SE	SE	R	R	R	R	R	R	SP	R	d	y

TABLE 3. USE TABLE

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

In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading(5)
Vending machine operator or repairer.	R	SE	X	X	R	X	X	<u>X</u>	R	R	X	R	i	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	<u>R</u>	R	X	X	X	d	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	<u>R</u>	R	R	R	R	none	none
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	SP	R	SP	R	R	R	<u>R</u>	R	R	R	R	none	none
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.	SP	X	SP	SP	SP	SP	SP	<u>SP</u>	SP	SP	SP	SP	none	none
Intercity passenger station or terminal, Railroad passenger station, or Heliport.	X	X	X	X	R	X	R	<u>SP</u>	R	R	X	SE	i	y

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
 In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading(5)
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	none	none
Taxi dispatching station (no vehicle storage).	R	R	R	R	R	R	R	R	R	R	X	X	i	y
Taxi terminal.	X	X	X	X	X	X	X	X	R	R	X	X	i	y
Transportation or other right-of-way.	R	R	R	R	R	R	R	R	R	R	R	R	none	none
Truck or rail freight yard or terminal.	X	X	X	X	X	X	X	X	R	R	X	R	i	x
S. Heavy Commercial														
Cleaning, laundering, dyeing, or diaper service plant.	X	X	X	X	X	X	X	X	R	R	SP	R	i	x
Cold storage facility, no limit as to customer type.	X	X	X	X	X	X	X	X	R	R	X	R	i	x
External building cleaning, disinfecting, or exterminating establishment.	X	X	X	X	X	X	X	X	R	R	X	R	i	x
Food processing or wholesale bakery.	X	X	X	X	X	X	X	X	R	R	R	R	i	x
Research or testing laboratory with no floor area limit.	X	X	X	X	X	X	R		R	R	R	R	i	*
Warehousing, or moving and storage establishment.	X	X	X	X	X	X	X	X	R	R	X	R	i	x
Wholesaling or distribution, including the handling of stock and incidental retailing.	X	X	X	X	X	X	X	X	R	R	SP	R	i	x

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
 In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading(5)
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 § 46, outdoor activities & storage, waste, dumping, quarries and § 48. performance standards.	X	X	X	X	X	X	X	X	SE	SE	SP	SE	i	x
Antenna or wireless site:														
1. On existing structure, subject to § 49 standards.	R	R	R	R	R	R	R	R	R	R	X	R	i	x
2. On new tower, subject to § 49 standards.	SP	X	SP	SP	SP	SP	R	SP	SP	SP	X	SP	i	x
Asphalt manufacture or refining or preparation except where incidental to construction.	X	X	X	X	X	X	X	X	X	X	X	SE	i	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	i	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	i	x
Creosote manufacture or treatment.	X	X	X	X	X	X	X	X	X	X	X	SE	i	x
Dumping, as defined and regulated by §46(h) and subject to other applicable regulations.	X	X	X	X	X	X	X	X	X	X	X	SE	i	x

TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted
 In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading(5)
Emery cloth, sand paper, carborundum or pumice manufacture.	X	X	X	X	X	X	X	X	X	X	X	SE	i	X
Explosive or fireworks manufacture.	X	X	X	X	X	X	X	X	X	X	X	SE	i	X
Fertilizer manufacture from organic material or its compounding for sale.	X	X	X	X	X	X	X	X	X	X	X	SE	i	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	SE	i	X
Gypsum, cement, plaster or plaster of Paris manufacture.	X	X	X	X	X	X	X	X	X	X	X	SE	i	X
Household hazardous waste collection centers, as defined and regulated by § 46(j), subject to other applicable regulations.	X	X	X	X	X	X	X	X	X	SE	X	SE	i	X
Junkyard, as defined and regulated by § 46, subject to all State of Connecticut and other applicable regulations.	X	X	X	X	X	X	X	X	X	X	X	SE	i	X
Motor vehicle junkyard, as defined and regulated by § 46 and subject to all State of Connecticut & other applicable regulations.	X	X	X	X	X	X	X	X	X	X	X	SP	i	X
Nitrating process.	X	X	X	X	X	X	X	X	X	X	X	SE	i	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	SE	i	X
Outdoor storage of materials related to boat manufacturing.	X	X	X	R	X	X	X	X	X	X	R	X	I	X

TABLE 3. USE TABLE

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

In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (S)	Loading(S)
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	none	none
Outdoor storage of more than 500 square feet of material.	X	X	X	SP	X	X	X	X	X	SP	X	SP	none	none
Petroleum refining.	X	X	X	X	X	X	X	X	X	X	X	SE	i	x
Public sewage disposal plant or incinerator.	X	X	X	X	X	X	X	X	X	X	X	R	i	x
Quarry, as defined and regulated by § 46(i)	X	X	X	X	X	X	X	X	X	X	X	SE	i	x
Slaughterhouse or stockyards, rendering or reduction of animal matter.	X	X	X	X	X	X	X	X	SE	X	X	X	i	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	i	x
Transmitting tower for radio or television station.	X	X	X	X	X	X	X	X	X	X	X	SE	I	y
Waste processing and transfer.	X	X	X	X	X	X	X	X	SE	SE	X	SE	I	x
Wood or bone distillation.	X	X	X	X	X	X	X	X	X	X	X	SE	I	x

TABLE 3. USE TABLE

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

In case of conflict, the District Regulations shall prevail. unless otherwise stated in this Table 3.

Use	BA	BA-1	BB	BC	BD	BD-1	BD-2	BD-3	BE	IL	IM	IH	Parking (5)	Loading(5)
Medical														
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	i	Y
General and Special Inpatient Hospitals	R	SP	X	X	SE	R	R	X	X	X	X	X	See §§ 12(b)(1)h., ¹ 45(a)(1)a.I.D.	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	e	Y
Health Practitioners' Office (See definition)	R	R	X	X	R	R	R	R	X	X	X	X	e See also § 45(a)(1)a.I.E	Y
Health Care Clinic (See definition)	R	SP	X	X	R	R	R	R	X	X	X	X	See §§ 12(b)(1)h.,45(a)(1)a.I.D	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	R	R	R	X	X	X	X	i See also § 45(a)(1)a.I.I	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	i See also § 45(a)(1)a.I.K	Y

Notes:

- (1) Nonresidential Uses Only
- (2) The open space requirements for the BD-3 District shall be 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-3 District.

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

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 *dwelling*s in all other business and industrial districts indicated. (*Dwellings* shall follow the bulk and *yard* regulations of the appropriate residence district, as indicated in § 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 districts(s) specified shall not exceed the following:

<i>FAR</i>	<i>Zoning District</i>
6.0	BD, BD-1, BD-2*, <u>BD-3</u> and BE

(c) *Maximum building height.*

(1) Except as provided in subsections 43(c)(2), (3), **(4), and (5)**, 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).

(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, then one 15' 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' from the front of the *building* facade 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.

Example of BD-3 Stepback Require

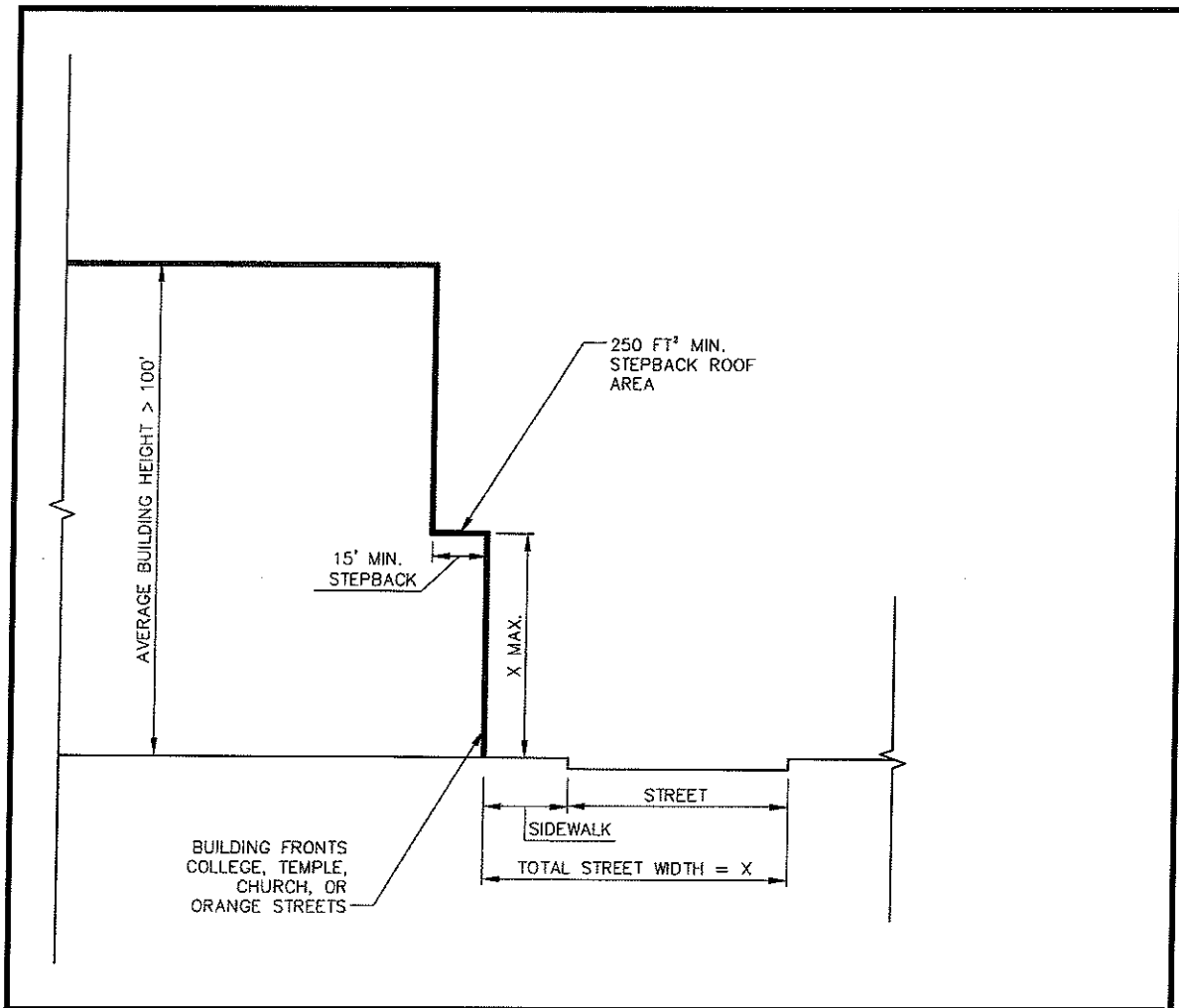


Figure 43.1 BD-3 Stepback Requirements

(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 an 20' if neither facing wall has an average height greater than 30' 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'.

(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' 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 10' 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 10' *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*.

(i) Additional Requirements for the BD-3 District

(1) Open Space/Common Space

a. For all *nonresidential buildings* in excess of 10,000 square feet of *gross floor area*, a minimum of 25 square feet of *open space* per 1,000' square feet of *gross floor area* up to a maximum of 10,000 square feet of *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 1000' foot radius of publicly accessible *open space*, then a minimum of 13 square feet of *open space* per 1000' of *gross floor area* shall be required on such *lot* up to a maximum of 10,000 square feet of *open space*.

b. For all *mixed use buildings* and *residential principal buildings*, a minimum of 50 square feet per *dwelling unit* of *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 1000' foot radius of publicly accessible *open space*, then a minimum of 25 square feet of *open space* per *dwelling unit* shall be required.

c. *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 space per *dwelling unit* in addition, to the *open space* required upon subsection 43(i)(1)b above. Common Space may include (i) *open space* in addition to that which is required to be provided under Subsection 43(i)(1)b. above, (ii) interior space that is available to all of the residents of the *mixed use building* or the *residential principal building*, such as bicycle rooms, business centers, gyms, laundry rooms, common restrooms, lobbies, party rooms, indoor pools, shared overnight guest quarters, theaters, libraries, game rooms, common recreational/function rooms, and (iii) storage space not located within a *dwelling unit* but which is assigned to an individual *dwelling unit*.

(2) *Principal Entrances*

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*.

(3) *Transparent and Active Uses*

a. 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. 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. 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.

Section 44. On Premises signs

(a) *Definitions*

SIGN, PROJECTING or BLADE– A *sign* attached to and projecting out from a *building* face or wall, generally at right angles to the *building*, including *signs* that project into the right-of-way.

(b) *On premises signs* permitted in business and industrial districts.

(3) *Business signs* incidental to any permitted use in a business or industrial district, subject to the requirements of this subsection (44)(b)(3) and subsection 44(c) below.

a. The total *area* of all such signs for each establishment shall not exceed four square feet in the case of the Business D District, and the Business D-3 District, or three square feet in the case of all other business and industrial districts, for each foot of length of the front *building* wall (or length of that portion of such wall which is devoted to such establishment) with the following qualifications:

(c) *Additional requirements for all signs in business and industrial districts:*

(8) In the Business D-3 District, there shall be no flashing business signs.

Section 44.1 Off Premises Signs.

(2) *Locations prohibited for off premises signs .*

a. Within any Residence District (RS-1, RS-2, RM-1, RM-2, RH-1, RH-2, RO) or the BA-1, BC, BD, BD-1, or the BD-3 Business Districts.

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

(a) *Parking and loading*

(1) Off-street *parking* and off-street *loading spaces* shall be furnished in the following quantities for business and industrial *uses* in the case 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 in the Business A-1, Business D, D-1, D-2 and D-3 Districts as provided in clause a.1 below). . . .

a. 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.

<i>Key Letter</i>	<i>General Description of Uses</i>	<i>Quantity of parking spaces</i>
d.- <u>Reserved</u>	Office of medical praitioner <u>Reserved</u>	<u>3 Per Praitioner Reserved</u>

1. 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 exception of the following uses in Business D-1 Districts:

- A. Hotels, bed and breakfasts or tourist homes with 13 or more guest rooms.
- B. Funeral homes.
- C. Establishments not meeting the definition of “Restaurant” under Article 1, 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 inpatient hospitals and health care outpatient clinics and public health centers~~ (subject to Section 12(b)(1)(h).
- E. ~~Health Medical Practitioners' Offices.~~
- F. Assembly Hall
- G. Dance hall, lodge, social club, veterans or fraternal organization
- H. Theater
- I. ~~Regional Outpatient Clinics, Regional Public Health Centers~~ Outpatient Surgical Facilities/Ambulatory Surgical Centers
- J. Nursing Homes
- K. Recovery Care Centers

Uses of the types allowed in RH-2 Districts, other than ***dwelling and hospital and health care clinics medical institutional use***, shall also be exempted from parking requirements in the Business D, D-1, D-2, and D-3 Districts. ***Dwellings*** in the Business D District shall be subject to the parking requirements of RH-2 Districts and ***hospital and medical institutional use*** in the BD-2 Districts shall be subject to the parking requirements of section 12(b)(1)(h). ***Dwellings*** in the Business D-1 District shall have, for each ***dwelling unit***, one ***parking space***, except that only one-half ***parking space*** shall be required for each ***dwelling unit*** for the elderly. In the BD-3 District, one-half ***parking space*** shall be required for each ***dwelling unit, live-work unit, unit of an assisted living facility, or housing unit*** for the elderly or the disabled.. In the BD-3 District, three ***parking spaces*** shall be required for each 1,000 square feet of ***gross floor area*** of a ***health care clinic***; one parking space shall be required for each bed in a nursing home; and one parking space shall be required for each bed in a ***recovery care center***. Notwithstanding the foregoing, the quantity of ***parking spaces*** required in the Business D-3 District for health care clinics may be reduced if there is ***shared parking*** as set forth in § 45(a)(6). As set forth in subsection 45(a)(1)a.7 below, in all business and industrial districts, the quantity of required parking spaces may be reduced if ***carsharing parking spaces*** are provided. Required ***parking spaces*** in the Business D-1 and D-3 Districts shall be located within a 1,000 foot radius of the outside entrance of the dwelling if such spaces are not located on the same ***lot*** as the dwelling. In the Business D-3 District, required ***parking spaces*** for all other uses shall be located within a 1,000 foot radius of the outside entrance of the ***building*** which houses such other uses if such spaces are not on the same ***lot*** as such other ***uses***. These exemptions follow an established policy of providing public, commercial and cooperative private parking for non-residential ***uses*** in the intensively developed Business D, D-1 D-2 and D-3 Districts, for those customers, employees and visitors who do not arrive by public transportation.

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, in 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 feet ***walking distance*** of such ***use***, and shall comply with paragraph 45(a)(5) below.

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. Notwithstanding the foregoing, in the Business D-3 District, 30% 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. 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 5% 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 10% of the required *parking spaces*. Fifty percent of *carsharing parking spaces* at the same location may be *compact parking spaces*.

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 D1 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.

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.

(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:

(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%.

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%.

Section 47. Provisions for transition where business and industrial districts abut residence districts.

(e) The provisions of this section 47 shall not apply to the Business D-3 District.