



ZONING ORDINANCE CITY OF NEW HAVEN, CONNECTICUT1

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ARTICLE I. DEFINITIONS

Contents:

Section 1. Definitions.

Section 1. Definitions.

The following definitions shall apply to all parts of the zoning ordinance. Words not defined in this ordinance shall be as defined in the most current edition of Webster's New World Dictionary, College Edition. Words in boldface italic in this ordinance are defined in this Article I or in an applicable section if their use is limited.

ACCESS CORRIDOR: A portion of the site providing access from a street and having a minimum dimension less than the required *lot width*, except that no portion of a site having side lot lines radial to the center of curvature of a street from the street property line to the rear lot line shall be deemed an access *corridor*. The area of an *access* corridor shall not be included in determining the *lot area*.

ACCESSORY BUILDING: See BUILDING, ACCESSORY.

ACCESSORY RESIDENTIAL BUILDING, STRUCTURE OR USE: See RESIDENTIAL ACCESSORY BUILDING, STRUCTURE OR USE.

ACCESSORY USE: See USE, ACCESSORY.

ADAPTIVE REUSE means the process of taking an existing structure and updating or adapting it for a new use or purpose.

ADULT CABARET: An establishment that regularly features topless dancers, go-go dancers, exotic dancers, nude dancers, male or female impersonators, or similar entertainers.

ADVERTISING SIGN: See SIGN, ADVERTISING.

AFFORDABLE HOUSING: The term "affordable housing," "affordable rental housing" or "housing affordable to rental households" is housing that costs no more than 30 percent of household income for rent and utilities, for households earning 60% or less of area median income. Unless otherwise specified by funding sources, or other agreement made with the City of New Haven, deed restricted units shall remain affordable for a period of 40 years after following issuance of the last certificate of occupancy for the qualifying development. In multi-phased qualifying developments, the period of affordability may begin upon issuance of the last certificate of occupancy for each phase, at the discretion of the Affordable Housing Commission.

AREA: See LOT AREA.

AREA MEDIAN INCOME: The term "area median income or "AMI" is the household income for the median household, according to the U.S. Department of Housing and Urban Development (HUD), calculated annually for the City of New Haven.

AREA OF SIGN: See SIGN, AREA OF.

AREA PER DWELLING UNIT: See LOT AREA PER DWELLING UNIT.

AREA PER SLEEPING ROOM: See LOT AREA PER SLEEPING ROOM.



ARTISAN MANUFACTURING means small-scale businesses that produce artisan goods such as artisan leather, glass, wood, paper, ceramic, textile, or yarn products; specialty foods; or baked goods, primarily for direct sales to consumers. This land use includes the design, processing, fabrication, assembly, treatment, and packaging of products as well as the incidental storage, sales, and distribution of such products.

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).

ATTACHED DWELLING: See DWELLING, ATTACHED.

AUTOMATIC TELLER MACHINE: Any electronic machine that enables customers to withdraw paper money or carry out other banking transactions on insertion of an encoded plastic card.

AVERAGE HEIGHT (OF A BUILDING): See HEIGHT, AVERAGE.

AVERAGE LOT WIDTH: See LOT WIDTH, AVERAGE.

BELT SIGN: See SIGN, BELT.

BOARDER: See ROOMER, BOARDER OR LODGER.

BOARDING HOUSE: See ROOMING, BOARDING OR LODGING HOUSE.

BRIGHT COLOR mean bold and intense in nature, and typically visually striking and noticeable due to their hue and saturation.

BUFFERING means protecting or separating an area of land from the visual effects of another area by way of physical means, which may include trees, shrubs, walls, fences, berms/mounds, space or related landscaping features required under this ordinance for buffering lots or parcels from adjacent properties or rights-of-way for the purpose of increasing visual shielding or other aspects of privacy or aesthetics.

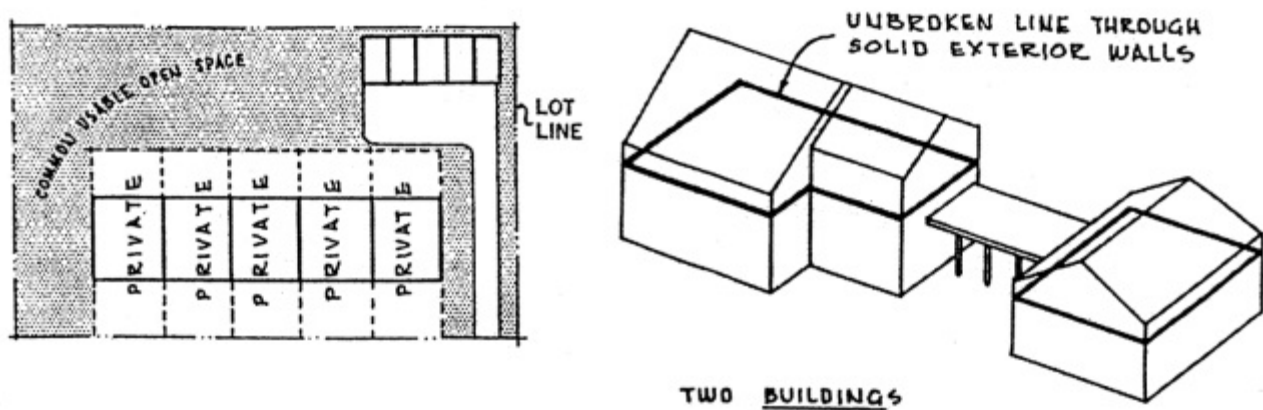
BUILDING: A structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support of enclosure of persons, animals or property of any kind.

The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building. A building may occupy more than one lot, but in the case of a series of two or more attached and/or semi-detached dwellings, the building which such dwellings comprise shall be considered to occupy a single lot, regardless of ownership, for purposes of determining lot area, average lot width, lot area per dwelling unit, floor area ratio, the number of parking spaces and other pertinent requirements, if the resulting parking spaces are usable open space and will continue to be available in the same proportion to all occupants of the building or buildings on the lot; otherwise, each such dwelling shall be considered to occupy a separate lot.

BUILDING, ACCESSORY: A building located on the same lot as a principal building and devoted or intended to be devoted to an accessory use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

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

BUILDING, PRINCIPAL: A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.



BUILDING COVERAGE means the proportion of the lot area, expressed as a percent, that is covered by the maximum horizontal cross section of a building or buildings. Structures which are below the finished lot grade, including shelters for nuclear fall-out, shall not be included in building coverage.

BUILDING FOUNDATION WALL means a wall of the foundation upon which a building rests.

BUILDING FRONTAGE means the length of an outside building wall along a dedicated public or private street.

BUSINESS SIGN: See SIGN, BUSINESS.

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

CAT CAFÉ means any premises used to house or contain homeless, orphaned, or unwanted cats and that is owned, operated, or maintained by an organization that is licensed by the State as an animal shelter and devoted to the welfare, protection, and humane treatment of animals for the purpose of adoption, and which incorporates retail sales to support the interaction of patrons with cats, such as a café, bookshop, or other permitted use.

CHILD DAYCARE CENTER: See DAYCARE.

COASTAL JURISDICTION LINE (CJL) means that defined in Connecticut General Statutes 22a-359 as amended by Public Act 12-101.

COMMON AMENITY SPACE: (i) Common amenity interior space that is available to all residents of a residential principal building or a mixed use building for their use and enjoyment, 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, conference rooms, but not including utility or similar rooms, corridors, or in a mixed use building, commercial space; (ii) storage space not located within a dwelling unit but which is assigned to an individual dwelling unit; and (iii) usable open space that is provided in addition to the usable open space that is required to be provided under this ordinance.

COMPACT PARKING SPACE: A parking space that measures 7.5 feet × 15 feet.

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.

CONSTRUCTION STAGING AREA means the use of a structure or lot, in whole or in part, for the storage of materials and supplies associated with an off-site transportation, public works and/or private sector construction project.



CONVENIENCE STORE means any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

CONVENTION CENTER means 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-premises consumption, excluding the provision of rooms for rent.

CORNER LOT: See LOT, CORNER.

COURT means a horizontal open space between the exterior walls of a single building that face one another on an angle of less than 60 degrees, excluding shafts designed solely for ventilation.

COVERAGE: See BUILDING COVERAGE.

CUSTODIAL CARE FACILITY means a facility which provides custodial care and treatment in a protective living environment for persons accused or convicted of a misdemeanor or a non-violent felony and residing voluntarily or by court placement, including, without limitation, correctional and post correctional facilities, halfway houses, transitional housing, juvenile detention facilities and temporary detention facilities, such as alternative to incarceration programs approved by the Chief Court Administrator in accord with the Connecticut General Statutes Sec. 53a-39a. This provision is not intended to address disabled individuals pursuant to the Fair Housing Act.

DATA PROCESSING CENTER OR SERVICES means establishments primarily involved in the compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing a main frame computer.

DAYCARE means the term daycare includes any of the three specifically defined daycare uses listed below. The following definitions conform to the daycare permit categories defined by Public Act 82-35.

- a. **Child daycare center:** Any premises used for care of more than 12 children, and meeting all standards of the Connecticut Department of Health Services.
- b. **Group daycare home:** Any premises used for the care of not less than seven nor more than 12 related or unrelated children, and meeting all standards of the Connecticut Department of Health Services.
- c. **Family daycare home:** A private family home caring for not more than six children, including the provider's own children not at school full time, and meeting all standards of the Connecticut Department of Health Services.
- d. **Special workplace daycare:** Any of the above-described uses primarily serving employees of the immediate zoning district in which the workplace is located.

DETACHED DWELLINGS: See DWELLING, DETACHED.

DIRECTLY ILLUMINATED SIGN: See SIGN, DIRECTLY ILLUMINATED.

DORMITORY: A building or part of a building operated by an institution containing a room or rooms forming one or more habitable units which are used or intended to be used by residents of the institution for living and sleeping, but not for cooking or eating purposes.

DRUG PARAPHERNALIA means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the laws of the State of Connecticut or of the United States. The term includes, but it not limited to:



- (1) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
- (3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (4) Testing equipment used, intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
- (5) Scales and balances used, intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
- (6) Dilutents and adulterants, such a quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;
- (7) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;
- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;
- (9) Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;
- (10) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;
- (11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
- (12) Objects used, intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - b. Water pipes;
 - c. Carburetion tubes and devices;
 - d. Smoking and carburetion masks;
 - e. Roach clips, meaning objects used in holding burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - f. Miniature cocaine spoons, and cocaine vials;
 - g. Chamber pipes;
 - h. Carburetor pipes;
 - i. Electric pipes;
 - j. Air-driven pipes;
 - k. Chillums;
 - l. Bongs;
 - m. Ice pipes or chillers.

In determining whether an object is drug paraphernalia, a court, zoning officer, zoning board, building department, or other authority should consider, in addition to all other logically relevant factors, the following:



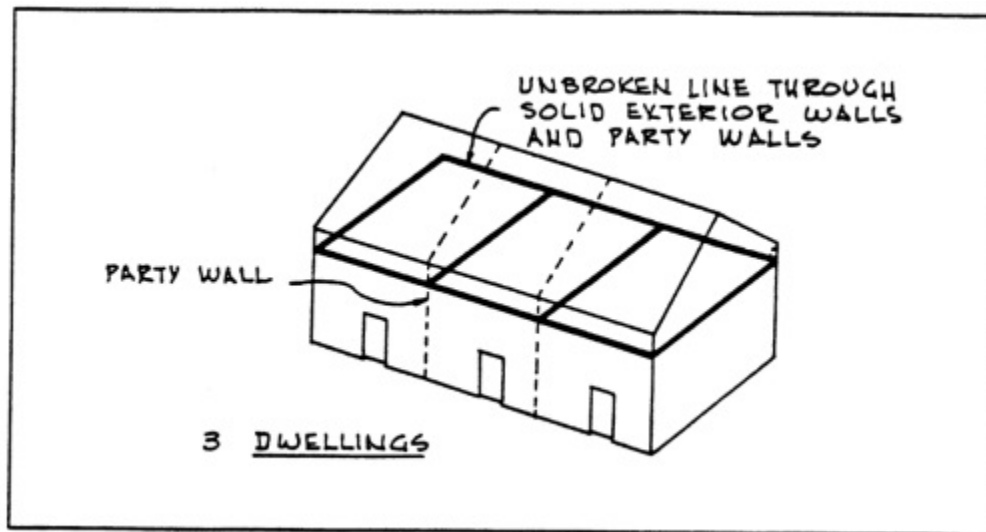
1. Statements by an owner or by anyone in control of the object concerning its use;
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under a state or federal law relating to any controlled substance;
3. The proximity of the object, in time and space, to a direct violation of such law;
4. The proximity of the object to controlled substances;
5. The existence of any residue of controlled substances on the object;
6. Direct or circumstantial evidence of the intent of an owner, of anyone control of the object, to deliver it to persons whom it knows, or should reasonably know, intend to use the object to facilitate a violation of any law of the State of Connecticut or of the United States; the innocence of the owner, or of anyone in control of the object, as to a direct violation of such law shall not prevent a finding the object is intended for use, or designed for use as drug paraphernalia.
7. Instructions, oral or written, provided with the object concerning its use;
8. Descriptive materials accompanying any object which explain or depict its use;
9. National or local advertising concerning its use;
10. The manner in which the object is displayed for sale;
11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
13. The existence and scope of legitimate uses for the object in the community;
14. Expert testimony concerning its use;

DRUG PARAPHERNALIA CENTER means any store, restaurant, bar, premises or other establishment which, in addition to any other trade, business or service conducted therein, includes a significant amount of drug paraphernalia. For the purposes of this zoning ordinance, an amount of drug paraphernalia shall be deemed significant as to any store, restaurant, bar, premises or other establishment if:

- (a) 10% or more of the square footage or active display area of such store, restaurant, bar, social club, premises or other establishment is devoted to or occupied by drug paraphernalia; or
- (b) 10% or more of the monthly gross revenue of such store, restaurant, bar, social club, premises or other establishment is or can reasonably be expected to be attributable to the sale or rental of drug paraphernalia; or
- (c) 10% or more of the value of the inventory and equipment or of such store, restaurant, bar, social club, premises, or other establishment consists of drug paraphernalia.

Any amount above such a threshold shall be deemed a separate use, subject to the provisions of the New Haven Zoning Ordinance.

DWELLING means a building containing one or more dwelling units; but in the case of a building having two or more portions divided by one or more party walls forming a complete separation, each such portion shall be considered to be a separate building.



3 Dwellings

DWELLING, ATTACHED: A dwelling having any portion of each of two walls in common with adjoining dwellings.

DWELLING, DETACHED: A dwelling having open space on all sides.

DWELLING, MULTI-FAMILY means a dwelling having three or more dwelling units.

DWELLING, SEMI-DETACHED means a dwelling having any portion of one wall in common with an adjoining dwelling.

DWELLING, SINGLE-FAMILY means a dwelling having only one dwelling unit from ground to roof and having independent outside access.

DWELLING, TWO-FAMILY: A dwelling having two dwelling units, one above the other.

DWELLING UNIT means any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.

ECO ROOF (also known as a green roof, living or vegetated roof) means an Eco roof is the area atop a roof surface on a building or a parking structure, open to the sky and air, which is surfaced with soil and living plant materials for the purpose of retaining rainwater and absorbing heat from sunlight. An Eco roof is planted over a roofing system with waterproofed membrane and provision for drainage and is created by adding layers of growing medium and plants. Extensive Eco roofs generally have a soil depth of less than six inches. Intensive Eco roofs typically have a soil depth of more than six inches. An Eco roof may be accessible only for maintenance or may be accessible to public. At-grade or partially at grade green spaces over subsurface structures such as tunnels, parking structures, and basements may be considered as an Eco roof for bonuses if constructed and performing in the same manner as an Intensive Eco roof, and approved by the City Plan Commission taking into consideration advice of the City Plan Department and the Department of Engineering, or by the City Plan Department, taking into consideration the advice of the Department of Engineering, where only administrative site plan review is required. Eco roofs must be installed by an accredited Green Roof Professional (GRP).



EFFICIENCY UNIT means a dwelling unit having only one room exclusive of bathroom, water closet compartment, kitchen, laundry, pantry, foyer, communicating corridor, closets or any dining alcove with less than 70 square feet of floor space. In no event shall the gross floor area of the efficiency unit (the one room plus all other elements designated above) exceed 500 square feet.

ELDERLY HOUSING UNIT means a dwelling unit specifically designed for the needs of an elderly person or persons, and conforming to the requirements of state and/or federal programs providing for housing for the elderly.

ELECTRIC VEHICLE SUPPLY EQUIPMENT means any level or capacity of supply equipment installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

ELECTRIC VEHICLE CHARGING SPACE means a space designated by the City for charging electric vehicles.

ELEVATED BUILDING means a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ENCLOSURE means an area that is enclosed on all sides by walls. Enclosed areas are permitted below the lowest floor provided the enclosed areas meet certain use restrictions (used only for parking of vehicles, building access, or storage) and construction requirements related to flood resistance, including use of flood damage-resistant materials and installation of openings to allow for automatic entry and exit of floodwater.

ENTRANCE, PRINCIPAL means 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.

FAMILY means a person living alone, or any of the following groups living together, with any domestic servants or gratuitous guests thereof, as a single non-profit housekeeping unit and sharing common, bathing, sleeping, cooking and eating facilities, sharing at least one common living room space:

- (a) Any number of people related by blood, marriage, adoption or legally recognized foster relationship;
- (b) A group of up to four (4) people who need not be so related with up to an additional four (4) people related to a person in the group by blood, marriage, adoption or legally recognized foster relationship;
- (c) Not more than eight (8) people who are disabled as defined in the Fair Housing Act, 42 U.S.C. s 3602 (h) and this ordinance as well as one (1) facility manager. This definition does not include those persons currently illegally using a "controlled substance" as defined in the Controlled Substances Act, 21 U.S.C. s 802 (6) or those persons claiming to be disabled solely on the basis of having been adjudicated a juvenile delinquent, having a criminal record or being a sex offender.

Exceptions: "Family" does not include and shall not be interpreted to include the following facilities addressed in this and other sections of this ordinance: Convalescent Homes (including hospices), Rest Homes, Nursing Homes and Sanitariums, Rectories, Convents, Rooming, Boarding or Lodging Houses, Fraternities, Sororities, Custodial Care Facilities or Dormitories.

Note: For the purposes of this Ordinance, the term "disabled" shall have the same meaning as the term "handicapped" as contained in the Fair Housing Act.

Note: Occupancy limits established under the Housing Code may further limit the number of people living in one dwelling unit.

FAMILY DAYCARE HOME: See DAYCARE.

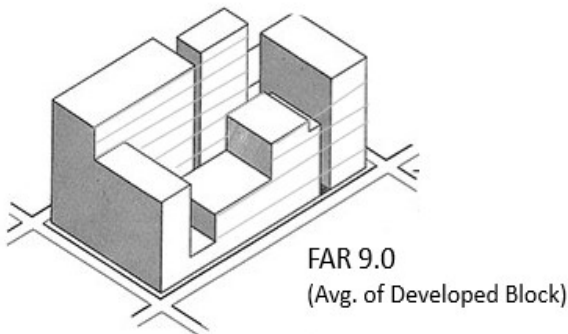
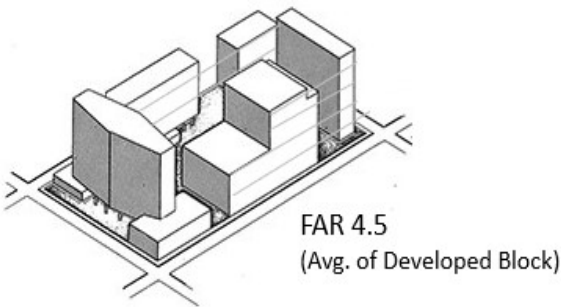
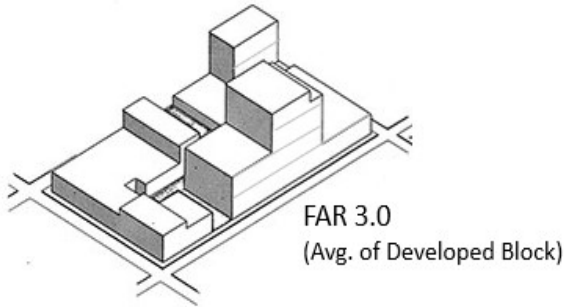
FINISHED LOT GRADE: See LOT GRADE, FINISHED.



FLOOR AREA, GROSS means the sum of the gross horizontal areas of the several floors of a building, measured from

the exterior faces of exterior walls (and from the center lines of party walls if the portions of the building separated by such party walls are to be treated separately), including:

- (1) Basement space where more than one-half the basement height is above the finished lot grade average along the exterior walls of the building;
- (2) Elevators and stairwells at each floor;
- (3) Attic space, whether or not a floor has been laid, over which there is structural headroom of seven foot or more; and
- (4) Enclosed porches, interior balconies and mezzanines, and penthouses; and excluding floor space permanently devoted to mechanical equipment used in the operation and maintenance of the building, and floor space permanently devoted to a parking space or parking spaces.



FLOOR AREA, NET means the total floor area within a building devoted or intended to be devoted to a particular use, with structural headroom of seven feet or more, whether above or below the finished lot grade, excluding (a) elevators, stairwells, hallways, walls and partitions, and (b) floor space permanently devoted to a parking space or parking spaces, mechanical equipment, closets, washrooms, or other items permanently preventing the floor space from being occupied by persons while engaged in the use.

FLOOR AREA RATIO means the ratio of the gross floor area to the principal building or principal buildings on a lot to the total lot area.

FOUNDATION WALL: See BUILDING FOUNDATION WALL.

FRONT LOT LINE: See LOT LINE, FRONT.

FRONT YARD: See YARD, FRONT.

GAME MACHINE means any machine or device operated by the insertion of a coin, token or similar object, or other means of payment for the purpose of amusement, recreation skill, or chance, such as electronic game machines, video games, pin ball, pool tables or other similar devices. The term game machine shall not include a bowling alley or juke box.

GAME ROOM means a building or portion thereof whose principal use or intended use is for operation of three or more game machines for the use by the general public or specific invitees.

GREEN STORMWATER INFRASTRUCTURE means infrastructure including a range of soil-water-plant systems that intercept stormwater, infiltrate a portion of it into the ground, and/or transfer a portion of it into the air through evapotranspiration.

GROSS FLOOR AREA: See FLOOR AREA, GROSS.

GROUND SIGN: See SIGN, GROUND.

GROUP DAYCARE HOME: See DAYCARE.

HEALTH CARE CLINIC means an outpatient clinic licensed by the Connecticut Department of Public 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 Public 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, Use Regulations for Business and Industrial Districts](#).

HEALTH PRACTITIONER'S OFFICE means an 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 Health Care Clinic or an Outpatient Surgical Center listed in [Section 42, Use Regulations for Business and Industrial Districts](#).

HEIGHT means the vertical distance from the average elevation of the finished lot grade to the highest point of the ceiling of the top story of a building or structure in the case of a flat roof, to the deck line of a mansard roof, and the average height between the eaves and ridge of a gable, hip or gambrel roof.

HEIGHT, AVERAGE means the total volume of a building or structure (enclosed by the outer faces of building or structure walls, the outer faces of roofs, and the finished lot grade), divided by the area of the maximum horizontal cross-section of the building or structure. Average height for a portion of a building or structure is measured in an equivalent manner as to that portion.

HIGH-RISE BUILDING means a freestanding structure with a minimum height of 10 stories.

HIGH TECHNOLOGY EQUIPMENT DESIGN AND FABRICATION means 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 means 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 means 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.

INDIRECTLY ILLUMINATED SIGN: See SIGN, INDIRECTLY ILLUMINATED.

LEED means the series of Leadership in Energy and Environmental Design (LEED) rating systems developed by the Green Building Council.

LEED ACCREDITED PROFESSIONAL means any person who has passed the LEED Professional Accreditation Exam administered by the Green Building Council.



LEED CERTIFIED-LEVEL means the lowest level of the LEED rating systems.

LEED GOLD RATING means the second highest level of the LEED rating systems.

LEED PLATINUM RATING means the highest level of the LEED rating systems.

LEED RATING SYSTEM means the particular LEED rating system that applies to a building.

LEED SCORECARD means the checklist developed by the Green Building Council for the purpose of calculating a score on the LEED rating system.

LEED SILVER RATING means the second lowest level of the LEED rating systems.

LETTER OF MAP AMENDMENT (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA).

LETTER OF MAP CHANGE (LOMC) means a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F).

LETTER OF MAP REVISION (LOMR) means the Federal Emergency Management Agency's (FEMA's) official modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both.

LETTER OF MAP REVISION BASED ON FILL (LOMR-F) means FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

LIVE-WORK CONVERSION AND LIVE-WORK UNIT means 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 Subsection 13(b)(2)a. as well as other commercial and fabrication uses subject to the requirements of Section 18A, *Live-Work Loft Conversions*, and Section 18B, *Live-Work Units (post 1963 and new structures)*.

LOADING SPACE means an off-street space available for the standing, loading or unloading of one truck, excluding adequate maneuvering area.

LOBBY means a space designed to provide separation and control access between public spaces and commercial or residential spaces, including access to dwelling units. The term includes vestibules, foyers, and spaces or areas that provide access to elevators.

LODGER: See ROOMER, BOARDER OR LODGER.

LODGING HOUSE: See ROOMING, BOARDING OR LODGING HOUSE.

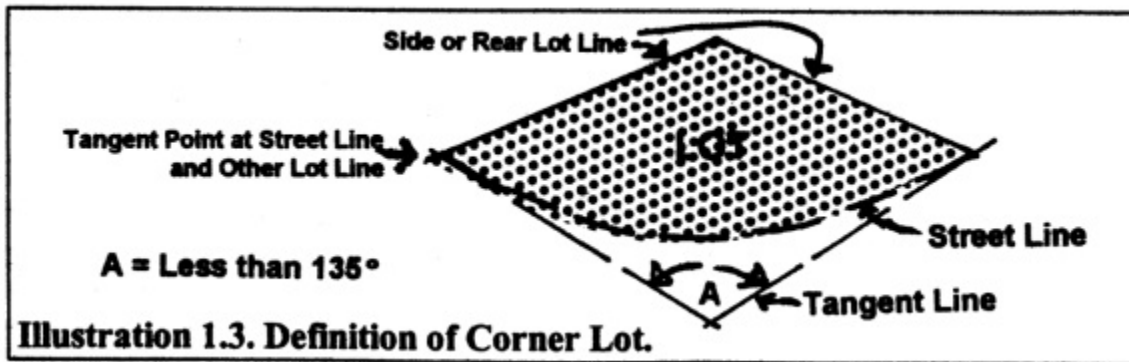
LOT means a parcel of land in the same ownership, or any part thereof designated by its owner or owners as a separate lot having a frontage on a street. The lot shall have access on an accepted street that is determined by the city engineer, police, public works, fire and traffic and parking departments to be adequate for the needs of the departments. The beneficiaries of a private easement cannot consider the area of the easement for calculation of lot area for purposes of this ordinance. For purposes of this ordinance, a lot may or may not have boundaries identical with those shown on New Haven Land Records.



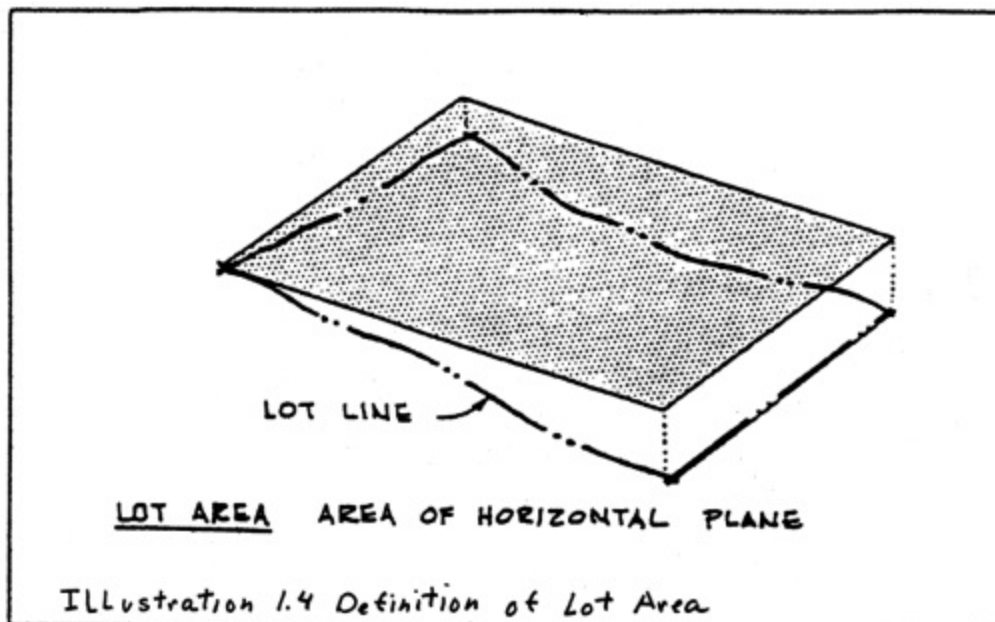
Notwithstanding the provisions of this ordinance, the following shall be deemed to constitute a lot: any parcel of land subject to a declaration recorded prior to the enactment of this amendment under the Common Interest Ownership Act as delineated in the General Statutes of the State of Connecticut, as amended from time to time, to which the declarant rights are retained by the declarant or its successor to any lands or real property described in said declaration, surveys or schedules attached thereto and which has, in whole or part, been subject to previously approved or permits for development and use including, but not limited to, building permits or certificates of occupancy for any portion of the land or real property subject to said declaration, either in the text, description or maps attached thereto.

Contiguous parcels occupied or proposed to be occupied entirely by public or institutional uses may be considered to make up a single lot whether under the same ownership or not, if joint application for building permits is made by all the owners of such parcels.

A series of two or more attached and/or semi-detached dwellings may under certain conditions be considered to occupy a single lot regardless of ownership (see BUILDING definition).



Corner Lot



Lot Area



Note—A series of two or more attached and/or semi-detached dwellings may under certain conditions be considered to occupy a single lot regardless of ownership (see definition of BUILDING).

Note—Lot area as used in all sections of this ordinance shall not include the following categories of land area:

1. State-designated tidal wetlands defined and mapped under Sections 22a-29(a)(2) and 22a-30 of the Connecticut General Statutes (CGS).
2. Wetlands and water courses defined under Sections 22a-38(15) and (16) of the CGS and appearing on the U.S.D.A. Soil Conservation Service Soil Survey of New Haven County.
3. Any land below the mean high water mark.

LOT AREA PER DWELLING UNIT means the amount of lot area, whether occupied by structures or not, that exists for each dwelling unit located on the lot.

LOT AREA PER SLEEPING ROOM (ROOMING, BOARDING OR LODGING HOUSE) means the amount of lot area, whether occupied by structures or not, that exists for each sleeping room located on the lot.

LOT, DOUBLE FRONTAGE means an interior lot having a frontage on more than one street.

LOT, FLAG OR CORRIDOR means a lot connected to a street by an access corridor having a width of not less than 16 feet or more than 25 feet, and having a length not exceeding 250 feet.

LOT GRADE, FINISHED means the lot surface as graded and prepared for building, and such surface if imagined to be extended through any structure on the lot.

LOT LINE means any boundary of a lot, except where a lot contains a body of water or inland or tidal wetlands the lot line shall be the mean high water mark or the boundary of the inland or tidal wetland.

LOT LINE, FRONT means a street line, or in the case of a flag or corridor lot the lot line closest to the street shall be considered the front lot line.

LOT LINE, REAR means any lot line which is parallel to or within 45 degrees of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of odd shape, only the one lot line furthest from any street shall be considered a rear lot line.

LOT LINE, SIDE means any lot line which is not a street line or a rear lot line.

MEAT PROCESSING means establishments primarily engaged in processing, preserving, cutting and packaging meat and meat byproducts. Meat processing excludes slaughtering and rendering.

MICRO-BREWERY means an establishment engaged in on-site brewing of beer and sales of beer by the glass for on-premise consumption. These establishments are primarily used for the production of beer and ale and may include retail and food service as an accessory use. The brewing operation processes the ingredients to make beer and ale by mashing, cooking, and fermenting. The brewing operation does not include the production of any other alcoholic beverage.

MICRO-DISTILLERY means an establishment primarily engaged in on-site distillation of spirits and may include retail and food service as an accessory use. The distillery operation processes the ingredients to make spirits by mashing, cooking, fermenting and distilling. The micro-distillery operation does not include the production of any other alcoholic beverage.

MICRO-MANUFACTURING means the manufacturing of products in small quantities using small manufacturing facilities.

MID-RISE BUILDING means a freestanding structure ranging from five to nine stories.

MIXED USE means a land use where more than one classification of land use (for example, commercial office, retail and service, public, institutional, medical) permitted within a zoning district is combined on a lot or within a structure.

MIXED USE BUILDING means a building that incorporates two or more use types within a single building, provided each use type is permitted within the applicable zoning district in the building.

MIXED-USE DEVELOPMENT means a tract of land or structure developed for two or more different uses, such as, but not limited to, residential, office, retail, institutional, public, or entertainment. Such uses are functionally integrated and share vehicular use areas, ingress/egress, and pedestrian access.

MULTI-FAMILY DWELLING: See DWELLING, MULTI-FAMILY.

MULTI-LOT RESIDENTIAL DEVELOPMENT means a residential or mixed use development located in a RM-1, RM-2, RH-1, RH-2, or RO District, on more than one lot, which is to be developed, operated and maintained as a single development and which contains at least one of the following: (i) one or more residential accessory buildings, structures or use(s) that are available to all residents of the development or (ii) common usable open space within the development which is available to all residents of the development or (iii) parking spaces on a lot in the development which are available to residents of another lot in the development. A multi-lot residential development may be developed in phases.

NEIGHBORHOOD PLANNING AGENCY means any incorporated neighborhood based organization (a) having the staff capability to do comprehensive neighborhood planning and to make reports; and (b) having applied for and received official "neighborhood planning agency" designation from the Board of AldermenAlders. Such designations shall be granted only to organizations which identify in the application with specificity the geographic area they represent and show they are representative of community residents or have a process for including community participation, and demonstrate objectivity in their approach to neighborhood matters and any other relevant facts. Such designation shall be effective for two-year periods and organizations may apply for redesignation.

NET ZERO means zero net energy consumption, meaning the total amount of energy used by a building(s) on an annual basis is roughly equal to the amount of renewable energy created on the site.

NONCONFORMING USE: See USE, NONCONFORMING.

NON-ILLUMINATING SIGN: See SIGN, NON-ILLUMINATED.

NON-RESIDENTIAL BUILDING means a building that has a commercial or other non-residential use. This excludes residential uses.

NURSERY: See DAYCARE.

OPEN SPACE, USABLE means space on a lot or on or attached to a building or located in a multi-lot residential development 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 usable open space requirements) or service driveways. Usable open space includes but is not limited to parks, lawns, running trails, wildlife viewing areas, ponds, balconies, patios, courtyards, gardens, private yards, plazas, greens, squares, 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 and which meet the following minimum standards:

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



- b. All common grade level usable open space shall be landscaped and otherwise developed to maximize recreational utility. Landscape improvements shall include trees, shrubs, ground cover and, wherever possible, the retention of existing landscape features.
- c. Any usable open space provided above grade level, either in the form of a roof terrace or deck, shall include as improvements at least the following: a wearing surface in addition to a standard rooftop finish, safety railings or walls, passive recreational facilities such as benches, sheltered arbors and vegetative landscaping, and lighting.

PARKING, SHARED means 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 percent of the off-street parking provided for a building is available for public use, in terms of 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.

PARKING STRUCTURE means a structure designed to accommodate parking spaces that are fully or partially enclosed or located on the deck surface of a building. The phrase includes parking garages, deck parking, and underground or under-building parking areas.

PARKING SPACE means an off-street space available for the parking of one automobile (excluding adequate driveways and aisles) and meeting the ordinance requirements of the appropriate district in which such parking space is located. The term parking space shall include garages, carports, and other enclosed and semi-enclosed spaces for the parking of automobiles.

PEDESTRIAN PRIORITY AREA means the area between streets and buildings and other improvements designed for the use of pedestrians.

PERMEABLE or PERVIOUS means surfaces which allow for the percolation of water into the underlying soil. Permeable surfaces include but are not limited to grass, mulched groundcover, planted areas, permeable paving as well as porches and decks erected on pier foundations that maintain the covered lot surface's water permeability. Pervious surfaces do not include any structure or building, any porch or deck that limits the covered lot surface from absorbing water, or any outdoor stairs, on-grade surface sports court, swimming pool, artificial turf, sidewalk or patio constructed of concrete, asphalt, brick, compacted gravel or other material that impedes the infiltration of water directly into the subsurface of the lot.

PODIUM CONSTRUCTION means a construction method that divides a building into lower and upper portions for which the lower portion, the "podium", is one or two stories that are built of a robust structural system, such as steel or reinforced concrete. The upper portion, which may be a maximum of five residential stories or six business stories, according to the International Building Code (IBC), is built of a more economical structural system, such as wood light frame construction (WLFC). The horizontal separation created by the podium is deemed to be "grade" for the purposes of determining the number of stories that can be built above the podium.

POLE SIGN: See SIGN, POLE.

POLLUTION REDUCTION FACILITIES mean any structure or drainage device that is designed, constructed, and maintained to collect and filter surface water runoff during and after a storm event for the purpose of protecting, maintaining, or improving surface and/or groundwater quality.

PRINCIPAL BUILDING: See BUILDING, PRINCIPAL.

PRINCIPAL USE: See USE, PRINCIPAL.



PROJECTION means any structure attached to a principal or accessory building and extending beyond the face of a building foundation wall, including roofs, cornices, chimneys, bay windows, shading devices, shelters, carports, balconies, outside stairways, fire escapes, steps and open porches, but excluding fences, flag poles, latticework, drying and recreational equipment, and landscape planting.

REAR LOT LINE: See LOT LINE, REAR.

REAR YARD: See YARD, REAR.

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

- a. Buildings such as storage sheds, pool houses, maintenance garages, and private greenhouses;
- b. Structures such as fences, walls, private swimming pools, and permitted signs;
- c. Parking spaces for the parking of passenger automobiles; but excluding parking of commercial vehicles other than vehicles not exceeding one-half ton loading capacity that are needed for travel to and from work by residents of the principal building, are completely enclosed within a building, and are without materials or equipment; and also excluding repairs, sale of gas, and other such commercial uses; and
- d. The keeping of one roomer, boarder or lodger as an accessory use to any dwelling unit, if such roomer, boarder or lodger is within the residential principal building.

RESIDENTIAL ANCILLARY USES means use areas such as lobbies and/or offices used by building management, and mail rooms for residents, as well as common areas used by residents for non-residential purposes such as meeting rooms, swimming pools, and exercise facilities.

RESIDENTIAL BUILDING means a building designated for habitation. A residential building means a non-commercial building designed for habitation by one or more families or a mixed-use building that qualifies as a single-family, two-to-four family, or other residential building.

RESIDENTIAL MIXED USE BUILDING means a building that incorporates residential and at least one other use type within a single building, provided each use type is permitted within the applicable zoning district in which the building is proposed. A residential mixed use building commonly includes a nonresidential use on the lower floors and one or more stories of residential use on the upper floors.

RESIDENTIAL PRINCIPAL BUILDING means any building containing one or more dwelling units, excluding residential accessory buildings for domestic servants and caretakers employed on the premises and for occasional gratuitous guests.

RESTAURANT means a space in a suitable and permanent building kept, used maintained, advertised and held out to and known by the public as primarily a food service establishment where hot meals are regularly served. If alcoholic drink is served in any restaurant, it shall be as an adjunct function of serving food and operate under a Restaurant Liquor Permit as provided in C.G.S. Section 30-22, as amended, and comply with all Liquor Control Commission Regulations pertaining thereto. Restaurants shall be open during regularly posted hours which are clearly marked and shall have no regular and recurring unusual barriers to entry such as cover charges or age restrictions.



ROOMER, BOARDER OR LODGER means a person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by prearrangement for a week or more at a time to an owner or operator who is not the husband or wife, son or daughter, mother or father, or sister or brother of such person. Any person occupying such room or rooms and paying such compensation without pre-arrangement or for less than a week at a time shall be classed for purposes of this ordinance not as a roomer, boarder or lodger, but as a guest of a commercial lodging establishment (tourist home, hotel or motel).

ROOMING, BOARDING OR LODGING HOUSE means a building, or any part of a building (other than an institutional building) occupied or intended to be occupied by four or more roomers, boarders, or lodgers. See also, RESIDENTIAL ACCESSORY BUILDING, STRUCTURE OR USE.

SEMI-DETACHED DWELLING: See DWELLING, SEMI-DETACHED.

SIDE LOT LINE: See LOT LINE, SIDE.

SIDE YARD: See YARD, SIDE.

SIGN means any structure, part thereof, or device or inscription attached thereto or painted or represented thereon, which is located upon any land, or any building, or on the outside or inside of a window, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark, or other representation used as, or in the nature of, an announcement, advertisement, direction, warning, or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry.

But this definition shall not include the flag, emblem, insignia, poster or other display of any nation or political subdivision including traffic or similar regulatory devices; or legal notices, warnings at railroad crossings, signs or tablets which are primarily memorials, or emblems of religious institutions that are attached to buildings.

SIGN, AREA OF means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the supports or uprights on which such sign is placed. Where a sign has two or more faces, the area of all such faces shall be included in determining the sign area, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of the larger of the two faces.

SIGN, BELT means a sign placed flat against the front wall of a building.

SIGN, BUSINESS means a sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered, or conducted, other than incidentally, on the premises upon which such sign is located, or to which it is affixed.

SIGN, DIRECTLY ILLUMINATED means a sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign including, but not limited to, neon and exposed lamp signs.

SIGN, GROUND means a free-standing sign resting upon the ground or attached to it by means of two or more poles or standards.

SIGN, INDIRECTLY ILLUMINATED means a sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere than on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be a directly illuminated sign.

SIGN, NON-ILLUMINATED means a sign which is not illuminated, either directly or indirectly.



SIGN, POLE means a free-standing sign attached to the ground by means of a single pole or standard.

SIGN, PROJECTING or BLADE means 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.

SINGLE-FAMILY DWELLING: See DWELLING, SINGLE-FAMILY.

SLEEPING ROOM means any room used or intended to be used for sleeping purposes.

STORY means that part of a building which is between the surface of a floor and the ceiling immediately above and has structural headroom of seven feet or more, excluding any such space which is contained in a cellar that is not more than one-half above the finished lot grade averaged along the building's exterior walls, and also excluding any such space that is not suitable for human habitation but devoted permanently to mechanical equipment used in the building's operation and maintenance.

STREET means 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 Alders **men** as a public right-of-way.

STREET LINE means the line separating private property from a street or alley existing or dedicated in public ownership.

STRUCTURE means anything constructed or erected, including a building, which has a permanent location on the ground, or anything attached to something having a permanent location on the ground.

STRUCTURED PARKING - See Parking Structure.

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the **value as appraised by the City of New Haven's Assessor's office** before the start of construction of the improvement.

SURFACE PARKING means any portion of a **lot** used for at-grade transient parking of operable motor vehicles, which is connected with a **street** or alley by a driveway which affords ingress and egress for motor vehicles.

TRANSPARENCY means the percentage of a street-facing **building** façade, measured between three and eight feet above the ground surface, that is covered by transparent elements (e.g., transparent windows and doors).

TRANSPORTATION STUDY (TS) or a Multi-Modal Transportation Analysis means a document inclusive of illustrations and narrative that is prepared by a qualified traffic engineering firm to assess the potential effects of a proposed development on the surrounding roadway, transit and pedestrian networks. The analysis is conducted to preserve the operational capacity and function of transportation infrastructure and to ensure that proposed development will support and make provisions for the safe travel of all road users, and to identify any necessary mitigation measures, (e.g., dedication of additional right-of-way, construction of turning lanes, or construction of traffic control facilities, etc.). In some cases, a TS may also be used to assess the potential impacts of an existing development that is experiencing significant changes in motorized traffic patterns. A TS shall consider applicable factors including, but not limited to, existing and forecasted traffic counts, intersection level of service, trip generation, impacts on major intersections, turning movements, traffic control, roadway capacity, sight distance and site ingress/egress and circulation.

TWO-FAMILY DWELLINGS: See DWELLING, TWO-FAMILY.

USABLE OPEN SPACE: See OPEN SPACE, USABLE.



USE means any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

USE, ACCESSORY means a use that is clearly incidental or subordinate to, and customary in connection with the principal use and is either located on the same lot with a principal use or in a multi-lot residential development.

USE, ACCESSORY, RESIDENTIAL: See RESIDENTIAL ACCESSORY BUILDING, STRUCTURE OR USE.

USE, NONCONFORMING means a use, structure or lot which existed lawfully, whether by variance or otherwise, on the date this Zoning Ordinance or any amendment thereto became effective, and which fails to conform to one or more of the applicable regulations in the zoning ordinance or such amendment thereto.

USE, PRINCIPAL means the main use on a lot.

UTILITY means public or private infrastructure serving a limited area with no on-site personnel, including on-site stormwater retention or detention facility, neighborhood serving telephone exchange/switching center, gas/electric/telephone/cable transmission lines, water and wastewater pump station or lift station, gas gates, reservoir, control structure, drainage well, water supply water well, utility and public service uses.

VEHICLE FLEET MANAGEMENT OPERATION means the processes that go into transporting items, using resources such as vehicles, drivers, fuel, spare parts, and so on. Fleet management means organizing and coordinating these resources and the operations. It helps streamline processes involved in the logistics of goods.

WALK-UP SERVICE means a facility used to provide goods and services to customers on foot (as opposed to a drive-in or drive-through) through windows or stations arranged and oriented to allow service and provision of goods without requiring customers to enter a building.

WALKING DISTANCE means the distance between an outside entrance to a building or part thereof or to an outdoor use, and a parking space assigned to such building, part thereof or outdoor use, along the shortest, most convenient pedestrian walkway open to the user or users of such parking space.

WASTE PROCESSING AND TRANSFER means uses that receive solid or liquid wastes for processing, storage, treatment or disposal on-site or for transfer to another location; uses that collect sanitary wastes; uses that treat contaminated materials; uses that process materials for recycling; and uses that manufacture or produce goods or energy from the composting of organic material. Examples of such uses include energy recover plants, portable sanitary collection equipment, storage and pumping, recycling operations, sewer treatment plants, waste composting, waste incineration, transfer stations for solid, bulk, medical or biomedical waste.

Accessory uses include offices, recycling of materials, and repacking and transportation of byproducts, but exclude motor vehicle junkyards and collection facilities for tires and oil within gas stations and repairers.

WATER-DEPENDENT USE means those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and which cannot be located away from these waters.

YARD means an open space unobstructed from the ground up, on the same lot, with a principal building, extending along a lot line or street line and inward to the principal building. The size of a required yard shall be measured as the shortest distance between the outer face of the building foundation wall and a lot grade, including shelters for nuclear fall-out, shall not be deemed to occupy required yards.

YARD, FRONT means a yard between a principal building and a street line and extending the entire length of the street line.



In the case of a corner lot, the yards extending along all streets are front yards. In the case of a lot other than a corner lot that fronts on more than one street, the yards extending along all streets are front yards. In any case where a building line requirement has been established by the Building Lines Commission which is different from the front yard requirement, the stricter of the two requirements shall control.

YARD, REAR means a yard between a principal building and a rear lot line and extending the entire length of the rear lot line.

YARD, SIDE means a yard between a principal building and a side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard. Where there are three or more side yards on the same lot and two different side yard requirements exist in the District Regulations, only one such yard must meet the larger of the two requirements.

ZERO LOT LINE DEVELOPMENT means three or more single family dwellings that are attached dwellings, with one common side yard of zero feet for end dwelling units and two common side yards of zero feet each, for interior dwelling units, located on individual lots.

KEY:
F = Front Yard
S = Side Yard
R = Rear Yard

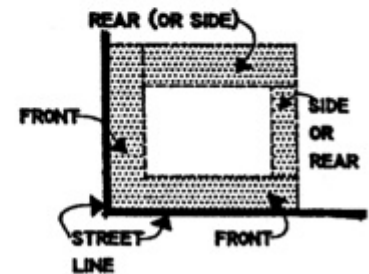
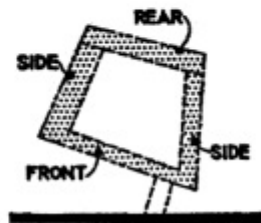
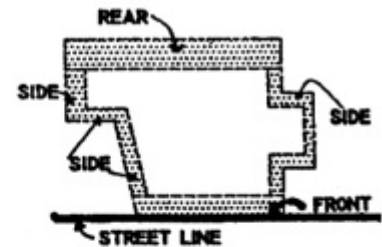
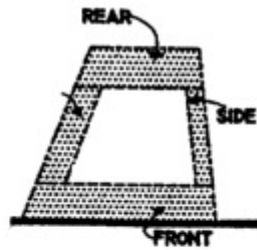
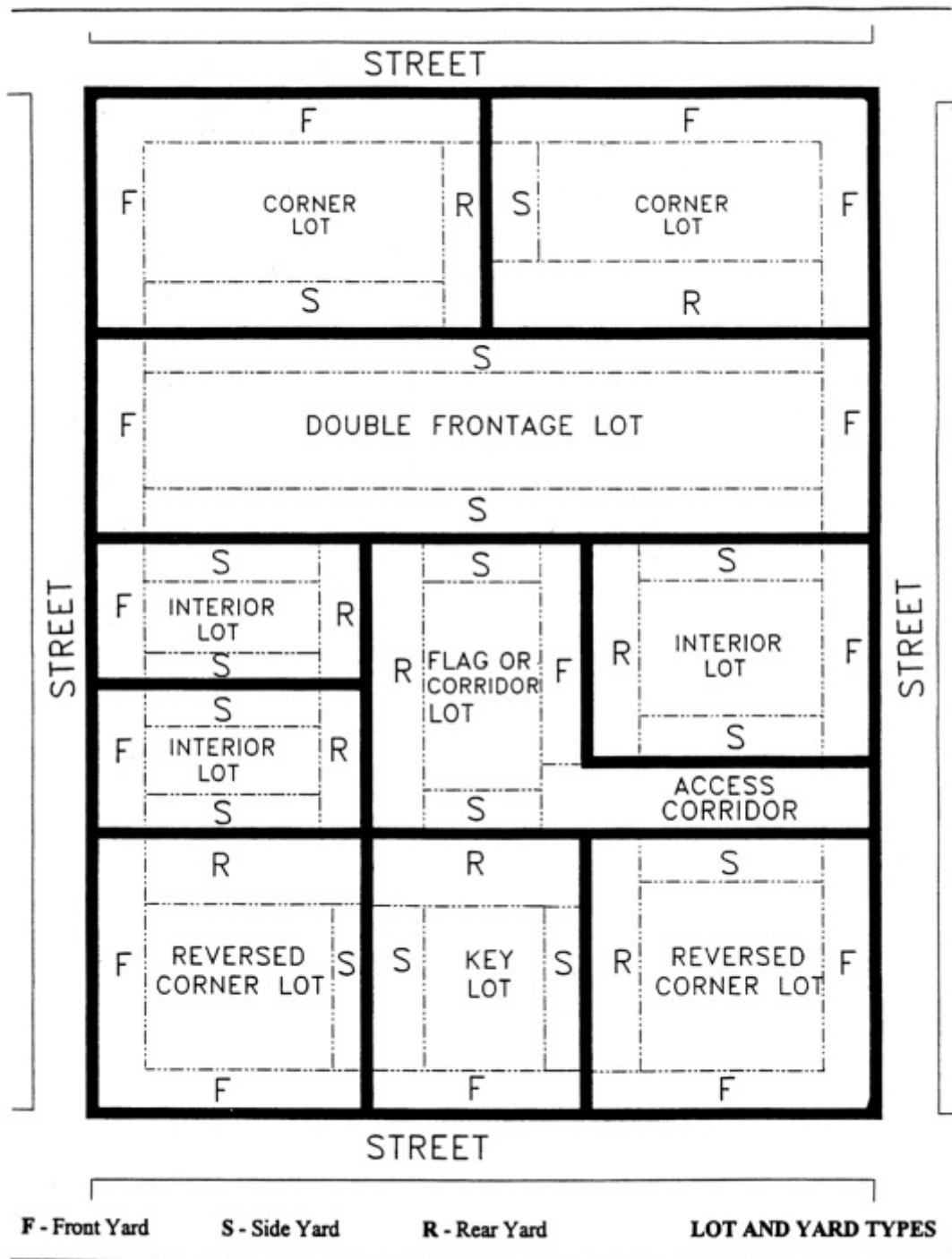


Illustration 1.6. Definition of Yard Types.

Definition of Yard Types



Lot and Yard Types

(Ord. No. 1367, § 1, 12-6-04; Ord. No. 1368, §§ 1, 2, 2-7-05; Ord. No. 1614, § 1, 3-1-10; Ord. No. 1665, 10-3-11; Ord. No. 1685, Sched. D, 8-6-12; Ord. No. 1726, Sched. A, 12-2-13; Ord. No. 1751, Sched. A, § 1, 8-6-14; Ord. No. 1820, Sched. B, 6-5-17; Ord. No. 1857, Sched. A, 4-15-19; Ord. No. 1886, Sched. C, 1-17-20; Ord. No. 1899, Sched. A, 7-6-20)

ARTICLE II. ESTABLISHMENT OF DISTRICTS; ZONING MAP

Contents:

Section 2. Districts enumerated; map adopted; interpretation.

Sections 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:

<i>Residence Districts</i>	
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
<i>Business and Mixed Use Districts</i>	
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
MU District:	Mixed Use
<i>Industrial Districts</i>	
IL Districts:	Light Industry
IM Districts:	Light Industry - Marine
IH Districts:	Heavy Industry
<i>Other Districts</i>	
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

- b. The boundaries of these districts are hereby established as shown on the City of New Haven Zoning Map (consisting of a series of section maps, numbered 1 to 21, at a scale of one-inch equals 200 feet), which accompanies and is hereby declared to be a part of this ordinance. The official copy of said map is prepared in a digital format, stored in the City's Geographic Information System, reproduced and placed on file in the office of the City Clerk and at the City Plan Department, and may be viewed in those offices during normal working hours. Said map, with all subsequent amendments thereto, supersedes all prior zoning maps of the City of New Haven.
- c. Where any uncertainty exists as to the boundary of any district as shown on said map the following rules shall apply:
 - (1) Where boundary lines are indicated as following streets and alleys, they shall be construed as following the centerlines thereof;
 - (2) Where boundary lines are indicated as approximately following lot lines and the extensions of lot lines, such lot lines and extensions of lot lines shall be construed to be such boundaries;
 - (3) Where a boundary line divides a lot or crosses unsubdivided property, the location of such boundary shall be measured on a copy of said map at a scale appropriate to determine the boundary line;
 - (4) Where further uncertainty exists, the City Plan Commission, upon written application, shall by resolution determine the location of a disputed boundary, giving due consideration, among other things, to the apparent indicated location thereof, the scale of said map, and the expressed purposes of the zoning ordinance;
 - (5) Wherever any property is not under these rules specifically included in any district shown on said map, such property is hereby declared to be in the most restrictive district abutting such property on said map, or, if no district so abuts such property, then in an RS-1 District.

(Ord. No. 1412 (Rev. Sched. A, § 1), 5-1-06; Ord. No. 1443, §§ 1, 2, 3-5-07; Ord. No. 1614, § 1, 3-1-10; Ord. No. 1685, Sched. D, 8-6-12)



ARTICLE V. BUSINESS AND INDUSTRIAL DISTRICTS

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Section 41. Description and purpose of business and industrial districts.

The Business and Industrial districts contained in this zoning ordinance are established to provide for the most rational and orderly separation of land uses according to their function in the city, and to fulfill the other purposes of zoning. The regulations herein adopted are hereby found and declared to be appropriate to New Haven and in accordance with a comprehensive plan designed for the continued vitality and development of the city. The following statements of description and purpose outline the main functions of these districts in the zoning plan.

Business A Districts—General Business. These districts serve several functions. They provide central concentrations of convenience goods and services for one or more neighborhoods, supplemented by more scattered stores for such goods and services within the neighborhoods provided for under a special provision of the regulations for residence districts. They provide comparison shopper's goods, specialty goods, amusements and numerous services for less than a citywide market. And they also provide locations for small businessmen with a city-wide market who cannot operate in the downtown area. The predominant purpose of all these functions is retail trade.

Business A-1 Districts—Neighborhood Center Mixed Use. These districts serve as the commercial heart of their neighborhood, are of modest scale and pedestrian orientation, and seek to preserve and restore the historic architecture and urban pattern of the city. The emphasis is on neighborhood goods and services rather than comparison shopping, with a preference for smaller pedestrian-oriented, storefront retail, dining, and other appropriate uses. They are intended as mixed-use districts with a mixture of ground floor retail, small offices, and upper story residential dwellings. Buildings are oriented to the street, parking requirements are reduced and parking maximums established to encourage walkability and community over automotive-related sprawl. New development is required by form requirements and design guidelines to conform to the neighborhood context, to improve the retail character of the street as a neighborhood center, and to promote the health, safety and well being of residents by reducing sources of public nuisance and encouraging physical activity and community interaction and involvement.

Business A-2 Districts—Village Center Mixed Use. These districts serve distinct mixed-use communities woven into the larger tapestry of New Haven. Parking is reduced and density is increased to encourage development of neglected or vacant buildings into pedestrian-oriented storefront retail, dining, and other appropriate uses. Upper story residential dwellings are encouraged along commercial strips and ground floor residential dwellings are encouraged on side streets. Height limits are maintained to prevent over-development, but the district otherwise does not restrict property owners' ability to employ a range of architectural styles.

Business B Districts—Automotive Sales. These districts follow a deliberate policy which recognizes the importance of automotive sales to the city and further recognizes that such sales can perform their function in the best and most integrated manner by concentration in certain areas of the city. Establishments for the sale of new vehicles, and for the sale of large numbers of used vehicles, are concentrated in these areas, from which non-related uses are excluded in order to assure the maximum development of automobile sales and related uses.

Business C Districts—Marine. These districts exist to separate out certain waterfront areas which have—and are encouraged to be—a mix of water-dependent public access, recreational boating, public and private marinas, commercial and recreational fishing, community based, water related activities and waterfront residential environments.

Business D District—Central Business. This district comprises the main downtown section of the city, known in planning terms as the Central Business District (CBD). Here are concentrated activities that have primarily a citywide and regional function: large stores offering comparison shopper's goods, specialty stores, business services, banks, offices, theaters, hotels and government buildings. Land use is intensive and this intensity of uses is one of the main determinants of the vitality of the Central Business District. It is the purpose of these regulations to encourage such intensity of use and to exclude activities which have a negative effect upon the proper functioning of the downtown area.

Business D-1 Districts—Central Business/Residential. These districts include appropriate downtown areas which have concentrations of historic structures suitable for both residential and commercial use. This district concentrates residential uses at high density mixed with activities that have both a city-wide and district-wide function: small stores offering comparison shopper's goods, specialty stores, business services, offices and entertainment uses. The use of land is intensive, but respects the historic character of existing historic structures. It is the purpose of these regulations to encourage preservation of existing historic structures, conversion of existing structures to residential use, high intensity of use, and to exclude activities that have a negative effect upon the proper functioning of National Register Historic Districts or of the larger downtown.

Business D-2 Districts—Central Business/Medical. This district Includes appropriate areas in and around the city's hospitals and medical centers having high density medical institutional uses including hospitals, clinical, laboratory or bioscience research space, patient care medical offices, and supportive accessory uses, with pedestrian-friendly ground floor retail uses in some buildings. The district allows intensive use of land for such uses subject to site plan approval to further the city's policy of encouraging dense development of institutional uses within concentrated areas in and around the Central Business District while maintaining a human-scale streetscape. It is the purpose of these regulations to allow such intensity of hospital, medical, research and medical institutional uses in combination with street-level retail uses encouraging pedestrian connections between the medical areas and adjacent neighborhoods and business districts, and to exclude uses which are incompatible with or would have a negative effect upon the functioning of hospital, medical and research and medical institutional uses.

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.

Business E Districts—Wholesale and Distribution. These districts furnish goods and services that are mainly used in support of retail trade for the city and the region. The principal activities located here are wholesaling, warehousing, transportation, heavy business services, distribution, and some incidental processing. Such functions are generally located in such a position that they can support the Central Business Districts and at the same time concentrate their heavy traffic requirements near the main arteries for movement of goods and services.

Mixed Use (MU) District. The purpose of the Mixed-Use District is to provide for a mixture of residential, commercial office, retail and service-related uses in both horizontal and vertical building formats. The development pattern is urban in nature characterized by buildings that form an edge along each side of the street and designed to include pedestrian walkways, public art, active streetscapes and amenities. Parking is located along streets, in multi-level parking structures or in centralized off-site facilities. In established areas, existing business may remain as conforming uses, legal non-conforming uses, a combination thereof. Buildings may be adaptively reused and rehabilitated, sites may be razed and redeveloped, or new buildings may be infilled on vacant or underutilized land. Streets are commonly organized in blocks to facilitate short walking distances between buildings, parking and public spaces. Design of the built and natural environments is essential to establish quality aesthetics, create highly usable, accessible and equitable public spaces, and to integrate best practices for stormwater management, flood control, and resilience to coastal hazards.

Commercial Gateway Districts. The purpose of the Commercial Gateway District (CGD) is to encourage the development of a complementary mixture of appropriately intensive commercial and higher-density residential land uses that serve as strong gateways to Downtown. CGDs are intended to be pedestrian-friendly, livable, urban neighborhoods that link to Downtown and provide a transition to surrounding lower-density residential uses. Specifically, regulations for CGDs seek to foster the revitalization of historic commercial corridors; encourage private investment; encourage the development of safe, efficient, user-friendly pedestrian, bike and transit systems; and, improve the functional and visual quality of development.

CGDs are intended to spur innovative and sustainable development of complementary, transit-supportive residential and commercial uses. The scale and density enable housing for households with diverse incomes, and employment opportunities. New development will be designed to foster street-level activity through land use, site and building layout, and the provision of pedestrian amenities and improvements that create an inviting, safe and vibrant sense of place. Parking will be sufficient to accommodate residents and employers but will not detract from transit use or the pedestrian realm.

The following sub-district of the CGD zone is established to enable unique design standards within this distinct CGD zone.

CGD—Whalley Ave.: This sub-district extends from the intersection of Howe Street and Whalley Avenue north along Whalley Avenue to the intersection of Pendleton Street and Whalley Avenue. It includes all parcels in the specified corridor that abut Whalley Avenue and those between Whalley Avenue and Goffe Street as shown on the Zoning Map. In 2019, Whalley Ave, is a wide boulevard dominated by automobiles and automobile-centric uses. It is the intent and vision of this sub-district to create a continuous building wall with diverse uses, and to improve the public realm for pedestrians, bike and transit users through redevelopment and infill.

Industry L Districts—Light Industry. These districts, in common with other business and industrial districts, are regulated by a set of performance standards prescribing upper limits for nuisance factors such as noise and smoke. Industries are permitted which keep within those limits, as well as business uses which generally support and are integrated with other uses in such districts. Further development of residences is prohibited from these districts and also from Industry H and Business E Districts, in order to conserve the supply of heavy commercial and industrial land and to prevent residences from being established under strongly adverse conditions. Industry L Districts are characterized in general by less intensive development and fewer outdoor uses than Industry H Districts.

Industry M Districts—Light Industry/Marine. These districts are regulated by a series of land use controls and performance measures in areas of the city with both waterfront and industrial characteristics with limited freight transportation connections and/or located in close proximity to a residential neighborhood. Uses allowed within the district are both marine and light industrial in nature.



Industry H Districts—Heavy Industry. These districts have many regulations similar to those in Industry L Districts. They are apt. however, to be more intensively developed and to contain older and heavier industries. These districts also contain vacant industrial land with a high potential for development. Fewer business uses are contained in these districts than in Industry L Districts. Less restriction is placed upon outdoor uses, although such uses must conform to the performance standards which apply to other industries. Certain uses, with established functions in the economy but having a well-known nuisance potential, are permitted only in Industry H Districts and there only by special exception.

(Ord. No. 1410, § 1, 3-20-06; Ord. No. 1412 (Rev. Sched. A, § 3), 5-1-06; Ord. No. 1614, § 1, 3-1-10; Ord. No. 1685, Sched. D, 8-6-12; Ord. No. 1842, Sched. B, 6-4-18; Ord. No. 1886, Sched. C, 1-17-20)

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 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 § 60.3
- (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
BA-2:	Village Center
BB:	Automotive Sales
BC:	Marine Commercial
BD:	Central Business
BD-1:	Central Business/Residential
BD-2:	Central/Business/Medical
BD-3:	Central Business/Mixed-Use
BE:	Wholesale and Distribution
MU:	Mixed Use
CGD:	Commercial Gateway District
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 NA - Not Applicable
In case of conflict between this Table 3 and the text of the Zoning Ordinance, the text shall prevail.

Use	BA	BA-1	CGD	BA-2	BC	BD	BD-1	BD-2	BD-3	BE	MU	IL	IM	IH	Parking ⁽⁵⁾	Loading ⁽⁵⁾
A. Residential Uses																
1. Dwelling units in multi-family dwellings located above first stories of structures at a maximum density of one unit per 1000 sq. ft. of gross floor area of entire building and limited to gross floor areas as defined in the New Haven Zoning Ordinance. Except that properties subject to Development or Land Disposition Agreements involving the City of New Haven shall not be subject to the above density limitation	R	R	R	R	SP	R	R	R	R	X	SP/R	NA	X	X	c	y
2. Dwelling units in multi-family dwellings located on first stories only in combination with upper story residential use (if applicable) at a maximum density of one unit per 1000 sq. ft. of gross floor area of entire building and limited to gross floor areas as defined in the New Haven Zoning Ordinance. Except that properties subject to Development or Land Disposition Agreements involving the City of New Haven shall not be subject to the above density limitation	SP	SP	SP	R/SP	SP	SP	SP	SP	SP	X	X/SP	NA	X	X	c	y



TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted NA - Not Applicable
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Use	BA	BA-1	CGD	BA-2	BC	BD	BD-1	BD-2	BD-3	BE	MU	IL	IM	IH	Parking ⁽⁵⁾	Loading ⁽⁵⁾
3. Dwelling units in existing structures of at least 50,000 sq. ft. gross floor area and no less than two stories in height built prior to 1963, at a maximum density of one unit per 1000 sq. ft. of existing gross floor area and limited to gross floor areas as defined in the New Haven Zoning Ordinance except that a maximum five percent increase in building gross floor area for non-habitable areas of interior circulation (i.e., elevators, stairwells and common hallways) is permitted regardless of site floor to area ratio. Commercial Use in such structures or on such properties limited to those permitted in both the IL District by right or Special Permit and either in BA, BA-1, BD-2 or BD-3 Districts by right, Special Exception or Special Permit and excluding all uses listed in Sections M. (Automotive) and O. (Construction and Related Goods and Services) of this table (Table 3)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	X/R	SP	NA	NA	c	
4. Custodial care facilities (See § 19)	SE	SE	SE	SE	X	SE	SE	R	X	X	X/X	X	X	X	See Section 19	y
5. <u>High-Rise Building</u>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	SP/R	N/A	N/A	N/A	c	y
6. Live-Work Loft Residences Pursuant To Article III Section 18A	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP/R	SP	SP	SP	See Section 18A(a)(3)	y
7. Live-Work Unit—(Post 1963 and new structures) (See definition)	X	X	X	SP	X	X	X	X	SP	X	SP/R	X	X	X	See Section 18A(a)(3)	y
8. <u>Mid-Rise Building</u>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	SP/R	N/A	N/A	N/A	c	y
9. Assisted Living (see definition), Elderly and Disabled Housing	R	R	R	R	X	R	R	R	R	X	X/R	X	X	X	c	y
B. Transient Lodging																
Rooming or boarding house.	R	X	SP	X	X	R	X	X	X	X	SP/R	X	X	X	b	none
Hotel, Bed Breakfast or Tourist Home, 12 or fewer guest rooms	R	R	SP	R	SP	R	R	R	R	X	SP/R	X	X	X	a	y
Hotel, Bed Breakfast or Tourist Home, 13 or more guest rooms	R	X	SP	SP	SE	R	R	R	R	X	SP/R	X	X	X	a	y
Motel.	R	X	X	X	SE	R	X	X	X	X	SP/R	X	X	X	a	y
C. Sale of Food, Drink & Pharmaceuticals																
STORE SELLING ITS GOODS PREDOMINANTLY AT RETAIL ON PREMISES, AS FOLLOWS:																
Retail Bakery (Wholesale bakery, see § 42 S. Heavy Commercial).	R	R	R	R	X	R	R	R	R	R	R/R	R	X	X	n	x
Pharmacy or Cosmetic store, including sale of goods and services customarily incidental thereto.	R	R	R	R	SE	R	R	R	R	R	R/R	R	X	R	n	x
Convenience store (no gas pumps)	R	SP	SP	X	SP	R	R	R	R	R	R/R	X	R	R	n	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	R	R	SE	R	R	R	R	X	R/R	R	X	X	n	x



TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted NA - Not Applicable																
In case of conflict between this Table 3 and the text of the Zoning Ordinance, the text shall prevail.																
Use	BA	BA-1	CGD	BA-2	BC	BD	BD-1	BD-2	BD-3	BE	MU	IL	IM	IH	Parking ⁽⁵⁾	Loading ⁽⁵⁾
Grocery, Delicatessen, Supermarket or other store carrying a variety of food and related goods.	R	R	R	R	SE	R	R	R	R	X	R/R	R	X	X	n	
Mixed Use Building	X	X	X	X	X	X	X	X	X	X	R/R	X	X	X		
Package Alcoholic liquor, subject to § 42.1. provisions.	R	SE	SE	SE	X	R	R	R	R	R	R/R	R	X	R	n	x
Poultry market, including slaughtering of poultry for sale on the premises (for other slaughtering, see § 42 T.).	SE	SE	X	X	X	SE	X	X	X	X	SE/X	X	X	X	n	x
D. Personal Services																
Barber shop, beauty shop, reducing salon.	R	SE	R	R	SE	R	R	R	R	X	R/R	R	X	X	n	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	R	SE	SE	R	R	R	R	X	R/R	R	X	X	n	x
Health clubs, gyms, personal training, with associated classes	R	R	R	R	X	R	R	R	R	X	R/R	R	X	X	n	x
Tailor, dressmaker, shoe shine or shoe repair shop.	R	R	R	R	X	R	R	R	R	X	R/R	X	X	X	n	x
Repair shop for repairs or adjustments to appliances, watches, locks and similar items.	R	R	R	R	X	R	R	R	R	R	SP/R	X	X	X	n	x
Photographic studio.	R	R	R	R	X	R	R	R	R	X	R/R	X	X	X	n	y
Travel agency, travel ticket office.	R	R	R	R	X	R	R	R	R	R	R/R	X	X	X	n	y
Vocational, trade or business school.	R	SE	SE	SE	X	R	R	R	R	R	R/R	R	X	X	r	y
Driving school	R	SE	SE	SE	X	X	X	X	R	X	R/R	X	X	X	r	y
Funeral home.	R	SE	SE	X	X	R	R	R	X	X	SP/SP	X	X	X	p	y
Gun and weapons repair, firearms training.	SE	X	X	X	X	SE	X	X	X	SE	X/X	SE	X	SE	n	y
Firing range.	X	X	X	X	X	X	X	X	X	X	X/X	SE	X	SE	n	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	SE	X	X	SE	X	X	X	X	X/X	X	X	X	n	y
E. Eating, Drinking Places & Entertainment																
ESTABLISHMENTS 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, (excluding drive-in and drive-through establishments).	R	R	R	R	SE	R	R	R	R	R	R/R	R	SP	R	p	x
<u>Micro-brewery or Micro-distillery</u>	SE	SE	SE	SE	SE	SE	SE	SE	SE	X	R/R	SE	SE	SE	p	x



TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted NA - Not Applicable																
In case of conflict between this Table 3 and the text of the Zoning Ordinance, the text shall prevail.																
Use	BA	BA-1	CGD	BA-2	BC	BD	BD-1	BD-2	BD-3	BE	MU	IL	IM	IH	Parking ⁽⁵⁾	Loading ⁽⁵⁾
Restaurant, as defined in Article I, Section 1, selling or serving alcoholic beverages for immediate consumption on or off premises, including accessory entertainment, or permitting immediate consumption of alcoholic beverages on or off premises, including accessory entertainment.	SE	SE	R	SE	SE	R	R	R	R	SE	R/R	R	SP	R	p	x
Other establishment selling or serving alcoholic beverages for immediate consumption on or off premises, including accessory entertainment, or permitting immediate consumption of alcoholic beverages on or off premises, including accessory entertainment.	SE	SE	SE	SE	SE	R	SE	SE	R	SE	R/R	R	SP	R	p	x
Drive-in establishment selling food for immediate consumption on or off premises— More than 250 feet from any residential use.	R	X	SE	X	X	R	X	X	X	R	X/SP	X	X	R	p	x
Drive-in establishment selling food for immediate consumption on or off premises— Within 250 feet of any residential use.	SE	X	X	X	X	X	X	X	X	SE	X/SP	X	X	SE	p	x
<u>Walk-up Service</u>	R	R	R	R	R	R	R	R	R	R	R/R	R	R	R	p	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	X	X	X	p	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	X	SE	X	X	X	SE	X/X	SE	X	SE	p	x
No Liquor Service.	X	X	X		X	SE	X	X	X	SE	X/X	SE	X	SE	p	x
F. Vending Machines																
Vending machine selling food or personal articles or services, so placed that it is not beyond any street or building line, not within any required yard, and does not interfere with pedestrian or vehicular traffic.	R	X	R	SE	SE	SE	SE	SE	SE	R	R/R	R	X	R	NA	NA
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	R	R	R	NA	NA
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	R	R	X	R	R	R	R	X	R/R	X	X	X	n	x
Department store (includes sale of specific items mentioned elsewhere in table, if customarily sold in store).	R	R	R	R	X	R	R	R	R	X	R/R	X	X	X	n	x
Variety store (including sale of specific items mentioned in this table, if customarily sold in store).	R	R	R	R	X	R	R	R	R	X	R/R	X	X	X	n	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	R	R	SE	R	R	R	R	X	R/R	X	X	X	n	x



TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted NA - Not Applicable																
In case of conflict between this Table 3 and the text of the Zoning Ordinance, the text shall prevail.																
Use	BA	BA-1	CGD	BA-2	BC	BD	BD-1	BD-2	BD-3	BE	MU	IL	IM	IH	Parking ⁽⁵⁾	Loading ⁽⁵⁾
Gun shops and accessory goods sales including ammunition, subject to § 42.4 zoning ordinance, provisions.	X	X	X	X	X	SE	X	X	X	SE	X/X	SE	X	SE	n	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	R	R	X	R	R	R	R	X	R/R	R	X	X	n	x
Antiques and second hand goods, excluding motor vehicles/parts, and excluding materials held only for discard or reprocessing.	R	R	R	R	X	R	R	R	R	X	R/R	R	X	X	n	x
Fabrics, curtains, linens knitting & upholstery supplies.	R	R	R	R	X	R	R	R	R	R	R/R	R	X	X	n	x
Furniture, floor covering, appliances.	R	R	R	R	X	R	R	R	R	X	R/R	R	X	X	n	x
Farm & garden supplies, includes greenhouse, nursery.	R	R	R	R	X	X	R	X	R	X	SP/SP	R	X	X	n	x
Hardware, paint, wallpaper.	R	R	R	R	X	R	R	R	R	X	R/R	R	X	X	n	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	R	R	R/R	SP	SP	SP	s	x
Music, Film and Recording Studio	SP	SP	R	SP	X	SP	SP	SP	SP	R	R/R	SP	SP	SP	s	x
J. Financial Services																
Bank or other credit agency (with drive-through)	R	R	R	R	X	R	R	R	R	R	SE/SE	R	X	X	n	y
Bank or other credit agency (no drive-through).	R	R	R	R	X	R	R	R	R	R	R/R	R	X	X	n	y
Broker investment company.	R	R	R	R	X	R	R	R	R	R	R/R	R	X	X	o	y
Insurance company or agency.	R	R	R	R	X	R	R	R	R	R	R/R	R	X	X	o	y
Remuneration, money order, notary establishments	SE	SE	SE	X	X	SE	SE	SE	R	SE	SE/SE	X	X	X	n	y
Check cashing or payday loan establishments	SP	SP	SP	X	X	SP	SP	SP	X	SP	X/X	X	X	X	n	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:																
Co-working	R	R	R	R	X	R	R	R	R	X	R/R	R	X	X	o	y
General, charitable, philanthropic, other professional.	R	R	R	R	X	R	R	R	R	X	R/R	R	X	X	o	y
Radio or television stations studio and/or offices only.	R	R	R	R	X	R	R	R	R	R	SP/R	R	X	X	o	y
Utility, including exchange.	R	SP	SP	SE	SE	R	R	R	R	R	SP/SP	R	X	X	o	y
Wholesale or distribution.	R	SP	SP	SP	X	R	R	R	X	R	SP/X	R	X	X	o	y
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, massage parlors, saunas, subject to § 42.3 provisions.	X	X	X	X	X	X	X	X	X	R	X/X	R	X	R	n	x
Assembly hall.	SE	SP	SP	SP	X	SE	SE	SE	SE	SE	SE/SP	SP	X	X	p	y
Bowling alley, billiard or pool hall, indoor amusement center.	SE	SE	R	SE	X	SE	SE	X	SE	SE	SP/R	SE	X	X	q	y



TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted NA - Not Applicable																
In case of conflict between this Table 3 and the text of the Zoning Ordinance, the text shall prevail.																
Use	BA	BA-1	CGD	BA-2	BC	BD	BD-1	BD-2	BD-3	BE	MU	IL	IM	IH	Parking ⁽⁵⁾	Loading ⁽⁵⁾
Fair, carnival. (Permanent in nature)	SE	SP	SP	SP	X	X	X	X	X	X	X/X	SE	X	SE	q	y
Game machines as an accessory use, subject to § 42.2 provisions.	R	R	R	R	SE	R	R	R	R	R	R/R	R	X	R	NA	NA
Game rooms, subject to § 42.2 provisions.	SE	SE	SE	SE	X	SE	X	SE	SE	SE	SE/R	SE	X	SE	q	y
Miniature golf, golf driving range.	SE	X	SE	X	X	X	X	X	X	X	X/X	SE	X	X	q	y
Music or dancing school.	R	X	R	R	X	R	R	X	R	X	R/R	R	X	X	r	y
Public access park (passive or action recreation), open space or community garden	R	R	R	R	R	R	R	R	R	R	R/R	R	R	R	NA	NA
Social club, athletic club, lodge, veterans or fraternal organization, recreation facilities and community centers.	SE	SP	R	SP	X	SE	SE	SE	SE	SE	SP/R	SE	X	X	q	y
State sponsored off-track betting facilities and teletrak facilities, teletheater or other legalized wagering systems, facilities & services.	X	X	X	X	X	SE	X	X	X	X	SE/SE	X	X	SE	q	y
Theater, excluding drive-in, 250 or fewer seats.	R	R	R	R	X	R	R	X	R	X	R/R	X	X	X	p	y
Theater, excluding drive-in, 251 or more seats.	R	SP	R	SP	X	R	SE	X	R	X	SP/R	X	X	X	p	y
Trampoline center.	SE	X	SE	X	X	X	X	X	X	X	SE/SE	R	X	X	q	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	X	R	R	X	X	R	X/X	R	X	R	See 45(b)	See 45(b)
Gasoline station, as defined by Ch. 250, C.G.S.	SE	X	SE	X	X	SE	SE	SE	SE	SE	X/SE	SE	X	SE	See 45.B	See 45(b)
Car wash (a/k/a auto laundry).	SE	X	P	X	X	X	X	X	X	X	X/SP	X	X	X	See 45(b)	See 45(b)
Motorcycles: Sale or rental with inventory, repair.	X	X	SE	X	X	X	X	X	X	X	X/X	R	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	X	X	X	SE	X	X	X	R	X/X	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	X		X	SE	X	X	X	SE	X/X	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	X	X	X	R	X	SE	SE	R	X/X	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 five used vehicles for sale are kept on premises at one time.	SE	X	X	X	X	SE	X	X	X	R	X/X	R	X	R	See 45(b)	See 45(b)
5. Sale of such vehicles with inventory when used, with no limit on quantity of vehicles.	X	X	X	X	X	X	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	X	X	X	X	X	X	X	X	X/X	X	X	X	See 45(b)	See 45(b)
b. Automobile trailers or trucks.	X	X	X	X	X	X	X	X	X	R	X/X	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	X	X	X	R	R	SE	SE	R	X/X	R	R	X	n	y
Motor vehicle fleet operation	X	X	X	X	X	X	X	X	X	X	X/X	X	X	R	n	y
N. Marine																



TABLE 3. USE TABLE

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Use	BA	BA-1	CGD	BA-2	BC	BD	BD-1	BD-2	BD-3	BE	MU	IL	IM	IH	Parking ⁽⁵⁾	Loading ⁽⁵⁾
Marina, yacht club with up to four slips.	X	X	X	X	R	X	X	X	X	X	X/R	X	SP	X	u	y
Marina, yacht club with more than four slips.	X	X	X	X	SP	X	X	X	X	X	X/R	X	SP	X	u	
Fishing, fish sales (including shellfish).	X	X	X	X	SP	X	X	X	X	R	X/X	X	R	X	n	x
Sale of boats, boat parts & accessories, fishing equipment, boat fuel & ice, & similar supplies.	X	X	X	X	SP	X	X	X	X	R	X/X	R	R	R	n	x
Boat rental or charter, boat sightseeing.	X	X	X	X	SP	X	X	X	X	R	X/SP	X	R	R	q	y
Boat building, repair, service and storage:																
100 foot length or less.	X	X	X	X	SP	X	X	X	X	X	X/X	R	R	R	s	x
Over 100 foot length.	X	X	X	X	SP	X	X	X	X	SE	X/X	R	SP	R	s	x
Deep-sea shipping facility or Seaplane base.	X	X	X	X	X	X	X	X	X	SE	X/X	R	X	R	s	x
Salvage or dredging company.	X	X	X	X	X	X	X	X	X	X	X/X	X	X	R	s	x
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 2,000 square feet or less of net floor area.	R	R	R	R	X	R	R	X	R	R	X/SP	R	R	R	s	See § 45
Same uses as above, with no limit as to floor area or enclosure, except as specified in § 46 & § 47(c).	X	X	X	X	X	X	X	X	X	R	X/X	SP	SP	R	s	x
Off-site Construction Staging Area:																
Less than 1,000 SF total area.	R	SP	SP	X	SP	SP	SP	SP	R	SP	X/X	SP	R	NA	NA	
1,000 SF or more total.	SP	X	X	X	SP	SP	SP	SP	SP	SP	X/X	SP	X	SP	NA	NA
Monument sales establishment, with incidental processing to order (excluding shaping of stones & similar processes).	R	SE	SE	SE	X	X	X	X	X	R	X/X	R		R	s	x
Monument sales establishment or monument works, with no limit as to processes.	X	X	X	X	X	X	X	X	X	X	X/X	R	X	R	s	x
P. Business Goods																
ESTABLISHMENT SELLING OR RENTING ITS GOODS PREDOMINANTLY AT RETAIL ON PREMISES, AS FOLLOWS:																
Office equipment and supplies.	R	R	R	R	X	R	R	X	R	R	R/R	R	SP	X	n	x
Business machines or scales.	R	R	R	R	X	R	R	X	R	R	R/R	R	SP	X	n	x
Restaurant or bar supply.	R	R	R	R	X	R	R	X	R	R	R/R	R	SP	X	n	x
Dental, hospital, beauty, barber, store or lab supply.	R	R	R	R	X	R	R	R	R	R	R/R	R	SP	X	n	x
Q. Business & Miscellaneous Personal & Public Services																
Off premises signs, as regulated by § 44.1:																
Mini-panel.	SE	X	X	SE	SE	SE	SE	SE	SE	SE	SE/SE	SE	X	SE	NA	NA
Poster, Bulletin or Spectacular.	R	X	X	X	X	X	X	X	X	R	X/X	R	X	R	NA	NA
On premises signs, as regulated by § 60.3.	R	R	R	R	R	R	R	X	R	R	R/R	R	X	R	NA	NA
Ambulance service.	R	SP	SP	SP	X	R	X	R	R	R	X/X	R	X	R	s	y
Cat Café	X	X	R	SE	X	X	X	X	X	X	X/X	X	X	X	NA	NA
Caterer.	R	R	R	R	X	R	R	R	R	R	R/R	R	X	X	s	x



TABLE 3. USE TABLE

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In case of conflict between this Table 3 and the text of the Zoning Ordinance, the text shall prevail.																
Use	BA	BA-1	CGD	BA-2	BC	BD	BD-1	BD-2	BD-3	BE	MU	IL	IM	IH	Parking ⁽⁵⁾	Loading ⁽⁵⁾
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	X	R	X	X	X	R	X/X	R	X	R	s	x
Conference Center	X	X	SP ³	X	SP	SP	X	SP	SP	X	SP/SP	X	X	X	p	y
Convention Center	X	X	SP ³	X	X	SP	X	SP	SP	X	SP/SP	X	X	X	p	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 feet of any residentially zoned property.	SE	X	X	X	X	X	X	X	X	X	X/X	SE	X	SE	s	x
Delivery service establishment, vehicles limited to one ton capacity (also see § 42 S. Heavy Commercial).	R	X	X	SE	X	R	X	X	X	R	X/X	R	X	R	s	x
Employment agency.	R	X	R	SE	X	R	R	R	R	R	R/R	R	X	R	o	y
Event Center	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	SP/SP	R	X	SP		
Government Building or Facility	R	R	R	R	R	R	R	R	R	R	R/R	R	R	R		
Internal building cleaning, window cleaning.	R	R	R	R	X	R	SE	SE	R	R	R/R	R	X	R	s	y
News distribution enterprise.	R	X	X	X	X	R	X	X	X	R	X/X	R	X	R	s	x
Printing, engraving, or other reproduction services, limited to 2,000 square feet net floor area.	R	R	R	R	X	R	SE	R	R	R	SE/R	R	R	R	s	none
Printing, engraving, or other reproduction services with no limit as to floor area.	X	X	X	X	X	R	X	R	R	R	X/X	R	R	R	s	x
Public or private pumping station	R	R	SE	R	R	R	R	R	R	R	R/R	R	R	R	s	y
Research or testing laboratory, including research and/or development laboratories which are High Technology Uses, limited to 2,000 S.F. net floor area used for laboratory purposes	X	X	R	SE	R	R	R	R	R	R	R/R	R	R	R	s	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	SP	SP	SP	SP	R	R	SP/SP	R	R	R	s	x
Other High Technology Uses, High Technology Services and High Technology Equipment Design and Fabrication (see definitions)	X	X	R	SP	R	R	R	R	R	R	SP/R	R	R	R	s	y
Self storage facility.	X	X	X	SP	X	X	X	SP	X	SP	X/X	SP	SP	SP	i	y
Special workplace daycare Family Daycare Home, Group Daycare Home, and Child Daycare Center.	R	R	R	R	SE	R	R	R	R	R	SP/R	R	R	R	i	y
Uniform sales or rental establishment.	R	R	R	R	X	R	R	R	R	R	R/R	R	X	R	s	x
Vending machine operator or repairer.	R	SE	SE	X	X	R	X	X	X	R	SP/SP	R	X	R	s	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	R	R	X	R	SE	X	R	R	SP/SP	R	X	X	m	y
R. Transportation																



TABLE 3. USE TABLE

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Use	BA	BA-1	CGD	BA-2	BC	BD	BD-1	BD-2	BD-3	BE	MU	IL	IM	IH	Parking ⁽⁵⁾	Loading ⁽⁵⁾
On or off-site parking lot or parking structure for employees, customers, or visitors for any business or industrial use, or commercial parking lot or parking structure, also as regulated by § 45 of this ordinance and excluding auto sales, service and rental except as otherwise permitted by this Use Table.	R	R	R	R	R	R	R	R	R	R	SP/SP	R	R	R	NA	NA
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 ²	SP ²	SP	SP ²	R	R	R	R	R	SP/SP	R	R	R	NA	NA
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 spaces, also as regulated by § 45 of this ordinance and excluding auto sales, service and rental except as otherwise permitted by this Use Table.	SP ²	X	SP ²	X ²	SP ²	SP ²	SP ²	SP ²	SP ²	SP ²	SP/SP	SP ²	SP ²	SP ²	NA	NA
Intercity passenger station or terminal, Railroad passenger station, or Heliport.	X	X	X	X	X	R	X	R	SP	R	X/SP	R	X	SE	s	y
Storage of commercial vehicles (where not an accessory use to another permitted use).	X	X	X	X	X	X	X	X	X	R	X/X	R	X	R	NA	NA
Taxi dispatching station (no vehicle storage).	R	X	X	X	X	R	R	R	R	R	SP/SP	R	X	X	s	y
Taxi terminal.	X	X	X	X	X	X	X	X	X	R	SP/SP	R	X	X	s	y
Transportation or other right-of-way.	R	R	R	R	R	R	R	R	R	R	R/R	R	R	R	NA	NA
Truck or rail freight yard or terminal.	X	X	X	X	X	X	X	X	X	R	X/X	R	X	R	s	x
S. Heavy Commercial																
Brewery, distillery, winery or meadery	X	X	SP	X	X	X	X	X	X	X	R/R	R	R	R		
Cleaning, laundering, dyeing, or diaper service plant.	X	X	SP	X	X	X	X	X	X	R	X/X	R	SP	R	s	x
Cold storage facility, no limit as to customer type.	X	X	X	X	X	X	X	X	X	R	X/X	R	X	R	s	x
External building cleaning, disinfecting, or exterminating establishment.	X	X	SP	X	X	X	X	X	X	R	X/X	R	X	R	s	x
Food processing or wholesale bakery.	X	X	R	R	X	X	X	X	X	R	SP/SP	R	R	R	s	x
Meat processing (excluding slaughtering, eviscerating and rendering)	X	X	X	X	X	X	X	X	X	X	SP/X	R	SP	R	s	x
Warehousing, or moving and storage establishment.	X	X	X	X	X	X	X	X	X	R	X/X	R	X	R	s	x
Wholesaling or distribution, including the handling of stock and incidental retailing.	X	X	X	X	X	X	X	X	X	R	SP/X	R	SP	R	s	x
T. Industrial																



TABLE 3. USE TABLE

Use	Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted NA - Not Applicable																
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	BA	BA-1	CGD	BA-2	BC	BD	BD-1	BD-2	BD-3	BE	MU	IL	IM	IH	Parking ⁽⁵⁾	Loading ⁽⁵⁾	
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	SE	X	X	X	X	X	X	X	SE	X/X	SE	SP	SE	s	x
Antenna or wireless site:																	
1. On existing structure, subject to § 49 standards.	R	R	R	R	R	R	R	R	R	R	R	SP/R	R	X	R	NA	NA
2. On new tower, subject to § 49 standards.	SP	X	X	SP	SP	SP	SP	R	SP	SP	X/SP	SP	X	SP	NA	NA	
Artisan Manufacturing	R	R	R	R	R	R	R	R	R	R	SP/SP	X	X	X	s	x	
Asphalt manufacture or refining or preparation except where incidental to construction.	X	X	X	X	X	X	X	X	X	X	X/X	X	X	SE	s	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/X	X	X	SE	s	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/X	X	X	SE	s	x	
Creosote manufacture or treatment.	X	X	X	X	X	X	X	X	X	X	X/X	X	X	SE	s	x	
Data Processing Center or Services	X	X	X	X	X	X	X	X	X	X	X/X	R	R	R	s	x	
Dumping, as defined and regulated by §46(e) and subject to other applicable regulations.	X	X	X	X	X	X	X	X	X	X	X/X	X	X	SE	s	x	
Emery cloth, sand paper, carborundum or pumice manufacture.	X	X	X	X	X	X	X	X	X	X	X/X	X	X	SE	s	x	
Explosive or fireworks manufacture.	X	X	X	X	X	X	X	X	X	X	X/X	X	X	SE	s	x	
Fertilizer manufacture from organic material or its compounding for sale.	X	X	X	X	X	X	X	X	X	X	X/X	X	X	SE	s	x	
Glue or size manufacture or processes involving recovery from fish or animal material.	X	X	X	X	X	X	X	X	X	X	X/X	X	X	SE	s	x	
Gypsum, cement, plaster or plaster of Paris manufacture.	X	X	X	X	X	X	X	X	X	X	X/X	X	X	SE	s	x	
Household hazardous waste collection centers, as defined and regulated by § 46(g), subject to other applicable regulations.	X	X	X	X	X	X	X	X	X	X	X/X	SE	X	SE	s	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/X	X	X	SE	s	x	
Micro-Manufacturing	X	X	X	X	X	X	X	X	X	X	X/X	R	X	R	s	x	
Motor vehicle recycling facility, 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/X	X	X	SP	s	x	
Nitrating process.	X	X	X	X	X	X	X	X	X	X	X/X	X	X	SE	s	x	
Outdoor storage of fuels, chemicals or building materials (whether in tanks or other containers), except as incidental to other activities.	X	X	X	X	X	X	X	X	X	X	X/X	X	X	SE	s	x	
Outdoor storage of materials related to boat manufacturing.	X	X	X	X	R	X	X	X	X	X	X/X	X	R	X	NA	NA	



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Use	BA	BA-1	CGD	BA-2	BC	BD	BD-1	BD-2	BD-3	BE	MU	IL	IM	IH	Parking ⁽⁵⁾	Loading ⁽⁵⁾
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	R	X	X	R	X/X	R	R	R	NA	NA
Outdoor storage of more than 500 square feet of material.	X	X	X	X	SP	X	X	X	X	X	X/X	SP	X	SP	NA	NA
Petroleum refining.	X	X	X	X	X	X	X	X	X	X	X/X	X	X	SE	s	x
Public sewage disposal plant or incinerator.	X	X	X	X	X	X	X	X	X	X	X/X	X	X	R	s	x
Quarry, as defined and regulated by § 46(f)	X	X	X	X	X	X	X	X	X	X	X/X	X	X	SE	s	x
Slaughterhouse or stockyards, rendering or reduction of animal matter.	X	X	X	X	X	X	X	X	X	SE	X/X	X	X	X	s	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/X	X	X	SE	s	x
Transmitting tower for radio or television station.	X	X	X	X	X	X	X	X	X	X	X/X	X	X	SE	s	y
Waste processing and transfer.	X	X	X	X	X	X	X	X	X	SE	X/X	SE	X	SE	s	x
Wood or bone distillation.	X	X	X	X	X	X	X	X	X	X	X/X	X	X	SE	s	x
U. Medical																
Nursing Homes/Rest Homes/Residential Care Homes as defined in Conn. Gen. Stat. §§ 19a-490 and 19a-521	R	SP	SP	SP	X	SE	SE	R	R	X	SP/R	X	X	X	l	y
General and Special Inpatient Hospitals	R	SP	SP	SP	X	SE	R	R	X	X	SP/R	X	X	X	k	y
Home Health Care Agencies/Assisted Living Service Agencies as defined in Conn. Gen. Stat. § 19a-490	R	R	R	R	X	R	R	R	R	X	SP/X	X	X	X	o	y
Health Practitioners' Office (See definition)	R	R	R	R	X	R	R	R	R	X	R/R	X	X	X	m	y
Health Care Clinic (See definition)	R	SP	R	SP	X	R	R	R	R	X	SP/R	X	X	X	m	y
Outpatient Surgical Facilities/Ambulatory Surgical Center licensed by the Connecticut Department of Health pursuant to Conn. Gen. Stat. § 49a-493b	R	SP	SP	SP	X	R	SE	R	R	X	R/R	X	X	X	m	y
Recovery Care Centers licensed by the Department of Public Health pursuant to Regs. Conn. State Agencies §19a-495-571	R	SP	SP	SP	X	R	SE	R	R	X	SP/R	X	X	X	k	y
V. Institutional and Public Uses																
Religious Institutions including parish houses, rectories, convents, and other facilities normally incidental to places of worship but excluding funeral homes and cemeteries.	R	R	R	R	SP	R	R	R	R	X	R/R	X	X	X	g	
Cultural activities not carried on as a gainful business, including art galleries, libraries and museums.	R	R	R	R	SP	R	R	R	R	X	R/R	X	X	X	h	
Public and private elementary and secondary schools meeting all requirements of the compulsory education laws of the State of Connecticut, and adult education facilities connected with such schools, including dormitories connected with such schools	R	R	R	R	SP	R	R	R	R	X	X/R	X	X	X	i	



TABLE 3. USE TABLE

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted NA - Not Applicable																
In case of conflict between this Table 3 and the text of the Zoning Ordinance, the text shall prevail.																
Use	BA	BA-1	CGD	BA-2	BC	BD	BD-1	BD-2	BD-3	BE	MU	IL	IM	IH	Parking ⁽⁵⁾	Loading ⁽⁵⁾
Public and private colleges and universities, including dormitories connected with such institutions but excluding: fraternities and sororities, trade/or business schools and colleges, and schools and colleges operated as commercial enterprises.	R	R	R	R	SP	R	R	R	R	X	SP/R	X	X	X	j	
Public safety facilities, (fire, police and EMS)	R	R	R	R	R	R	R	R	R	R	SP/R	R	R	R		
Post office	R	R	R	R	R	R	R	R	R	R	R/R	R	R	R		
Fraternities and sororities located on land owned by an educational institution.	R	R	R	R	SP	R	R	R	R	X	X/X	X	X	X	b	
Fraternities and sororities located on land not owned by an educational institution.	X	X	X	X	X	R	R	R	R	X	X/X	X	X	X	b	
W. Public Amenity, Service and Utility Uses																
Reservoirs, dams, public utility substations and pumping stations, telephone exchanges, police stations, fire stations and post offices.															AS NEEDED	AS NEEDED
Utility	R	R	R	R	R	R	R	R	R	R	R/R	R	R	R		
Parks and other public facilities for passive recreation, and public playgrounds.															AS NEEDED	AS NEEDED
Notes:																
<ol style="list-style-type: none"> In the BA-2, first floor dwelling units are permitted by Special Permit along Whalley Avenue between Fitch Street and Harrison Avenue. First floor dwelling units are permitted as of Right in other locations. Parking lots and structures located entirely on parcels subject to a development agreement with the City of New Haven entered into prior to June 1, 2007 require only site plan approval. Only where part of a mixed-use development of 500,000 or more square feet. The land use permissions for the MU, Mixed-Use district include two designations, (e.g., R/SP). The first use permission applies to all MU districts within Long Wharf; the second use permission applies to MU districts outside of Long Wharf. 																

(Ord. No. 1368, § 8, 2-7-05; Ord. No. 1410, § 2, 3-20-06; Ord. No. 1412 (Rev. Sched. A, § 5), 5-1-06; Ord. No. 1553, 6-4-07; Ord. No. 1563, 12-17-07; Ord. No. 1565, 4-7-08; Ord. No. 1614, §1, 3-1-10; Ord. No. 1665, 10-3-11; Ord. No. 1685, Sched. D, 8-6-12; Ord. No. 1696, Sched. A, 5-6-13; Ord. No. 1790, Sched. C, 4-4-16; Ord. No. 1804, Attach. C, 8-1-16; Ord. No. 1805, 8-1-16; Ord. No. 1820, Sched. B, 6-5-17; Ord. No. 1842, Sched. B, 6-4-18; Ord. No. 1858, Sched. A, 4-15-19; Ord. No. 1886, Sched. C, 1-17-20; Ord. No. 1899, Sched. A, 7-6-20)



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

(a) *Definitions.*

(b) *Maximum FAR.*

- (1) The maximum **FAR and density** permitted in the district(s) specified shall not exceed **those set out in Table 43.1, FAR and Density Standards by District:**

Table 43.1, FAR and Density Standards by District	
FAR	Zoning District(s)
2.0	BA, BA-1, BB, BC and IM
3.0	IL, CGD***
4.0	IH
6.0	BD, BD-1**, BD-2*, BD-3 and BE
Density (units/ac)	Zoning District
100	MU

*Where a lot in a BD-2 District abuts a residence district along a rear or side lot line, the maximum permitted **FAR** is 2.5.
 ** Where a lot in a BD-1 District abuts an RS-1, RS-2, RM-1 or RM-2 Residence District, the maximum permitted **FAR** is 3.0.
 *** In the CGD, the maximum permitted **FAR** can be increased to 4.5 by utilizing strategies to improve site sustainability. See section 43(b)(2)
 **** In the BD-3, the maximum permitted **FAR** for sites where the primary use is commercial (non-residential) can be increased to 8 by utilizing strategies to improve site sustainability and/or by providing public plazas subject to the requirements of section 43.1)

(2) *FAR Bonuses in CGD and BD-3.*

- a. Because these corridors have great development potential and the capacity for larger buildings and commercial enterprises, they are eligible for **FAR** bonuses. However, because larger buildings have a greater environmental impact and because the City of New Haven prioritizes sustainability and resiliency measures, the **FAR** bonus is available to those projects that mitigate these impacts with sustainability measures in the table below.
- b. In the CGD, the maximum permitted **FAR** can be increased up to 4.5 through incorporation of strategies to improve site sustainability. Developments in the CGD District may implement any strategies in the chart below in Sections 1—4 and 6. The following sustainability strategies can be converted into points, with each point worth a 0.1 increase in **FAR**. A memo detailing what strategies are employed shall be included in the site plan submission.
- c. In the BD-3, the maximum permitted **FAR** can be increased up to 8.0 for all sites where the primary use is commercial (non-residential). The following sustainability strategies (except 6a.) and provision of public plazas can be converted into points, with each point worth a 0.2 increase in **FAR**. A memo detailing what strategies are employed shall be included in the site plan submission.

(3) *Density Bonuses in MU.*

- a. **Purpose.** A **mixed use** district may take many forms. To ensure development reflects the intentions visualized in the Long Wharf Responsible Growth Plan, density bonuses are available for development plans that demonstrate adherence to the criteria set out below.



- b. **Criteria.** When all of the following criteria are clearly demonstrated on plans submitted for approval to the City Plan Commission, the density may increase as follows:
- i. Increase to 185 dwelling units per acre.
 - (A) The site is laid out in blocks with a maximum dimension of 350 feet, or are designed with mid-block pedestrian passageways to provide access within and between blocks, buildings, parking areas and public amenities. Alternately, the site layout and design demonstrates walkability by way of shorter block lengths, pedestrian ways and access easements between buildings, parking areas and structures, and usable open spaces;
 - (B) Street cross-sections provide for on-street parking, mid-block and intersection bump-outs and pedestrian crosswalks, minimum 10 foot wide sidewalks, and a minimum three foot wide median if there are more than two travel lanes;
 - (C) Parking is located on-street and in a minimum three-story parking structure, part of which may be of podium construction;
 - (D) The building is vertically integrated with no less than two separate and independent land uses;
 - (E) Development constructed for residential use shall be a mid-rise multi-family building;
 - (F) A usable open space complying with the standards set out below in this Section is located within 650 feet of the entrance of each building within the development; and
 - (G) The development achieves a sustainability score of at least 8.0 based on the strategies outlined in Table 43.2, *Sustainability Strategies*, below.
 - ii. Increase to 265 dwelling units per acre). In addition to the above criteria:
 - (A) A pedestrian circulation plan demonstrates clear paths between buildings, parking areas and structures, open spaces and both along and across streets;
 - (B) Parking is located on-street and in a minimum four-story parking structure, part of which may be of podium construction, and wrapped by at least two stories of street-level uses and stepped back from the facade a distance of five feet per story;
 - (C) The buildings is vertically integrated with no less than two separate and independent land uses;
 - (D) The maximum gross floor area of the ground floor of any individual use is 25,000 square feet;
 - (E) Development constructed for residential use shall be a high-rise multi-family building;
 - (F) Usable open space complying with the standards set out below in this Section includes one central and two secondary improvements that are within 500 feet of the entrance of each building within the development; and
 - (G) The development achieves a sustainability score of at least 12.0 based on the strategies outlined in the table below.



Table 43.2, Sustainability Strategies	Points
1. Leadership in Energy and Environmental Design (LEED) Scorecard or other equivalent, nationally recognized rating system.	
1.a Scorecard indicating LEED Certification rating or equivalency to a LEED Certification rating signed by a LEED accredited professional.	1
1.b Scorecard indicating LEED Silver rating or equivalency to a LEED Silver rating signed by a LEED accredited professional.	2
1.c Scorecard indicating LEED Gold rating or equivalency to a LEED Gold rating signed by a LEED accredited professional.	3
1.d Scorecard indicating LEED Platinum rating or equivalency to a LEED Platinum rating signed by a LEED accredited professional.	4
1.e. Passive House Institute Component Certification	4
1.f. Department of Energy (DOE) Zero Energy Ready Home (ZERH) Certification	4
1.g. International Living Future Institute Zero Energy Certification	4
2. On-Site Energy Generation	
3.a. At least 25% of energy use is generated from on-site renewable sources.	1
3.b. At least 50% of energy use is generated from on-site renewable sources.	2
3.c. 75% or more of energy use is generated from on-site renewable sources.	3
3.d. The site has net zero energy impact.	4
2.e. Installation of all electric heating, ventilation and air conditioning systems, hot water systems, and appliances in all residential units.	5
3. Rainwater: All vegetation used in strategies 3a—3c must use at least 50% Native Plants.	
4.a. Retention	
4.b. Retaining 30%—60% of anticipated runoff generated by 10-year 24-hour storm, as defined by NOAA.	1
4.c. Retaining more than 60% of anticipated runoff generated by the 10-year 24-hour storm, as defined by NOAA.	2
4.d. Green Stormwater Infrastructure	
4.e. Green stormwater infrastructure is used to capture 30%—60% of runoff retained in Section 3.a	1
4.f. Green stormwater infrastructure is used to capture over 60% of runoff retained in Section 3.a	2
4.g. Ecoroofs as defined in Section 1.	
4.h. 30%—60% of roof area is an ecoroof.	1
4.i. 60% or greater of roof area is an ecoroof.	2
4.j. Payment-in-lieu	



Table 43.2, Sustainability Strategies	Points
4.k. For sites where the retention or infiltration strategies enumerated in Sections 3.a—3.c above are not feasible, a one-time payment may be made in-lieu of satisfying such strategies at a rate of \$6.00 per cubic foot of runoff generated by the proposed structure and site during a 1-year, 6-hour storm as defined by NOAA.	1
4.l. For sites where the retention or infiltration strategies enumerated in Sections 3.a—3.c above are not feasible, a one-time payment may be made in-lieu of satisfying such strategies at a rate of \$9.00 per cubic foot of runoff generated by the proposed structure and site during a 1-year, 6-hour storm as defined by NOAA.	2
4.m. For sites where the retention or infiltration strategies enumerated in Sections 3.a—3.c above are not feasible, a one-time payment may be made in-lieu of satisfying such strategies at a rate of \$12 per cubic foot of runoff generated by the proposed structure and site during a 1-year, 6-hour storm as defined by NOAA.	3
4. Building Reuse: The following strategies are mutually exclusive.	
5.a. Exterior design of new development is compatible with adjacent neighborhood fabric, built more than 50 years ago, including the use of similar window and door sizes, cladding materials, bays, and other primary structure elements., As part of the applicant's site plan application, the applicant shall provide a report by a design preservation professional demonstrating compliance with this strategy.	1
5.b. At least 75% of street facing Building facade, from structures built more than 50 years ago are restored and integrated into the new development, in accordance with the standards recommended by the Secretary of the Interior Standards for the Treatment of Historic Properties.	2
5.c. Existing building shell(s) constructed more than 50 years ago is restored, in accordance with the standards recommended by the Secretary of the Interior Standards for the Treatment of Historic Properties.	3
5. Public Plazas designed in accordance with Section 43.1.	
5.a. Public plazas totaling between 3,000 to 5,499 gross square feet.	1
5.b. Public plazas totaling between 5500 to 7,499 gross square feet.	2
5.c. Public plazas totaling between 7500 to 9,999 gross square feet.	3
5.d. Public plazas totaling between 10,000 to 15,000 gross square feet.	4
5.e. Public plazas in excess of 15,000 gross square feet.	5
6. Tree Canopy (20 years maturity after planting per registered landscape architect/certified arborist)	
6.a. Tree canopy covers 10 percent of the gross site area.	1
6.b. Tree canopy covers 15 percent of the gross site area.	2
6.c. Tree canopy covers 20 percent of the gross site area.	3
6.d. Tree canopy covers 25 percent of the gross site area.	4
7. Parking	
7.a. On-street and structured parking accounts for 70 percent of on-site parking.	1
7.b. On-street and structured parking accounts for 80 percent of on-site parking.	2



Table 43.2, Sustainability Strategies		Points
7.c.	On-street and structured parking accounts for 90 percent or more of on-site parking and dedicated curb space is provided for a minimum of two rideshare pick-up / drop-off locations.	3
8. Other		
8.a	In CGD only, outdoor space is dedicated to food production (e.g. community gardens in Privately Owned Public Space 43(l)(4)).	1
8.b	Construct primary structures out of Mass Timber or other engineered timber systems.	5
8.c	Public Plaza that meets SITES certification or equivalent can qualify for additional FAR points at 0.5 of the points assigned to the equivalent LEED certification rating set forth in subsections 1a—1d above.	Varies

(4) *Reserved.*

(c) *MU, Mixed Use Residential Density.*

(1) The **minimum** base density in an MU district is **100** dwelling units per acre, which may increase to **185** and **265** dwelling units per acre, respectively, commensurate with the criteria set out above in Subsection (c)(3).

(2) Development within the MU district shall have no fewer than 100 dwelling units arranged contiguously in one or more buildings.

(3) The MU district on Long Wharf is subject to the Inclusionary Zoning Ordinance (OR-2022-0002) thereby requiring a minimum percentage of IZ affordable units. If the total number of dwelling units permitted exceeds the otherwise allowable density maximum, the unit total given application of the IZ ordinance shall prevail.

(d) *CGD Residential Density.* The following residential density requirements apply only to CGD zones and supersede those requirements specified in Section 42.

(1) For mixed-use or residential developments, a minimum total residential density of 35 units per acre must be achieved for sites wholly or partially located within a ¼ mile radius of a designated, fixed route transit stop under the 2019 Move New Haven Plan. For all other mixed-use developments within a CGD, a minimum residential density of 25 units per acre must be achieved.

(2) *Reserved.*

(e) *Maximum building height.*

(1) Except as provided in subsections 43(d)(2), (3), (4), (5), (6), (7), (8), (9), (10) there shall be no direct limit on building height in any business, or industrial district (although indirect limits may be produced by floor area ratio and other requirements).

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

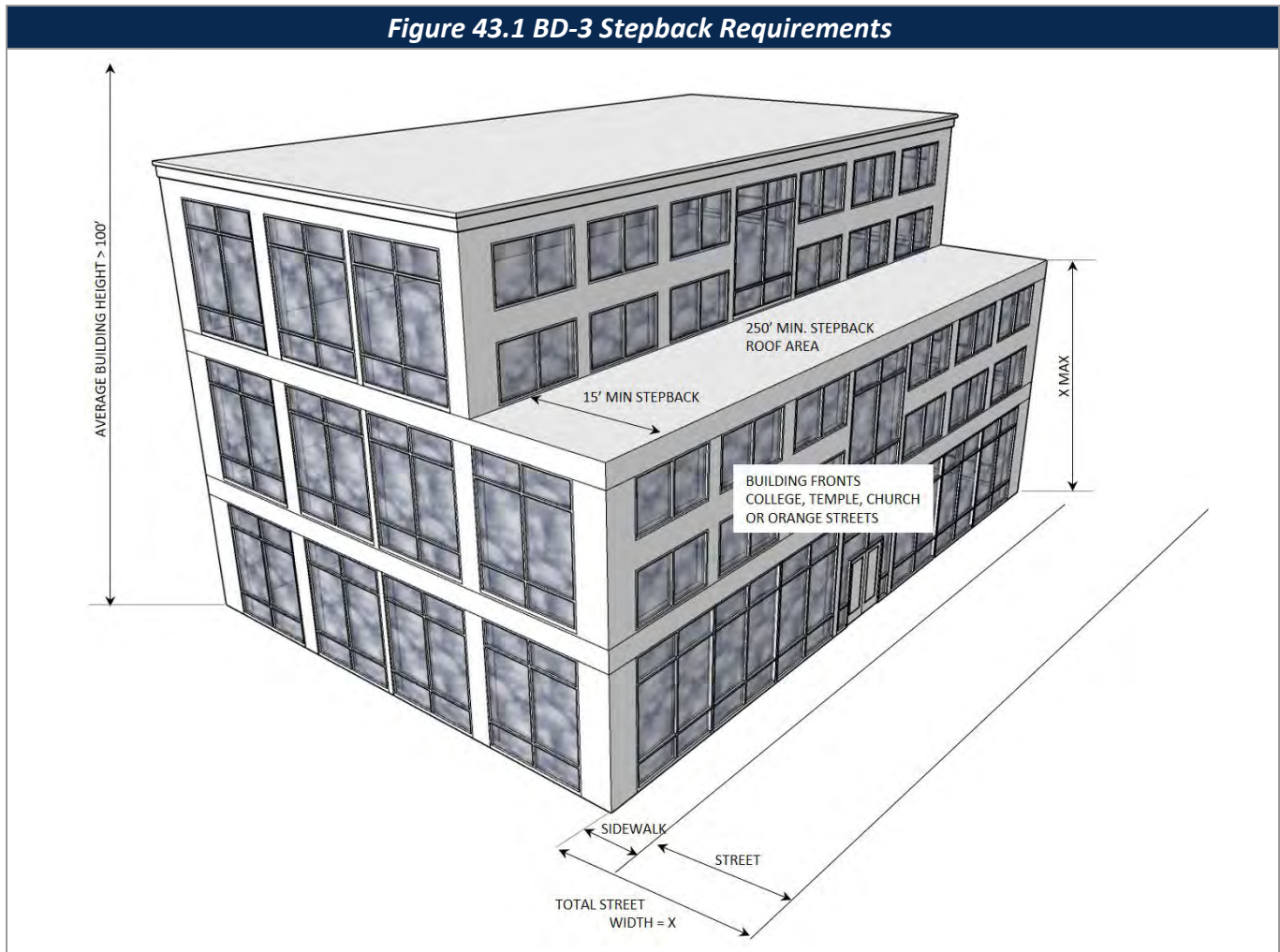
(3) No building in a Business D-2 District shall exceed 200 feet above average finished lot grade provided a building shall be entitled ten feet of additional height if such building is registered as a Leadership in Energy and Environmental Design (LEED)-certified building for new commercial construction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

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



- (5) In the BA-2, buildings shall have a maximum of four stories and a maximum building height of 50 feet. Buildings shall also have a minimum of two stories and a minimum building height of 25 feet, provided that the enlargement, expansion or extension of an existing one-story structure shall not be considered an increase in non-conformity for the purposes of Section 67(d).
- (6) In the CGDs, primary buildings shall have a minimum of two stories and a minimum building height of 25 feet, provided however, that the following shall not be considered an increase in non-conformity for the purposes of Section 67(d): (a) The enlargement, expansion or extension of an existing one-story structure; and (b) Additions that are less than 25% of the existing floor area of the structure.
- (7) In the BD-3 District, if the average height of a principal building exceeds 100 feet above average finished lot grade and if any portion of the principal building has frontage on College, Temple, Church, or Orange Streets or on Church Street South (between Columbus Avenue and South Frontage Road) Lafayette Street, Washington Avenue or Congress Avenue, then one 15-foot stepback of the upper levels of the building shall be required on the façade that fronts on such street, commencing no later than the point at which the height of the building is the same as the total of the width of the street that the building fronts on. The depth of the stepback need not be uniform, provided that at one point, the stepback is 15 feet from the front of the building façade at the floor immediately below the floor at which the stepback begins, and provided further, that the depth of the stepback area on the roof of the floor below the floor at which the stepback begins must be at least 250 square feet. If the principal building fronts on more than one such street, then only one stepback shall be required. (See Figure 43.1)
- (8) Where a lot in a BD-1 District abuts property in an RS-1, RS-2, RM-1 or RM-2 Residential District, a maximum building or structure height of 70 feet is permitted.
- (9) In the CGD, the maximum building height shall be 75 feet. Building heights greater than 75 feet are permitted by Special Permit.
- (10) On any lot located in a BD-3 District located south of South Frontage Road, Rte. 34, except for lots:
 - a. Directly abutting South Frontage Road. Rte. 34; or
 - b. Directly abutting Church Street South between Columbus Avenue and South Frontage Road, or
 - c. Directly abutting Lafayette Street, or
 - d. Directly abutting Washington Avenue or Congress Avenue between Lafayette and Liberty Streets:
a maximum building height of 70 feet is permitted.

Figure 43.1 BD-3 Stepback Requirements



(12) *Exceptions.* Ecoroofs, roof decks, roof gardens, roof accesses, mechanical floors, and related structures shall not be counted in building height limits.

(f) **Maximum building coverage.**

1. **Business and Industrial Districts.** Except for the Mixed Use (MU) District, there shall be no direct limit on **building coverage**.
2. **Mixed Use (MU) District.** The maximum building coverage for an individual development shall not exceed 85 percent of the site area, with the remaining site area devoted to **usable open space(s)**. Building coverage may be 100 percent if the usable open space is centralized and shown cumulatively on a master site plan for a multi-phase project.

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



and not less than one foot for each four feet of **average height** of the two facing walls averaged together where either facing wall has an **average height** greater than 30 feet.

(h) **Yard Regulations.** The following requirements shall apply in all business or industrial districts except for the BD, BD-1, BD-3 Districts (see subsection 43(g)(4)), CGD (see subsection 43(h)), and MU District (see subsection 43(i)), the BA-1 District (see subsection 43(m)), the BA-2 District (see subsection 43(m)), and except where a business or industrial district abuts a residence district (see § 47). These requirements shall apply to both principal and accessory buildings.

- (1) **Front yards:** There shall be no front yard required in any business or industrial district.
- (2) **Side yards:** There shall be no **side yard** required in any business or industrial district, except that in any case where a **side yard** is actually provided such **side yard** shall be required to be not less than five feet for a **building** wall having an **average height** of 20 feet or less, and not less than one foot for each four feet of **average height** for a **building** wall having an **average height** of more than 20 feet.
- (3) **Rear yards:** There shall be a **rear yard** in all business and industrial districts of not less than ten feet for a **building** wall having an **average height** of 30 feet or less and not less than one foot for each three feet of **average height** for a **building** wall having an average height of more than 30 feet.
- (4) There shall be no minimum yard requirements in the BD, BD-1 or the BD-3 Districts except that in the BD-3 District there shall be a minimum of 15 feet of unobstructed land from the ground up on which no structures shall be located between the outer face of a building foundation wall at grade of a principal building that fronts on a street and the curb of such street in order to provide for sidewalks, streetlights and landscaped areas between the sidewalk and the curb, provided, however, that overhead pedestrian walkways and the footings, foundations, piers, and/or supports for such walkways may be located in the above described 15 foot area. Additionally, in the BD-3 District, when a mixed use or a residential principal building which is four stories or less, contains one or more windows that face a nonresidential building on the same lot, there shall be a minimum of ten feet of unobstructed land from the ground up between the nonresidential building and the residential principal building or mixed use building. If such residential principal building or such mixed use building faces a nonresidential building on an adjacent lot or faces an adjacent vacant lot, then there shall be a minimum ten-foot side or rear yard (as the case may be) on the lot on which such residential principal building or mixed use building is located facing the adjacent lot.

(i) **CGD Yard Regulations.** The requirements in the CGDs are set out in Table 43.3, **CGD Yard Regulations:**

(1) In CGDs, the minimum and maximum yard requirements for frontages on the three main corridors are:

Where the parcel abuts side streets that are not Whalley, the front yard minimum is zero and the front yard maximum is 20 feet. The front yard provided should be demonstrably consistent with the front yards of the relevant side street.

Table 43.3, CGD Yard Regulations

	Front Yard Min	Front Yard Max	Side Yard Min	Side Yard Max	Rear Yard Min	Rear Yard Max
Whalley	0	5	0	40	10	20

(2) Because larger development sites are often phased for financing and lease purposes, contiguous sites in the CGD zone that are being developed together may be considered as a single lot for purposes of setbacks and other dimensional requirements (e.g. FAR, POPS) regardless of ownership.

(j) **MU Yard Regulations.** (see Figure 43.4, **MU Building Regulations**)



Table 43.4, MU Building Regulations		Street		
Key	Standard	Type A	Type B	Type C
Building Placement (see Figure 43.1, MU Dimensional Standards)				
A	Build-to-Zone (BTZ) (min/max ft) [1]	0' - 5'	5' - 15'	15' - 30'
B	Street Frontage (min. % of facade at min BTZ) [2]	90%	80%	70%
C	Street Frontage (min. % of facade at max BTZ) [2]	10%	20%	30%
D	Corner Lot Side Setback (min/max ft)	0' - 5'	5' - 10'	10' - 20'
E	Interior Lot Side Setback (min ft)	0'	0'	10'
F	Rear Setback (min ft)	0'	10'	20'
Pedestrian Priority Zones (see Figure 43.2, Pedestrian Zone Widths)				
G	Building Frontage (min/max ft)	8' - 12'	4' - 8'	0' - 4'
H	Pedestrian Clearway	10'	8'	6'
I	Furniture and Planting	6'	4'	--
J	Edge	2'	2'	--
Building Height and Upper Story Stepbacks				
K	Max. Stories within 15' of Front Property Line	4	4	3
L	Height (stories / feet) - Minimum - Maximum	4 / 50' None	4 / 50' None	None 3 / 40'
--	Max. Plate Area of Upper Story Stepbacks (max. %)	90%	80%	--
--	Max. Stories within 15' of a Residential District / Use	3	3	2
--	Ground Floor / Upper Story Height (max ft.)	14' / 12'	14' / 12'	12' / 10'
Building Activation				
--	Max. Facade Width Before Articulation	25'	30'	40'
--	Min. Number of Articulation Techniques	1	2	2
--	Min. Number of Varied Massing Techniques	1	2	2
--	Transparency (min %) - Ground Floor (with/without entrance) - Upper Floor	80% / 60% 40%	70% / 50% 30%	60% / 40% 20%
--	Building Entry Orientation	Street Front/ Corner	Street Front/ Open Space	Front/ Open Space
--	Building Entry Spacing (max ft.)	50'	50'	--
Parking				
--	Type	Street/Structure	Street/Structure	Surface
--	Surface (max %)	15%	15%	20%
--	Location	--	--	Interior Side/Rear



Table 43.4, MU Building Regulations		Street		
Key	Standard	Type A	Type B	Type C
Building Placement (see Figure 43.1, MU Dimensional Standards)				
--	Access	Primary/Secondary Street	Secondary Street/Alley	Shared Drive

Table Notes

- [1] The maximum setback and percentage of street frontage allowed beyond the build-to-zone may be used for outdoor seating or as open space.
- [2] The street frontage requirements apply to the greater height of a building or setback.

Figure 43.2, MU Dimensional Standards (refer to Table 43.3, MU Yard Regulations)

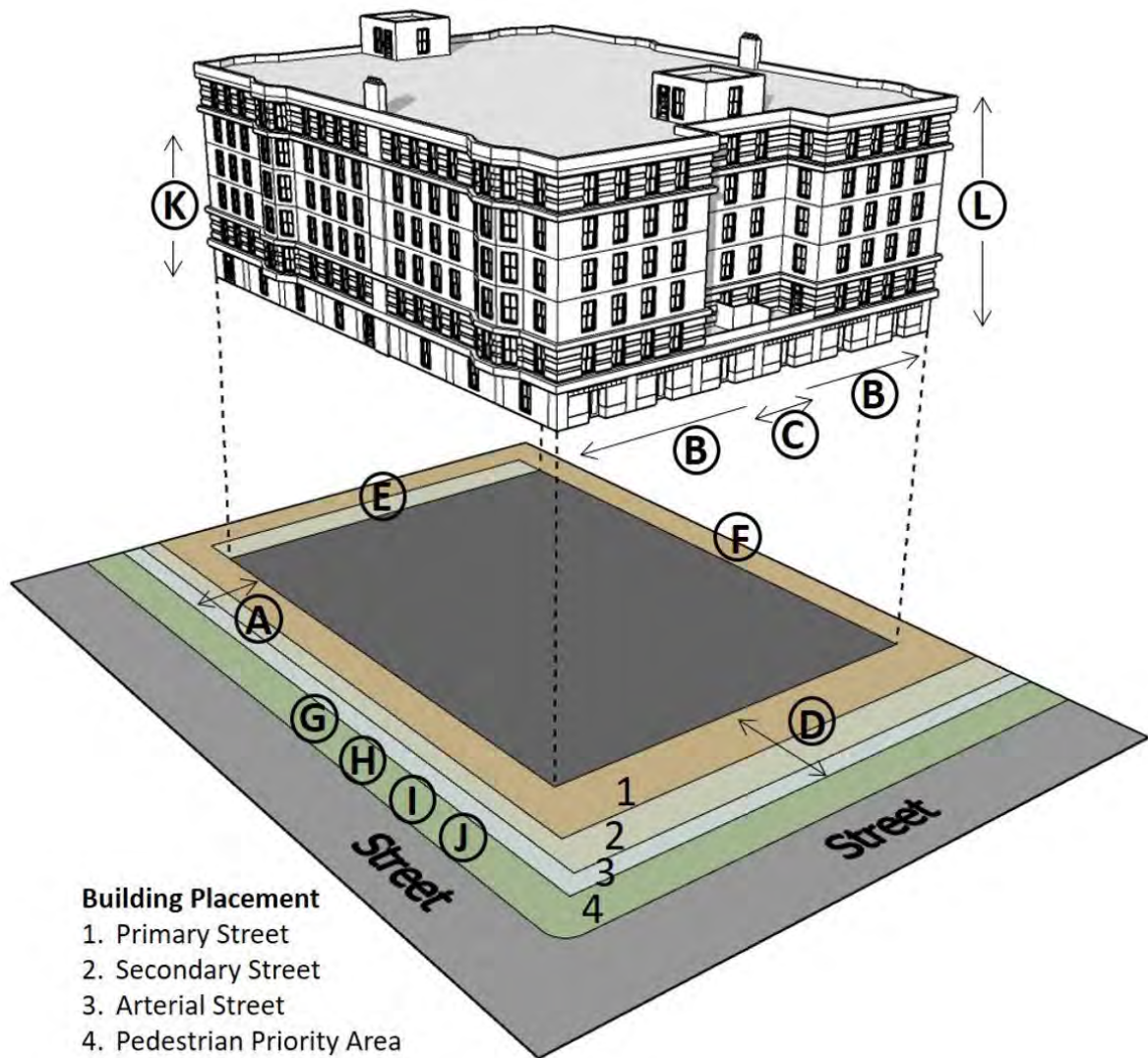
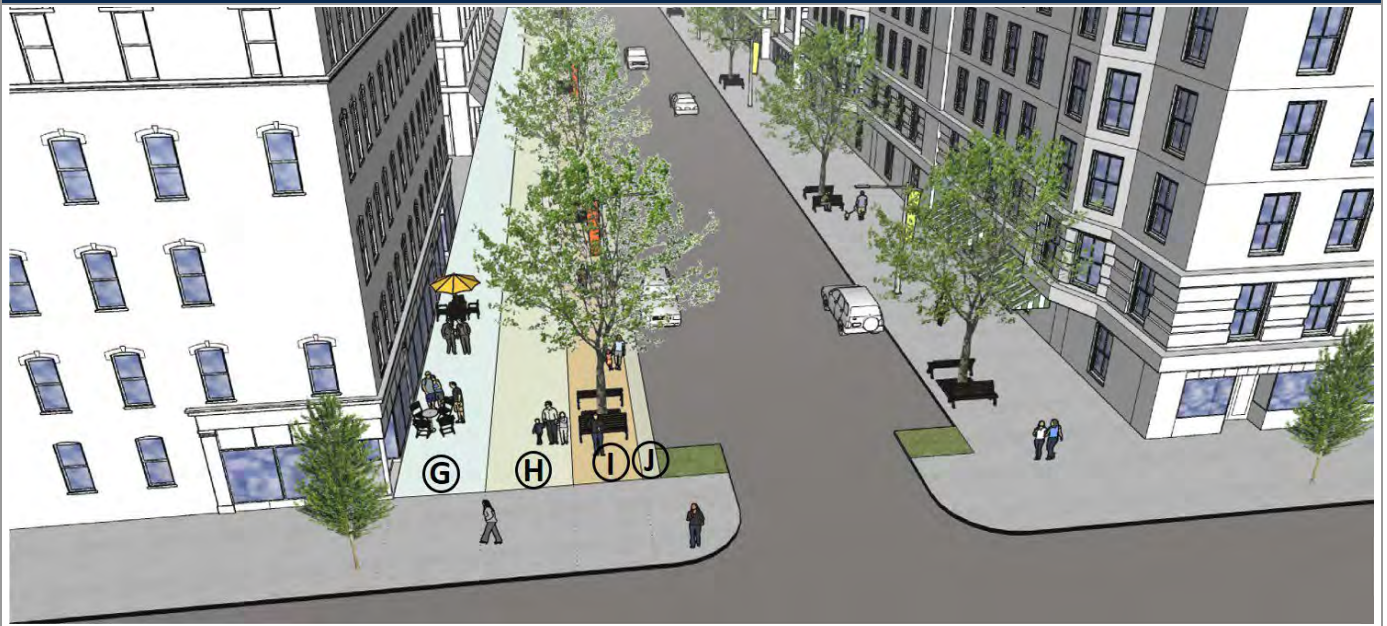


Figure 43.2 Pedestrian Zone Widths



- (k) **Coastal Environmental Protection and Safety Standards.** Any project proposed to be in the Harbor Subdistrict of the Mixed-Use (MU) district shall conform to the environmental protection and safety standards established below:
1. **Area for Recyclable Materials.** Any proposed project with a gross floor area of 50,000 or more square feet shall include an interior area for the separation, temporary storage, and collection of recyclable materials. Such area shall be located in the vicinity of an off-street loading facility.
 2. **Trash Disposal Standards.** Any such proposed project with a gross floor area of 50,000 or more square feet shall include a trash compactor in an interior location for garbage and trash disposal, and shall provide for the maintenance and cleanliness of such compactor.
- (l) **Structures within required yards.** The following rules shall apply to yards provided under § 43(f).
1. No wall of a **building** shall extend beyond the outer face of a **building** foundation wall into such a **yard** for more than six inches.
 2. A **projection** from a **building** may extend into such a **yard** for not more than one-half the width of such **yard**, but in no case more than five feet into such **yard** for fire escapes, one-story open porches, ramps, loading docks, and steps leading up to the ground floor, or three feet into such **yard** for all other projections, and in no case to within two feet of any **lot line**.
- (j) **Usable Open Space for the BC, BD, BD-1, BD-2, BD-3, MU, CGD, and IL Districts.**
- (1) In the BD-3 District, for all nonresidential buildings in excess of 10,000 square feet of gross floor area, a minimum of 25 square feet of usable open space per 1,000 square feet of gross floor area up to a maximum of 10,000 square feet of usable open space shall be provided on the same lot on which the nonresidential building is located. In the event that any point on such lot is located within a 1,000-foot radius of publicly accessible open space, then a minimum of 13 square feet of usable open space per 1,000 square feet of gross floor area shall be required on such lot up to a maximum of 10,000 square feet of usable open space.



- (2) In the BC, BD, BD-1, BD-2, BD-3, CGD and IL Districts, for all mixed use buildings and residential principal buildings both existing and proposed, a minimum of 50 square feet per dwelling unit of usable open space shall be provided on the same lot on which such building is located. In the event that any point on the lot upon which the mixed use building or the residential principal building is situated is located within a 1,000-foot radius of publicly accessible usable open space, then a minimum of 25 square feet of usable open space per dwelling unit shall be required.
- (3) In the BC, BD, BD-1, BD-2, BD-3, CGD and IL Districts, mixed use buildings and residential principal buildings both existing and proposed with six or more dwelling units shall provide 50 square feet of common amenity space per dwelling unit in addition to the usable open space required under subsection 43(j)(1)b. above.
- (4) In the MU district, a minimum of 15 percent of the total site area shall be preserved as usable open space. The open space shall be calculated and shown for each building site or may be centralized and shown cumulatively on a master site plan for a multi-phase project. Such open space shall be constructed concurrent with each phase of development, or upon approval of the Board of Alders, may be dedicated for construction during a later phase provided a legal instrument, approved as to form by Corporation Counsel, is filed of record with the City Clerk. To qualify as usable open space:
 - a. All buildings shall be located within a 500-foot radius of an open space with an area no less than 3,000 square feet;
 - b. The space shall be constructed as one contiguous open area or, with approval of the City Plan Commission, no more than 50 percent of the area may be arranged linearly or as separate areas provided no area is less than 500 square feet;
 - c. No more than two-thirds of the perimeter of an open space may not be surrounded by walls;
 - d. No portion of an outdoor open space can have a clear height of less than eight feet;
 - e. An open space that is roofed shall have a minimum clear height of 1.5 times the greatest dimension of the roofed area;
 - f. Fully enclosed and roofed accessory structures are permitted within an open space provided they cover a cumulative area no greater than 15 percent of the amenity area; and
 - g. A minimum of 20 percent of the total open space shall be for planting areas provided no horizontal dimension is less than three feet and each planting area has a minimum plant coverage of 75 percent.;
- (5) In the MU district, the following areas shall not be deemed "usable open space":
 - a. Any area occupied by a building not exceeding a height of 15 feet and a gross floor area of 400 square feet and reserved exclusively as a water-dependent use or a recreational use permitted by [Section 42](#), *Use regulations for business and industrial districts*;
 - b. Any area occupied by a street or private way open only to pedestrians and emergency vehicles; and
 - c. Any area, at grade, that is covered by a pedestrian skywalk or skybridge.

Figure 43.4 MU Open Space



(j) *Principal entrances.*

- (1) *BD-3 District.* Buildings facing College Street, Orange Street, Temple Street, Church Street South (between Columbus Avenue and South Frontage Road), Lafayette Street, Washington Avenue, or Congress Avenue shall have a principal entrance facing such streets or on the corner of any of the above listed streets and another street.
- (2) *MU District.* All buildings facing a public street shall provide at least one principal entrance to such street. Buildings that front, in whole or in part, on an open space shall provide at least one principal entrance to such space.

(k) *Transparent and active uses.*

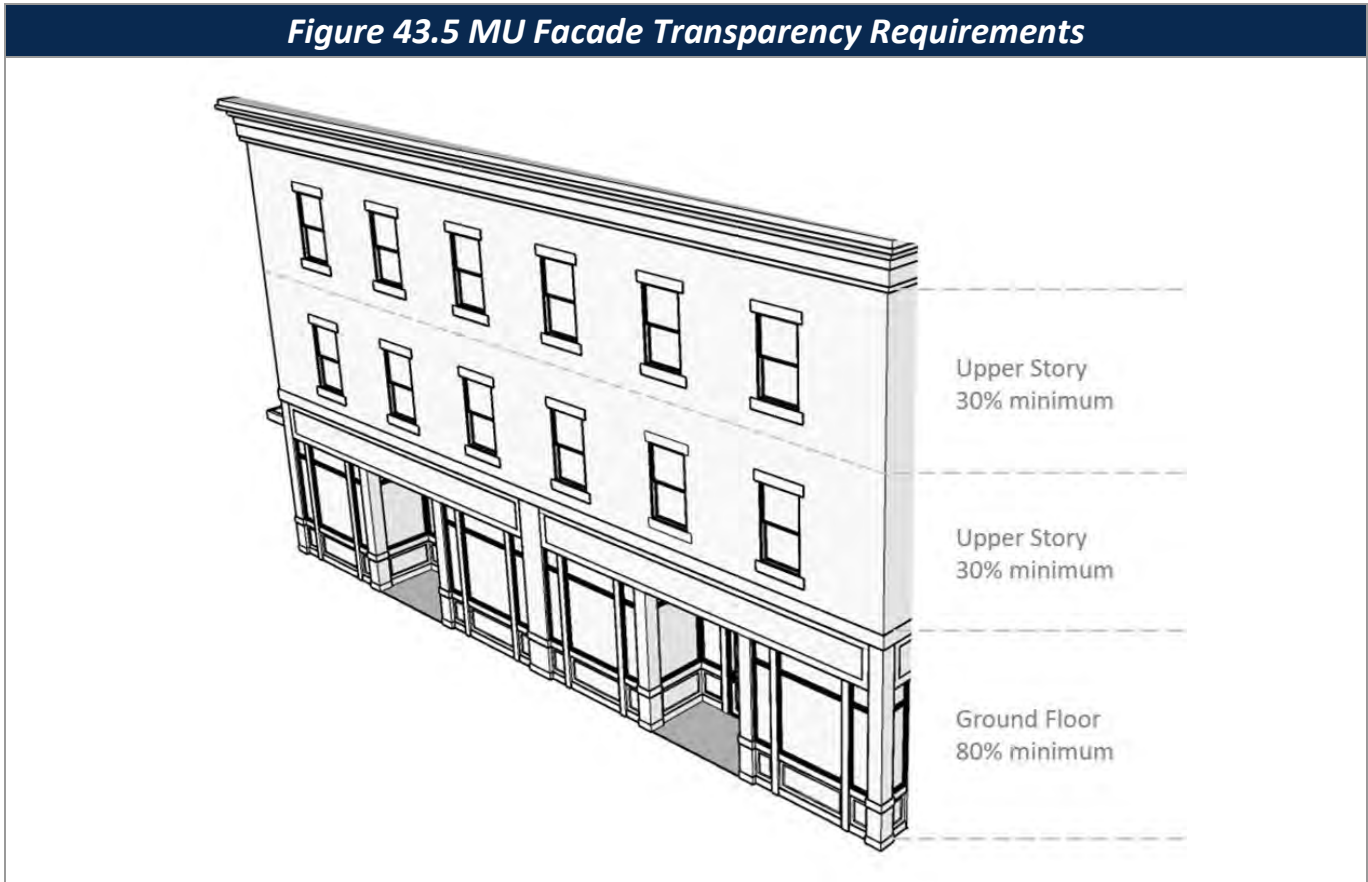
- (1) *BD-3 District.*
 - (a) Every nonresidential building and every mixed use building that faces College Street, Orange Street, Temple Street, or Church Street, Washington Avenue, Congress Avenue, Lafayette Street or Church Street South (between Columbus Avenue and South Frontage Road) in whole or 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, Washington Avenue, Congress Avenue, Lafayette Street or Church Street South (between Columbus Avenue and South Frontage Road) 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.
- (2) *MU District.* Building facades that face a street or open space shall maintain a minimum level of transparency on the ground and upper stories. Only those windows and door areas arranged so that active uses within the building are visible from or accessible to the street shall be counted toward meeting transparency requirements. Enclosed product display windows and other similar elements that do not permit clear visibility into the interior of the building shall be omitted from transparency calculations.
 - (a) All windows must be transparent, non-reflective glass.
 - (b) Solid walls facing a street are prohibited.
 - (c) A minimum of six square feet of clear window area for every 40 linear feet, or portion thereof, of the walls of a building that faces a parking area shall be required. The window shall be placed so that the parking area may be readily viewed from inside the building.
 - (d) Transparency requirements do not apply to portions of structures in the assembly area of theaters, auditoriums, religious institutions, and similar uses, provided that the building wall is enhanced by architectural detailing, artwork, landscaping or similar features.
 - (e) The building transparency requirement may be reduced or waived through design review upon finding that:
 - i. The proposed use has unique operational characteristics with which the provision of the required windows and openings is incompatible, such as in the case of a historic building; and
 - ii. Street-facing building walls will exhibit architectural relief and detail, or will be screened with attractive landscaping, in such a way as to create visual interest at the pedestrian level.

Figure 43.5 MU Facade Transparency Requirements



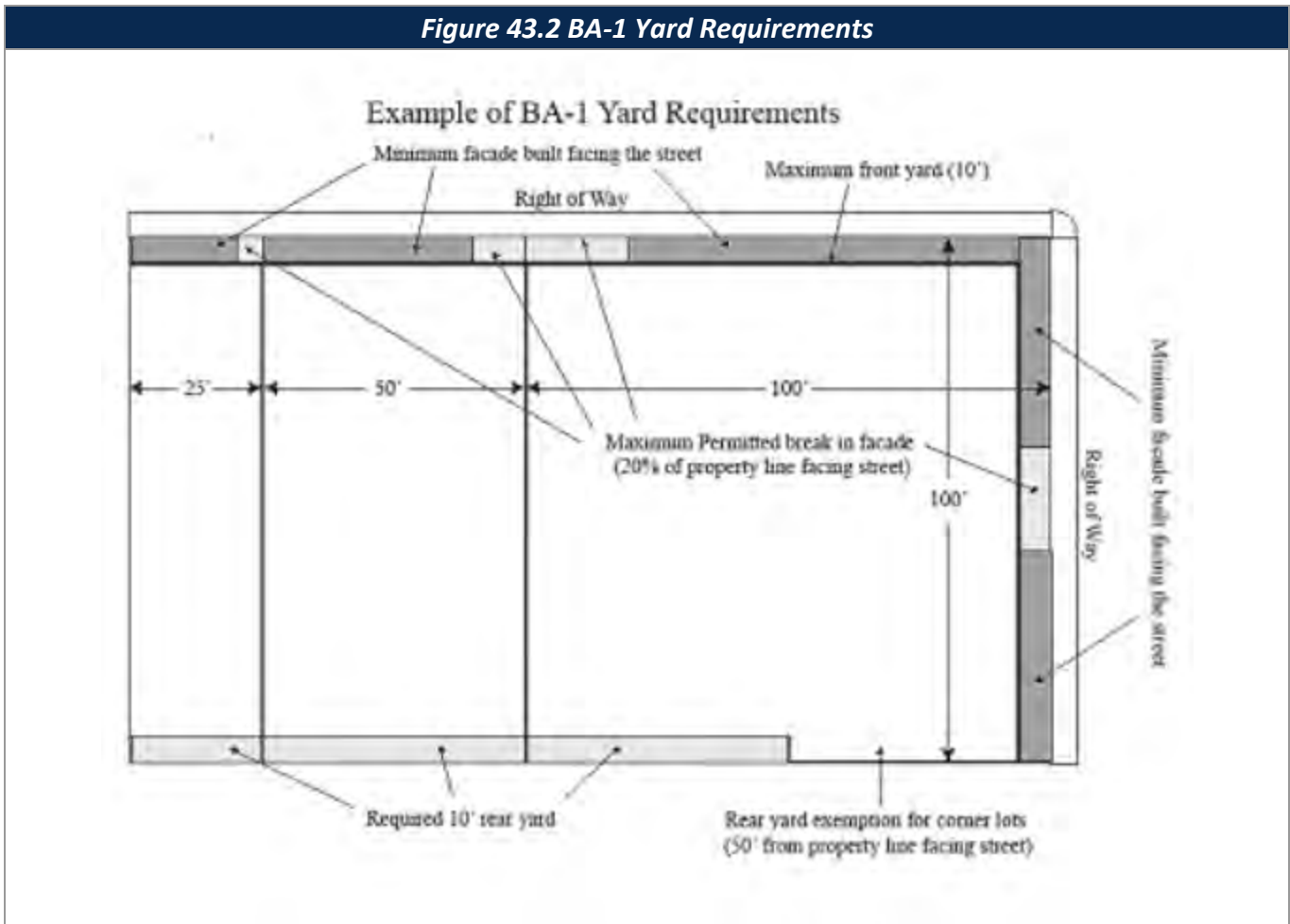
(j) *Additional requirements for buildings in BA-1, BA-2, and CGD Districts.*

- (1) *Yards facing the public right-of-way:* In BA-1 and BA-2 Districts, building façades must abut or be located within ten feet of at least 75 percent of the property line abutting the public street (see figure 43.1 below). Building façades in CGDs must be located within the distance specified in Section 43(g)(5).
- (2) *Side yards:* No minimum side yards are required. For CGD Districts, maximum side yards are specified in Section 43(g)(5).
- (3) *Rear yards:* Minimum ten-foot rear yard. In CGD Districts, minimum rear yards are specified in Section 43(g)(5).
- (4) *Street frontage:* In CGD Districts only, buildings must occupy 100% of street frontage for lots with less than 250 feet of street frontage or access driveways no greater than 20 feet wide. A special exception may be sought to devote frontage to Privately Owned Pedestrian Space.
 - a. *Privately Owned Pedestrian Space (POPS):* Up to 20% of street frontage on Whalley in CGD Districts can be occupied by POPS, within the constraints of the maximum permitted side yards. POPS are pedestrian friendly areas, which are owned and maintained by private property owners. POPS count toward usable open space requirements, specified in Section 43(i). POPS are intended to produce active and safe spaces. They include human-scale elements such as lighting, windows, art, and landscaping. Commercial activities, including food service and sales may occupy POPS. To the extent possible, it is strongly encouraged for POPS to be plazas, community gardens, or pedestrian arcades providing safe opportunities for the public to walk, sit, recreate, and congregate.



- b. For lots with 250 feet or more of street frontage, at least 75% of the street frontage not occupied by building façade or access driveway no greater than 20 feet wide, shall be occupied by POPS, as described in subsection (a) above.
 - c. An exterior lighting plan must be included with site plans for POPS.
- (5) *Corner lots:* Are exempt from rear yard requirements for the first 50 feet from the street.
 - (6) *Doors and Entrances:* Buildings must have a primary entrance facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
 - (7) *Transparency:* In new buildings, except for buildings or portions of buildings containing residential or religious uses or health care facilities on the first floor, a minimum of 75 percent of the street-facing first floor building façade between two feet and eight feet in height must comprise clear windows that allow views of indoor space or product display areas. The bottom of any window or product display window used to satisfy this standard may not be more than three feet above the adjacent sidewalk.
 - (8) *Security bars and Gates:* Solid metal security gates, bars, or solid roll-down metal windows shall not be permitted. Link or grill type security devices shall be permitted. If installed on the outside, the coil boss shall be recessed and concealed behind the building wall.
 - (9) *Landscaping:* All parts of the property visible from the public right-of-way or from residential units contained on the property or adjoining properties shall be adequately landscaped to maximize recreational utility and aesthetic views. Landscape improvements may include pavers or paved surfaces, gravel, trees, shrubs, ground cover, and wherever possible, the retention of existing landscape features.
 - (10) *Fencing:* Rear yard property lines must be fenced where they abut residential zones as practicable. Alleyways should have decoratively designed gates or fences. Fences in front or side yards should not obscure sight lines to increase public safety. Chain link fences are prohibited except for temporary fences for construction.
 - (11) *Screening:* All trash receptacles, dumpsters, or bins placed outside the building must be screened from view from the public right-of-way and constructed and maintained so as to prevent noxious sights, odors, vermin, or other nuisances.

Figure 43.2 BA-1 Yard Requirements



(12) *Design guidelines:* The following design guidelines apply to all buildings in a BA-1 or CGD District only. They should to the greatest extent possible, be incorporated into the design of new buildings and the renovation of existing structures. Compliance with these guidelines shall apply when (1) there are proposed modifications to a building façade to include replacement of windows, replacement of façade materials, or additions to or extensions of a façade; (2) there is an addition or modification to an existing structure that is subject to site plan review under Section 64(f); and (3) for all new construction.

- a. *General design principles:* Emphasis is placed on the pedestrian-scaled environment. Buildings should harmoniously blend with the existing neighborhood fabric. All materials and architectural details used on the exterior of a building should be compatible with the building style, and with each other. A building designed of an architectural style that normally includes certain integral materials and/or details should incorporate such into its design. Plans should reflect an attention to detail, the use of quality materials, and good craftsmanship.
- b. *Scale, mass and continuity:* Buildings should generally relate in scale and design to the surrounding buildings where such buildings represent quality construction and design associated with historical development of the area. Buildings should reflect a continuity of treatment in the following ways:
 1. Maintain, when appropriate, the building mass and scale of adjacent buildings.
 2. Maintain front yard build-to lines.



3. Maintain cornice and transition lines in buildings of the same height.
 4. Primary horizontal and vertical lines in the architectural composition should remain visible or be incorporated into the design.
 - c. *Building entrances:* All entrances to a building should be defined and articulated by architectural elements of the building. Any such element utilized should be architecturally compatible with the style, materials, and details of the building as a whole.
 - d. *Fenestration:* The arrangement and design of windows and doors in a building should be architecturally compatible with the style, materials, and details of the building. Windows should be vertically proportioned wherever possible. To the extent possible, upper story windows should be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows. All windows should be stylistically consistent with the building and energy efficient.
 - e. *Roofs:* Roof types should be appropriate to a building's architectural type. Repairs to existing construction should conform to the building vernacular.
 - f. *Buildings on corner lots:* Buildings on corner lots should be considered important structures because they contain more than one façade that is exposed to the street. These buildings should be enhanced with appropriate architectural embellishments.
 - g. *Façades:* The architectural treatment of the front façade should be continued, in its major features, around all visibly exposed sides of a building. All sides of a building should be architecturally designed to be consistent with regard to style, materials, and details. Deteriorated materials should be restored to actual function if possible, and if not possible, should be replaced with similar materials that have the same form and surface characteristics without visually changing the façade's character. New buildings should, at street level, have clear glass windows sufficiently transparent to provide views into the interior of the building.
 - h. *Storefront façades:* Storefronts should be integrally designed as part of the entire façade. Buildings with multiple storefronts should be architecturally uniform throughout through the use of architecturally compatible materials, details, awnings, canopies and marquees.
 - i. *Signage and lighting fixtures:* Attachments and/or fixtures should complement the architectural design of the façade and should be appropriate in scale to the ornamentation and the design elements of the building. Fixtures and attachments should not obscure historically significant materials, architectural features or decorative details.
 - j. *Signage:* Signage should be architecturally compatible with style, materials, and details of the building and neighborhood.
 - k. *Awnings, canopies and marquees:* Awnings, canopies and marquees are permitted at ground level. Such treatments should be designed to complement the building and should be compatible with the materials and details of the building and neighborhood. In buildings with multiple storefronts compatible awnings, canopies and marquees should be used as a means to unify the building. Solid, lighted awnings and canopies are not permitted. Vinyl awnings are not permitted.
- (13) *Special permit:* All proposed uses of greater than 5,000 net square feet, whether located in new or existing structures, shall require a Special Permit in order to ensure that such relatively large proposals are compatible with and meet the general criteria and standards of the Business A-1 and Business A-2 Districts as described and defined in Section 41. Uses within CGDs are exempt from this provision.



(Ord. No. 1410, § 3, 3-20-06; Ord. No. 1412 (Rev. Sched. A, §§ 6, 7), 5-1-06; Ord. No. 1614, § 1, 3-1-10; Ord. No. 1685, Sched. D, 8-6-12; Ord. No. 1696, Sched. A, 5-6-13; Ord. No. 1726, Sched. A, 12-2-13; Ord. No. 1751, Sched. A, § 2, 8-6-14; Ord. No. 1804, Attach. C, 8-1-16; Ord. No. 1807, Attach. C, 8-1-16; Ord. No. 1820, Sched. B, 6-5-17; Ord. No. 1842, Sched. B, 6-4-18; Ord. No. 1886, Sched. C, 1-17-20; Ord. No. 1899, Sched. A, 7-6-20)



Section 43.2 Required Public Access: Coastal Access Easements

- (a) *Required public access.*
1. Requirements for public access apply only to land within the jurisdiction of the city.
 2. Development that is not a water dependent use as defined by the State of Connecticut and is located adjacent to the coastal jurisdiction line shall provide public access to the shoreline via a coastal access easement. Said easement and access need not provide direct access into the water.
 3. All coastal access easements shall be located, surveyed, dedicated to the public by permanent easement, approved as to form by Corporation Counsel, and filed in the land records prior to approval or issuance of a building permit.
 4. Coastal access specifications.
 - a. Coastal access easements shall be a minimum of 20 feet wide and shall be contiguous and parallel to the coastal jurisdiction line. Easements shall run along the entirety of the length of the coastal interface. Such easements shall be permanent, recorded in the office of the City Clerk, in survey form and by written agreement in a form approved by the Corporation Counsel.
 - b. An improved walking surface with a minimum width of 15 feet and ADA-compliant shall be provided within the access easement. Approved details for surface treatment and construction can be found in the Mill River Trail Standards (2018) and as filed by the City Plan Department.
 - c. Each easement shall be directly accessible to and connected to a public street or sidewalk and shall be signed appropriately at the public access points. Should a new coastal access easement be constructed adjacent to an existing coastal access easement, the two easements shall be joined and made passable at the property lines.
 - d. Plans for the coastal access easements shall be submitted to the City as part of site plan approval.
 5. Maintenance.
 - a. Maintenance of coastal access easements shall be the responsibility of the property owner in perpetuity.
 - b. Should a coastal access easement be dedicated to and accepted by the City, the access easement shall thereafter be open to the public and maintained by the City.



Section 43.3 Special Provisions for the MU District

Where a use is permitted by Special Permit in accordance with the Use Table (Section 42), such use shall comply with Section 64 (d) of this ordinance and shall comply with the following additional standards:

- (a) **Flood Safety: Buildings** proposed for construction within a **special flood hazard area (SFHA)** shall demonstrate strict adherence to one of the following:
 1. Produce a **letter of map amendment (LOMA)** to a National Flood Insurance Program (NFIP) map showing the building site has been raised out of the SFHA;
 2. Produce a **letter of map revision (LOMR)**, Conditional Letter of Map Revision (CLOMR) or a Letter of Map Revision-Based on Fill (LOMR-F) to a Flood Insurance Rate Map (FIRM) showing the building site has been raised out of the SFHA; or
 3. Present evidence in the form of written documentation, certified by a licensed engineer in the state, clearly confirming that a proposed project shall meet all applicable local, state and federal **approval** or permit requirements.
- (b) **Residential or Mixed Use Building.** A **residential building** or a **residential mixed-use building with upper floor residential use** that is proposed for construction within a **special flood hazard area (SFHA)** shall demonstrate:
 1. **Residential ancillary uses** that support the dwelling units shall be located a minimum of two feet above the base flood elevation (BFE);
 2. Where applicable, easements shall be granted through the property proposed for construction to allow for lateral and vertical public access to an area outside of the **special flood hazard area (SFHA)** that is a minimum of two feet above the base flood elevation;
 3. The increase in hurricane shelter space demand will be mitigated to the satisfaction of the City Plan Commission;
 4. Dry egress shall be provided at a minimum width of five feet wide, at a minimum elevation of BFE+2, constructed of materials designed for use of a wheelchair for its entire length, and ADA-compliant. Dry egress shall lead continuously from the site development location to a location outside and above the SFHA. The pathway shall be kept free of obstructions and adequately maintained. Easements as necessary to cross adjacent private or public property shall be negotiated and recorded prior to Site Plan approval by the City Plan Commission.
 5. Flood emergency vehicular access and egress shall be required for all new construction and shall be constructed at or above the base flood elevation and which at all times shall remain passable for emergency, service and passenger vehicles to the satisfaction of the City's Director of Emergency Management and the City Engineer.
 6. Official submission of a Flood Emergency Operations Plan, prepared by a design professional, providing for:
 - a. Clearly defined chain of command and leadership responsibilities;
 - b. Procedures for notification when flood warnings are issued;
 - c. An evacuation plan for all personnel and residents including identification of all ingress and egress routes; and
 - d. Training drills coordinated with city officials no less than once annually.



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

The following regulations shall apply to all uses and zone districts described in section 42 of this ordinance.

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

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

(a) *Parking and loading.*

- (1) Off-street parking and off-street loading spaces shall be furnished in the following quantities for new uses and expansion of existing uses except where otherwise indicated in Section 45.
 - 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.

Table 45(a)(1)a.		
Key Letter	General Description of Uses	Quantity of parking spaces
a	Motel, Hotel, Tourist Home, Bed and Breakfast	One per unit
b	Rooming or Boarding House Fraternities and Sororities	One per three sleeping rooms
c	Dwelling, Unit	One-half per dwelling unit, except for one per dwelling unit in BA and BA-1 Districts
d	Assisted Living and Elderly Housing	One-third per dwelling unit
e	Live Work Loft	One per unit
f	Custodial Care	See Section 19
g	Religious institutions	One for each eight seats in the largest place of assembly based upon the maximum occupancy of both fixed and movable seats
h	Cultural activities including art galleries, libraries and museums	One per each eight seats in each place of assembly based upon the maximum occupancy of both fixed and movable seats
i	Public and private elementary and secondary schools	One for each eight seats in each place of assembly commonly having events open to the public, based upon the maximum occupancy of both fixed and movable seats



Table 45(a)(1)a.

Key Letter	General Description of Uses	Quantity of parking spaces
j	Public and private colleges and universities	Minimum parking: One parking space for each two full-time faculty members or the equivalent (two part-time members equaling one full-time member), plus one parking space for each three employees, plus one parking space for each three non-resident students, plus one parking space for each six beds if residents are allowed to keep automobiles, plus one parking space for each eight seats in each place of assembly (other than classrooms) commonly having one-half or more of its attendance made up of students (and otherwise having one parking space for each four seats) based on the maximum occupancy of both fixed and movable seats
k	General and Special Inpatient Hospitals	Minimum parking: One parking space for each four patient beds (excluding bassinets), plus one parking space for each staff or visiting doctor (based on the average number of such doctors at the hospital or health care clinic at peak times), plus one parking space for each four employees in the largest shift including nurses; plus, in the case of health care clinics, a number of parking spaces for patients equal to twice the number of parking spaces required for doctors
l	Nursing Homes/Rest Homes/Residential Care Homes	One per patient bed
m	Health Care Clinic	Three per 1,000 sq. ft. of gross floor area
n	Retail sales and services	One per 400 sq. ft. of gross floor area
o	General office, including Research Labs and High Technology Services	One per 750 sq. ft. of gross floor area
p	Place of assembly, eating or drinking place, funeral home	One per four seats (total capacity)
q	Indoor Amusement including Game Rooms as defined in subsection 42(f)	One per four persons present at such facilities when they are filled to capacity
r	Vocational, trade or business school	One per two students present at one time
s	Industrial, heavy commercial, transportation, marine, miscellaneous services	One per two employees on the largest shift
t	Game room, as defined in section 42.2	One per two game machines
u	Marina	One per slip



1. Exceptions.
 - A. *BA-1 and BA-2 Exceptions.* In the business A-1 and A-2 zone the following parking standards shall apply to all properties and buildings:
 1. All residential uses—In the BA-1 zone, one space per unit. In the BA-2 zone, one half (.5) spaces per dwelling unit.
 2. In the BA-1 and BA-2 zone, nonresidential uses of 2,000 square feet or less gross floor area—No requirement.
 3. In the BA-1 and BA-2 zone, nonresidential uses of greater than 2,000 square feet gross floor area—Two spaces per 1,000 square feet.
 4. In all cases, the off street parking provided on a lot for non-residential uses may not exceed three spaces per 1,000 square feet gross floor area.
 5. Mixed use buildings may share parking requirement between residential and non-residential uses. Up to half the residential parking requirement may be counted toward daytime non-residential parking requirements so long as there is a reasonable evidence that such uses will not adversely affect residential tenants.
 6. Off-street parking shall be located to the rear of the principle building and otherwise attractively screened so as to not negatively impact on the view from the public right-of-way. There shall be no front yard parking.
 7. Sidewalk curb-cuts should be minimized. Where possible, adjacent lots should share parking access from the public right-of-way. If new curb cuts are required for a development project, pre-existing disused curb cuts must be restored per city standards.
 8. Drive-in or drive-through establishments are prohibited.
 - B. *BD, BD-1, BD-2, and BD-3 Exceptions.* In the Business D, D-1, D-2 and BD-3 Districts subsection 45(a)(1)a. shall not apply to any except the following uses:
 - a. General and Special and Hospitals.
 - b. Health Care Clinics, Nursing Home or Recovery Care Center.
 - c. Dwellings (including elderly and assisted living and live/work lofts).
 - d. Establishment not meeting the definition of "Restaurant" under Article I, Section 1 of these regulations and selling or serving alcoholic beverages for immediate consumption on or off premises, including accessory entertainment, or permitting immediate consumption of alcoholic beverages on or off premises, including accessory entertainment. (BD and BD-1 Districts only).
 - C. *CGD Exceptions.* In the CGD zones, the following parking standards shall apply:
 - (1) All off-street parking spaces must be located to the rear of principle buildings.
 - (2) Parking requirements are as follows:

Use	Parking Maximum ¹
Residential	1 per unit
Childcare	5 off-street loading spaces, 7 parking spaces per classroom.
Restaurant	0.5 per seat



Use	Parking Maximum ¹
Medical	4 spaces for every 4 beds/treatment spaces (excluding bassinets)
All Other Commercial	1 per 1,000 sq.ft.

1. See subsection 3 below. This supersedes all other parking requirements. For uses not listed here, there is no minimum or maximum parking requirement.

- a. Shared parking arrangements are encouraged, see section 45(a)(6). Designation of spaces for electric vehicles and/or shared vehicles is strongly encouraged.
- (3) For any development proposing more than the maximum off-street, car parking spaces, a travel demand management study must be submitted. When more than the maximum spaces are proposed, at least one space per every 25 spaces provided must be designated for electric vehicle charging; and one space must be designated for shared vehicles, or a shared vehicle passenger loading space must be provided within 50 feet of a public entrance to the building.
- (4) New buildings larger than 50,000 sq. ft. or exceeding 50 residential units, that are further than 1,000 feet from a transit stop, are required to provide at least one space for passenger loading for shared and/or autonomous vehicles within 100 feet of a public entrance to the building.
- (5) Secure (covered and enclosed) bicycle parking is required for residential uses. One bicycle parking space per ten car parking spaces or 0.25 bicycle parking spaces per residential unit, whichever is greater.
- (6) Temporary bicycle parking is required and shall be provided in publicly accessible areas. Temporary bicycle parking requirements are as follows:

Use	Minimum Required Temporary Bicycle Parking
Residential	0.2 spaces per residential unit
Childcare	5% of the number of children/students
Restaurant	7% of the number of seats
Medical	2% of the number of beds/treatment spaces (excluding bassinets)
All Other Commercial	1 per 10 car parking spaces or 1 per 2,500 sq. ft., whichever is greater

- 2. In the ratios above, any fraction of the stated amount of floor area, seats, etc., shall require one parking space, but after the first such parking space, only a fraction of one-half or greater shall require an additional parking space.
- 3. Where one building has two or more distinct uses, such uses shall be measured separately for the purpose of determining the quantity of spaces required.



4. 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 1,000 feet walking distance of such use, except that in the BA and BA-1 Districts such spaces must be within 300 feet of the subject lot. In the BA-2 District, such spaces must be within 650 feet walking distance of the subject lot. All such arrangements shall comply with paragraph 45(a)(5) below.
5. The quantity of parking required may be satisfied in whole or in part by transition parking described in subparagraph 13(b)(3)c., if permitted by special exception.
6. In order to be credited to the quantity of spaces required, each parking space shall have an area of not less than nine feet by 18 feet in the case of self-service parking, or eight feet by 18 feet in the case of garage or attendant parking, exclusive of adequate driveways and aisles except that in all districts up to 30 percent of required parking spaces may be compact parking spaces. No area shall be credited as a parking space which is in any part also credited or used as a loading space.
7. In all districts two required parking spaces may be subtracted from the quantity of parking spaces required for a use or a structure for each carsharing parking space provided in a parking lot or structure containing 50 or fewer parking spaces serving such use or structure, provided, however, that in no event shall the number of parking spaces provided for a use or a structure (excluding carsharing parking spaces) be reduced by more than five percent of the required parking spaces for such use or structure. Five required parking spaces may be subtracted from the quantity of parking spaces required for a use or a structure for each carsharing parking space provided in a parking lot or structure containing in excess of 50 parking spaces, provided, however, that in no event shall the number of parking spaces provided for a use or structure (excluding carsharing parking spaces) be reduced by more than ten percent of the required parking spaces. Fifty percent of carsharing parking spaces at the same location may be compact parking spaces.
8. In all districts, for any nonresidential use and residential uses in BA, BA-1, and BA-2 districts the site shall provide two bicycle spaces for the first ten required parking spaces and one additional bicycle space for each additional ten required motor vehicle parking spaces or fraction thereof per Table 45(a)(1)a., exceptions in subsection 45(a)(1)a.1. notwithstanding. For any residential use in other nonresidential districts the site shall provide four bicycle spaces for the first ten required parking spaces and one additional bicycle space for each additional ten required motor vehicle parking spaces or fraction thereof per Table 45(a)(1)a.

And

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

- A. Bicycle *parking spaces* shall comply with designs approved by the City of New Haven Department of Transportation, Traffic and Parking and at a minimum must provide a bicycle rack that permits the locking of a bicycle frame and one wheel while supporting the bicycle in a stable position that will not damage the bicycle or its components or interfere with pedestrian access to the sidewalk and ingress and egress to buildings or facilities. Required bicycle *parking spaces* are also subject to the additional following standards:



1. Short-term bicycle parking is intended to encourage bicycling for shoppers, customers and visitors by providing convenient bicycle parking located adjacent to main entrances of buildings. It should be located within 50 feet of each main building entrance as measured by the most direct pedestrian access route.
 2. Long term bicycle parking provides safe and weather protected places for users requiring longer periods of bicycle storage such as residents, employees and students. Specific requirements include:
 - a. Long term bicycle parking must be located on or within 100 feet of the site.
 - b. At least 50 percent of required spaces must be covered.
 - c. The area must be locked or secured.
 3. Short and long range parking by use.
 - a. Multi-family residential: Short term—10%, long term—90%
 - b. Retail, Restaurant: Short term—66%, long term—33%
 - c. Office: Short term—20%, long term—80%
 - d. Manufacturing and warehouse: long term—100%
 - e. Medical uses: Short term—66%, long term—33%
 - f. Other uses to be determined by City Plan Commission
- b. **Quantity of loading spaces:** The quantity furnished shall be in accordance with the following table, provided, however, that the requirements of this paragraph shall not apply to any establishment within the Business D-3 District or to any establishment within the Business D-1 District having a **gross floor area** of less than 10,000 square feet. Any such establishment within the Business D-1 and D-3 Districts having a **gross floor area** of less than 10,000 square feet shall have available to it adequate off-street **loading spaces**, with centralized joint use of **loading spaces** permitted. In the Business D-3 District, a **nonresidential building** or a **mixed-use building** with a **gross floor area** of 10,001—200,000 square feet will require one **loading space**. For each additional 200,000 square feet of **gross floor area** of a **nonresidential building** or the ground floor of a **mixed-use building** in excess of 200,000 square feet, an additional **loading space** will be required in the Business D-3 District, provided however that no more than four **loading spaces** shall be required for any **nonresidential building** or **mixed-use building** in the Business D-3 District. In the Business D-3 District, a centralized shared loading space system shall be established for each **nonresidential building** and for the nonresidential **uses** in each **mixed-use building**. For the sake of clarity the appropriate key letter in the first column below appears with each use in the Table of Use Regulations in section 42.

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



1. Except in the Business D-3 District, where one establishment has two or more distinct uses, such uses shall be measured separately for the purpose of determining the quantity of spaces required.
 2. In order to be credited to the quantity of loading spaces required for a use, any loading space not on the same lot as such use shall be in an area immediately adjacent to such lot or (1) connected to it by underground tunnel of sufficient size to accommodate the types of materials intended for loading and unloading and (2) part of a centralized loading space system to provide the regular loading space service to such use.
 3. Each loading space shall be sufficient in size and arrangement to accommodate trucks of the type servicing the establishment. Aisles in off-street parking areas may be used as loading spaces or maneuver area for entry into loading spaces, if the efficient operation of the off-street parking area is not affected thereby.
 4. In any case where an off-street **loading space** or **spaces** have been established, loading shall thereafter take place in such space or spaces in preference to any public street or sidewalk.
- (2) All parking and loading areas shall have adequate access to a street or alley, be suitably surfaced and drained, and be provided with bumper or wheel guards where necessary to prevent encroachment of vehicles beyond property lines. Sufficient off-street maneuvering area shall be provided. Required yards may be used for parking, provided all other requirements of this ordinance are adhered to.
- (3) Except in the Business D-3 District, where property in a business or industrial district abuts a residence district, either directly or across a street or alley, the following requirements shall apply to parking and loading areas on such property in such business or industrial district:
- a. There shall be a buffer strip of land at least five feet in width within such business or industrial district, between the parking or loading area and such residence district.
 - b. There shall be a suitable fence, wall or evergreen planting at least five feet in height, designed to screen noise, odors, visibility and headlight glare, between the parking or loading area and such residence district (except that such fence, wall or planting shall conform to the sight distance requirement in subparagraph (4)c. below).
- (4) Free flow of traffic and protection of pedestrian areas:
- a. Access and egress shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing of vehicles on sidewalks or streets. If a reservoir of vehicle standing area on the property is necessary to prevent such blocking of traffic, an adequate reservoir shall be provided.
 - b. Facilities shall be so arranged that no vehicle is allowed to stand or be parked on any sidewalk or other area between the curb and the street line, or on any other area which is privately owned but used by the public as a sidewalk.
 - c. Adequate sight distances shall be maintained for vehicles and pedestrians.
 - d. No access or egress shall be so arranged that vehicles can enter or leave the area only by backing on or across any sidewalk or to or from any street.
 - e. An access or egress driveway shall cross a sidewalk only in such a way that its width at the inner edge of the sidewalk is no greater than its width at the curb (excluding any curved or tapered section known as "curb return"). Any portion of a parking or loading area (or other area for maneuvering or standing of vehicles) abutting a sidewalk at a point other than a permitted driveway shall be provided with suitable copings, wheel stops, bumper guards or other devices to prevent encroachment of



- parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway.
- f. The construction specifications for curb cuts for driveways (such as line and grade materials) shall be determined by reasonable standards established by the Department of Public Works, and by the City of New Haven Ordinance entitled An Ordinance to Regulate the Laying of Walks, Curbs, Combined Curbs and Gutters, and any amendments thereto. The number, location and length of curb cuts for driveways shall be determined by reasonable standards established by the department of traffic and parking.
- (5) Any **parking** or **loading space** not located on the same **lot** as the **structure** or **use** to which it is assigned, in order to be credited to the quantity of **parking** or **loading spaces** required for such **structure** or **use**, must be either:
- Owned by or under long-term lease to the owner of such **structure** or **use**, with appropriate deed restrictions and long-term leases recorded on the New Haven Land Records; or
 - Made available on a long-term basis by a public agency or agencies, with written certification from such public agency or agencies as to such availability.
- (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:
- 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
 - 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.
 - In addition to the circumstances set forth in subsections a. and b., in the Business D-3 and Mixed Use (MU) Districts, **shared parking** will be allowed as follows:
 - 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**.
 - The on-site parking provided for a **nonresidential building** is **publicly shared parking**, in which case the parking requirements for the **uses** in the **nonresidential building** shall be reduced by 15 percent.
 - Two or more **uses** and/or **structures** agree to **shared parking**, an agreement providing for the shared use of parking executed by the parties involved is filed on the land records of the City of New Haven, and the parking for such **uses** or **structures** occur at alternating time periods, which shall be established to the reasonable satisfaction of the Department of Transportation, Traffic and Parking which shall provide a report to the City Plan Commission in connection with the site plan applications for such **uses** and/or **structures**. In such case, the number of parking spaces required for each **use** or **structure** shall be reduced by 25 percent.
- (7) **Parking in the MU, Mixed-Use District.**
- The maximum allowed parking for developments in the Mixed-Use (MU) District shall be 75 percent of the sum of the parking requirements for all uses.



- b. Parking located beneath a building shall be screened by an architectural treatment to provide no less than 70 percent opacity.
 - (8) **Bicycle Parking.** In the Mixed-Use (MU) District, all non-residential uses that are required to provide parking spaces shall also provide bicycle parking spaces. Uses that require up to 50 parking spaces shall provide at least one bicycle rack (two spaces), plus one more bicycle rack for each additional 50 require parking spaces.
 - (9) **Electric Vehicle Parking.**
 - a. A parking space served by electric vehicle supply equipment or a parking space designated as a future electric vehicle charging space shall count as one standard parking space for the purpose of complying with minimum parking space requirements of this Section.
 - b. An accessible parking space with an access aisle served by electric vehicle supply equipment or an accessible parking space with an aisle designated as a future electric vehicle charging space shall count as two standard parking spaces for the purpose of complying with minimum parking space requirements of this Section.
 - (10) The Board of Zoning Appeals shall have the power to lessen the requirements of this ordinance as to the number of **parking** or **loading spaces** required and/or increase the maximum allowable **walking distance** to such **parking spaces**, but only upon a finding that either particular circumstance or mitigative measures qualify such action. Particular circumstance may include, but not be limited to availability of public parking, proximity to public transit or significant levels of pedestrian access. Mitigative measures may include, but not be limited to van and/or car pooling, public parking validation programs, flexible work schedules or other transportation demand management measures. All deviations from normal requirements by means of this paragraph (7) shall be considered as special exceptions under subsection 63(d) of this ordinance. In the case of any religious, educational or medical institution which has an overall parking plan for all of its facilities which has been approved by the Board of Zoning Appeals the 300 or 1,000 foot parking distance set forth in this ordinance, including this Section 45, shall not apply.
 - (11) Once any required **parking** or **loading space** has been established within the provisions of paragraph (1) above, whether on the same **lot** as the **structure** or **use** to which it is assigned or on a separate **lot**, such **parking** or **loading space** shall not be discontinued if the result would be a reduction below the amount of **parking** or **loading** required by this ordinance. Any such discontinuance of a **parking** or **loading space** shall constitute a violation of this ordinance, and any existing **building** permit or certificate of occupancy that could not have been issued without the assignment of such **parking** or **loading space** to the **structure** or **use** for which it was issued shall become null and void.
- (b) **Automotive establishments.** The following requirements shall apply to automotive establishments as indicated regardless of the district in which they are located. Where requirements of State Statutes, the Connecticut Motor Vehicle Commissioner, the Board of Zoning Appeals or some other authority also apply, the strictest of the requirements shall control.
 - (1) **Gasoline stations.**
 - a. All pump islands shall be located at least 13 feet from any **street line**.
 - b. The provisions for free flow of traffic and protection of pedestrian areas in paragraph 45(a)(4) above shall apply. In particular, sight distances shall not be obstructed by temporary or permanent signs, racks, displays or other materials or equipment.
 - c. Facilities shall be so arranged that no servicing of any vehicle shall take place on any public street or sidewalk, and no storage of any vehicle shall take place on any sidewalk. Adequate area for parking, storage and servicing of vehicles shall be provided on private property.



- d. Servicing other than retail sale of gasoline and oil, and minor services customarily incidental thereto, shall be conducted within a **building**.
- (2) *Repair and limited repair of vehicles.*
 - a. The provisions for free flow of traffic and protection of pedestrian areas in paragraph 45(a)(4) above shall apply.
 - b. Facilities shall be so arranged that no servicing or repair of any vehicle shall take place on any public street or sidewalk, and no storage of any vehicle shall take place on any sidewalk. Adequate area for parking, storage and servicing and repair of vehicles shall be provided on private property.
 - c. All repairs other than minor emergency repairs, and all servicing other than customary outdoor services such as tire and chain work shall be conducted within a **building**. All vehicles which are inoperable by reason of collision shall be stored within a **building** or be screened in such a manner as to be hidden from view from streets and surrounding properties.
 - (3) *Sale of new or used vehicles.*
 - a. The provisions for free flow of traffic and protection of pedestrian areas in paragraph 45(a)(4) above shall apply.
 - b. Adequate area for storage of vehicles and for parking of employee and customer automobiles shall be provided on private property.
 - c. Any repairing of vehicles shall conform to paragraph 45(b)(2) above.
 - (4) *Car or truck wash (a/k/a Auto laundries).*
 - a. The provisions for free flow of traffic and protection of pedestrian areas in paragraph 45(a)(4) above shall apply. Compliance with such provisions shall be assured by adequate design of the establishment, including a reservoir of vehicle storage and standing area on the property, outside the car or truck wash, of at least one-fifth the hourly capacity in vehicles of such facilities.
 - b. *Drive-in establishments.* The following requirements shall apply to drive-in restaurants, drive-in banks, drive-in laundries, customer pick-ups, drive-in vending machines, and other facilities serving customers either sitting in their vehicles or stepping out briefly to pick up or deliver goods or conduct other business.

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

(Ord. No. 1412 (Rev. Sched. A, § 12), 5-1-06; Ord. No. 1553, 6-4-07; Ord. No. 1614, § 1, 3-1-10; Ord. No. 1662, 9-19-11; Ord. No. 1665, 10-3-11; Ord. No. 1685, Sched. D, 8-6-12; Ord. No. 1696, Sched. A, 5-6-13; Ord. No. 1751, Sched. A, § 3, 8-6-14; Ord. No. 2016-0022, Attach. C, 8-1-16; Ord. No. 1820, Sched. B, 6-5-17; Ord. No. 1842, Sched. B, 6-4-18; Ord. No. 1886, Sched. C, 1-17-20)



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

Where a business or industrial district abuts a residence district, the following regulations shall apply:

(a) **Yard** requirements:

1. **Front yards:** Same as in section 43, with the following exception:
 - a. Where any **lot** in an industrial district abuts a residence district across a street or alley, all of the regulations of such residence district for **front yards** shall apply to such **lot** along that portion of such street or alley across which such **lot** abuts such residence district.

Front Yard Requirements Where R and I Districts abut
2. **Side yards:** Same as in section 43, with the following exception:
 - a. Where a **lot** in a business district or industrial district abuts a residence district along a **side lot line** of such **lot**, all of the regulations of such residence district for **side yards** shall apply to such **lot** along such **side lot line**.

Side Yard Requirements Where R and I/B Districts abut.
3. **Rear yards:** Same as in section 43, with the following exception:
 - a. Where a **lot** in an industrial district abuts a residence district along a **rear lot line** of such **lot**, all of the regulations of such residence district for rear **yards** shall apply to such lot along such rear lot line.

Rear Yard Requirements Where R and I Districts abut
 - b. Parking and loading areas shall be arranged and screened as provided in paragraph 45(a)(3) of this ordinance.
 - c. No goods, materials or equipment shall be stored out of doors on any lot in a business or industrial district within five feet of any lot line along which such lot district, either directly or across a street or alley. Any goods, materials or equipment stored out of doors on such lot shall be effectively screened from view from such residence district by means of a suitable fence, wall or evergreen planting at least five feet in height.
 - d. No sign (other than permitted **signs** solely for the control of traffic and parking) shall be placed at the side or rear of a **lot** in a business or industrial district at a point where such **lot** directly abuts a residence district, or on a wall of a building on such a **lot** (other than a wall facing a street), if the face of such **sign** is visible from the residence district on which such **lot** abuts directly.
 - e. The provisions of this section 47 shall not apply to the Business D-3 District.

(b) **Buffer requirements.**

1. If residential uses abut a site within the Mixed-Use (MU) districts, any lot within such districts which share a lot line with a residential use or district, shall provide a buffer meeting the following requirements (calculated per 100 linear feet, or portion thereof):
 - a. **Buffer Width:**
 - i. **Fence: 10 feet**
 - ii. **No fence: 18 feet**
 - b. **Deciduous Trees:**



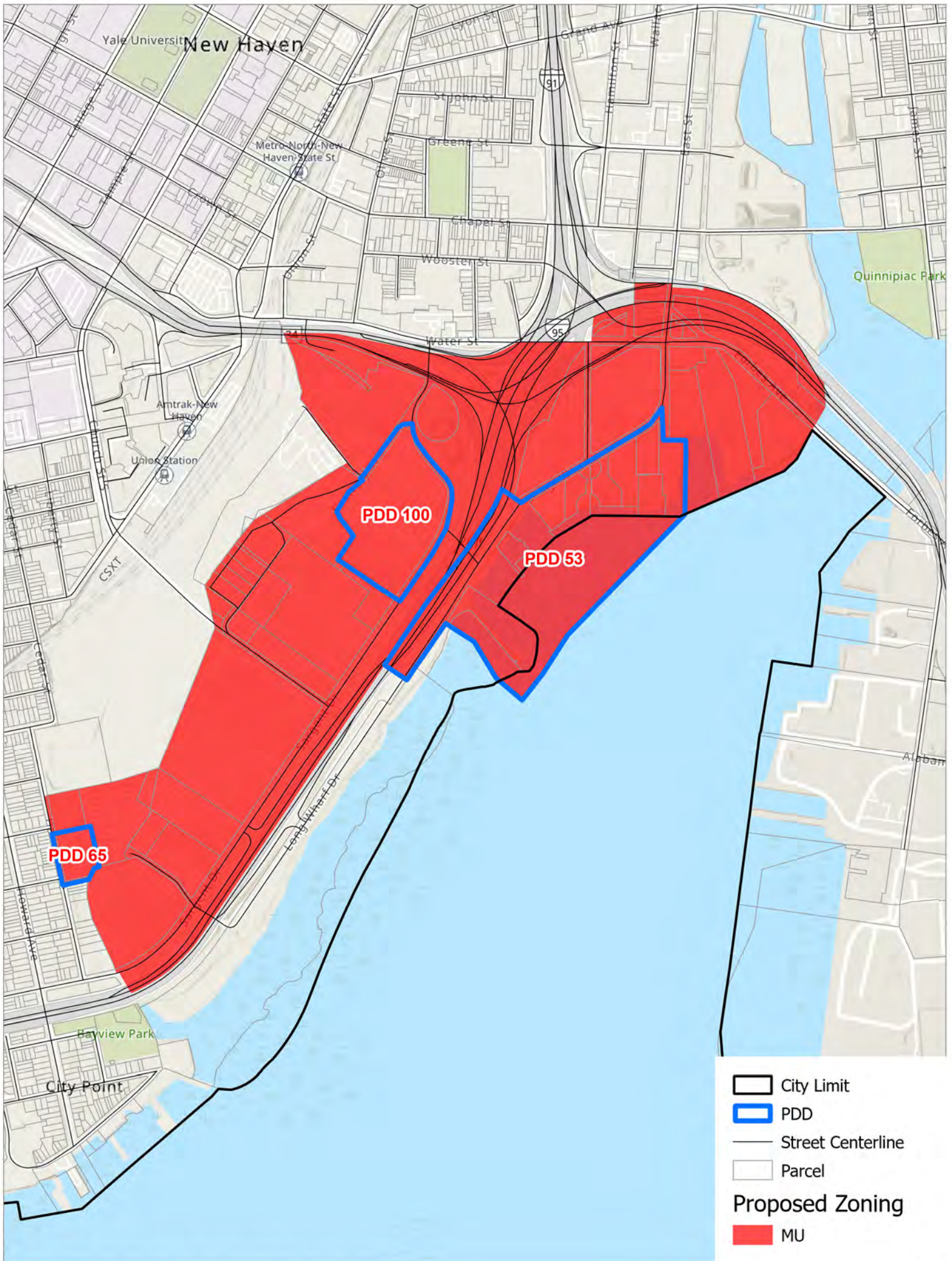
- i. Fence: 3 trees
 - ii. No Fence: 4 trees
 - c. Evergreen Trees:
 - i. Fence: 3 trees
 - ii. No fence: 4 trees
 - d. Shrubs:
 - i. Fence: 5 shrubs
 - ii. No fence: 20 shrubs
 - 2. Buffers without a fence shall be used between the Parkway, Market, Innovation and Gateway vision plan districts.
 - 3. Buffers must be established within a private buffer easement on individual lots or parcels, unless a property owners', condominium or homeowners association is established, in which case buffers may be within common open space. Properties separated by the public street right-of-way are not considered adjoining for the purposes of this Subsection.
 - 4. No buffer is required for that portion of a parcel proposed for development that adjoins common open space.
 - 5. Refer to [To be added later], for standards regarding minimum plant sizes, maintenance and other such requirements.
- (c) *Fence material.*
- 1. A person shall construct a fence using the following materials:
 - a. Wood,
 - b. Wrought iron,
 - c. Exposed aggregate tilt wall,
 - d. Fired masonry,
 - e. Approved wood rail construction, or
 - f. Other material approved by the building official or designee.
 - 2. Wood fences may have metal framing.
 - 3. A person erecting a fence shall ensure that the smooth side faces adjoining streets and all posts and rails face the interior of the lot.
- (d) *Fence maintenance.* All fences constructed under the provisions of this section shall be maintained by the property owner so as to comply with the requirements of this section at all times. Such requirements include, but are not necessarily limited to, the following maintenance standards:
- 6. The fence shall not be out of vertical alignment more than one foot from the vertical measured at the top of the fence. Except, however, for fencing four feet or less in height, the vertical alignment shall not be more than six inches from the vertical measured at the top of the fence.
 - 7. Any and all broken, loose, damaged, insect damaged, or missing parts (i.e., slats, posts, wood rails, bricks, panels) having a combined total area of 20 square feet or more of said fences shall be replaced or repaired within 60 days of notification of non-compliance. Fences enclosing swimming pools or spas must be repaired immediately.
 - 8. Repairs of any nature shall be made with materials of comparable composition, color, size, shape, and quality of the original fence to which the repair is being made. Products manufactured for other uses such



as plywood, corrugated steel, or fiberglass panels are prohibited as fencing materials. Nothing herein shall be construed so as to prohibit the complete removal of a fence, unless such fence encloses a swimming pool or spa.

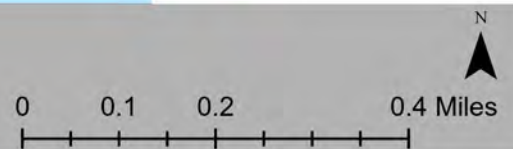
9. No fencing material and/or supports shall be located within a street or alley right-of-way.

(Ord. No. 1685, Sched. D, 8-6-12)



Proposed Zoning

City of New Haven



NOW, THEREFORE, BE IT ORDAINED; by the Board of Alders of the City of New Haven that the following Zoning Text Amendments are hereby adopted:

Part 1. ARTICLE I, Section 1, Definitions is hereby amended as follows:

Section 1. Definitions.

Article I, Section 1 is amended to add the following definitions, which shall be codified in alphabetical order:

DRUG PARAPHERNALIA: means Drug Paraphernalia as defined in section 21a-240 of the general statutes pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), and as may be amended from time to time.

In determining whether an object is drug paraphernalia, a court, zoning officer, zoning board, building department, or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under a state or federal law relating to any controlled substance;
3. The proximity of the object, in time and space, to a direct violation of such law;
4. The proximity of the object to controlled substances;
5. The existence of any residue of controlled substances on the object;
6. Direct or circumstantial evidence of the intent of an owner, of anyone control of the object, to deliver it to persons whom it knows, or should reasonably know, intend to use the object to facilitate a violation of any law of the State of Connecticut or of the United States; the innocence of the owner, or of anyone in control of the object, as to a direct violation of such law shall not prevent a finding the object is intended for use, or designed for use as drug paraphernalia.
7. Instructions, oral or written, provided with the object concerning its use;
8. Descriptive materials accompanying any object which explain or depict its use;
9. National or local advertising concerning its use;
10. The manner in which the object is displayed for sale;
11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
13. The existence and scope of legitimate uses for the object in the community;
14. Expert testimony concerning its use;

DRUG PARAPHERNALIA CENTER: Any store, restaurant, bar, premises or other establishment which, in addition to any other trade, business or service conducted therein, includes a significant amount of drug paraphernalia. For the purposes of this zoning ordinance, an amount of drug paraphernalia shall be deemed significant as to any store, restaurant, bar, premises or other establishment if:

- (a) 10% or more of the square footage or active display area of such store, restaurant, bar, social

club, premises or other establishment is devoted to or occupied by drug paraphernalia; or
(b) 10% or more of the monthly gross revenue of such store, restaurant, bar, social club, premises or other establishment is or can reasonably be expected to be attributable to the sale or rental of drug paraphernalia; or
(c) 10% or more of the value of the inventory and equipment or of such store, restaurant, bar, social club, premises, or other establishment consists of drug paraphernalia.
Any amount above such a threshold shall be deemed a separate use, subject to the provisions of the New Haven Zoning Ordinance.

MIXED USE BUILDING: A building designed and constructed for a mixture of residential and commercial, institutional or office uses, typically with residential uses located above non-residential uses.

PARAPHERNALIA: means “drug paraphernalia,” as defined in section 21a-240 of the general statutes pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), and as may be amended from time to time; also see **DRUG PARAPHERNALIA** of the New Haven Zoning Ordinance.

SMOKING: Inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco and/or marijuana product in any manner or in any form.

STAND-ALONE BUILDING: Buildings that are not attached/semi-detached and do not have common walls with adjacent structure(s).

Part 2 - **ARTICLE V. BUSINESS AND INDUSTRIAL DISTRICTS** is hereby amended as follows,

Section 42.6. CANNABIS ESTABLISHMENTS.

A. Purpose.

It is the purpose of this Section 42.6 is to establish reasonable and uniform regulation of Cannabis Establishments within the City of New Haven in order to protect the health, safety, and general welfare; to ensure that due process is done and to promote social equity as directed by the RERACA, and to ensure harmony with the general purpose of this ordinance and compatibility with the City's Comprehensive Plan and Connecticut General Statutes by:

1. Creating a system for evaluating and siting permitted cannabis establishments in appropriate locations within the City; and
2. Protecting environmental, cultural, residential and/or other sensitive areas, institutions, features, structures and/or sites from potential negative externalities from cannabis establishments.

B. Definitions.

For the purposes of this Section 42.6, the following definitions apply:

CANNABIS: Marijuana, as defined in section 21a-240 of the general statutes in accordance with pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

CANNABIS ESTABLISHMENT: A producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time. (RERACA Defined shorten)

CANNABIS PRODUCT: Cannabis that is in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption. "Cannabis product" does not include the raw cannabis plant pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

CANNABIS CONCENTRATE: Any form of concentration, including, but not limited to, extracts, oils, tinctures, shatter and waxes, that is extracted from cannabis pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

CANNABIS-TYPE SUBSTANCES: Have the same meaning as "marijuana", as defined in section 21a-240 of the general statutes pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

CONSUMER: An individual who is twenty-one years of age or older pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

CULTIVATION: has the same meaning as provided in section 21a-408 of the general statutes pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

CULTIVATOR: A person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

DELIVERY SERVICE: Pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time, a person that is licensed to deliver cannabis from

- (A) micro-cultivators, retailers and hybrid retailers to consumers and research program subjects, and
- (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, as defined in section 21a-408 of the general statutes, or to hospices or other

inpatient care facilities licensed by the Department of Public Health pursuant to chapter 368v of the general statutes that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.

DISPENSARY FACILITY: A place of business where cannabis may be dispensed, sold or distributed in accordance with chapter 420f of the general statutes and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under chapter 420f of the general statutes and any regulations adopted thereunder pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

EXTRACT: The preparation, compounding, conversion or processing of cannabis, either directly or indirectly by extraction or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis to produce a cannabis concentrate pursuant to the Responsible and Equitable Regulation of Adult- Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

FOOD AND BEVERAGE MANUFACTURER: A person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

GROW SPACE: The portion of a premises owned and controlled by a producer, cultivator or micro-cultivator that is utilized for the cultivation, growing or propagation of the cannabis plant, and contains cannabis plants in an active stage of growth, measured starting from the outermost wall of the room containing cannabis plants and continuing around the outside of the room pursuant to the Responsible and Equitable Regulation of Adult- Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time. "Grow space" does not include space used to cure, process, store harvested cannabis or manufacture cannabis once the cannabis has been harvested.

HYBRID RETAILER: A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

MARIJUANA: means CANNABIS, as defined in section 21a-240 of the general statutes in accordance with pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time. See, CANNABIS above.

MEDICAL MARIJUANA PRODUCT: Cannabis that may be exclusively sold to qualifying patients and caregivers by dispensary facilities and hybrid retailers and which are designated by the Commissioner of Consumer Protection of the State of Connecticut as reserved for sale to qualifying patients and caregivers and published on the department's Internet web site pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

MICRO-CULTIVATOR: A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner of consumer protection pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

PERSON: An individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

PRODUCER: A person that is licensed as a producer pursuant to section 21a-408i of the general statutes and any regulations adopted thereunder pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

PRODUCT MANUFACTURER: A person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

PRODUCT PACKAGER: A person that is licensed to package and label cannabis pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

INDOOR PUBLIC PLACE: An enclosed area to which the public is invited or in which the public is permitted, including, but not limited to: Aquariums, galleries, libraries, and museums; (2) Areas available to and customarily used by the general public in businesses ; (3) Bars; (4) Bingo facilities ; (5) Child care and adult day care facilities ; (6) Convention facilities; (7) Educational facilities, both public and private ; (8) Elevators; (9) Gaming facilities; (10) Governmental facilities, including buildings and vehicles; (11) Health care facilities ; (12) Hotels and motels; (13) Lobbies, hallways, and other common areas in apartment buildings, condominiums, retirement facilities, nursing homes, and other multiple-unit residential facilities; (14) Polling places; (15) Pool and billiard halls; (16) Public transportation facilities, including buses and taxicabs, and ticket, boarding, and waiting areas of public transit depots ; (17) Restaurants ; (18) Restrooms, lobbies, reception areas, hallways, and other common-use areas; (19) Retail establishments ; (20) Service lines; (21) Shopping malls ; (22) Sports arenas; and (23) Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances. A private residence is not a 'public place' unless used as a child-care, adult day care, or health care facility.

QUALIFYING PATIENT: Has the same meaning as provided in section 21a-408 of the general statutes pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

RESPONSIBLE AND EQUITABLE REGULATION OF ADULT-USE CANNABIS ACT (RERACA): Pursuant to Section 24 of the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

RETAILER: A person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research programs pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

SALE or SELL: Has the same meaning as provided in section 21a-240 of the general statutes pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

TOBACCO/CANNABIS BAR: A bar in which the on-site sales or rentals of tobacco/cannabis products and smoking accessories for consumption or use on the premises exceeds 20% of gross revenues and into which entry is restricted to individuals 18 years of age and above.

TRANSPORT: To physically move from one place to another pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

TRANSPORTER: A person licensed to transport cannabis between cannabis establishments, laboratories and research programs pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021).

C. Eligibility and Permitted Locations.

1. Except as provided in Section 42.6.E below, the following types of Cannabis Establishment uses shall be allowed as of right in the BA, BA-1, BA-2, , BB, BC, BD, BD-1, BD-2, BD-3, **MU**, BE, CGD, IL or IH zones: Delivery Service or Transporter.

2. Except as provided in Section 42.6.E below, the following types of Cannabis Establishment uses shall be allowed by Special Permit in the BA, BA-1, BA-2, , BB, BC, BD, BD-1, BD-2, BD-3, **MU**, BE, CGD, IL or IH zones: Producer, Dispensary Facility, Cultivator, Micro-Cultivator, Retailer, Hybrid Retailer, Food and Beverage Manufacturer, or Product Packager. In evaluating an application for Special Permit under this section 42.6, the City Plan Commission shall take into consideration,

a. all criteria for evaluating a Special Permit under section 64(e); and

b. the health safety and welfare of the public, in general, and the neighborhood in particular; and

c. the following suitability criteria:

i. Proximity to sensitive receptors including but not limited to schools, parks, playgrounds, and community gardens;

ii. The location, the size the nature and the intensity of the proposed Cannabis Establishment and the operations involved in or conducted in connection with it;

iii. Provisions for odor control, security, noise and lighting as may be appropriate as well as other externalities which may create a nuisance.

3. In the case of a Retailer only, there shall not be more than one (1) licensed Retailer per each 25,000

3. In the case of a Retailer only, there shall not be more than one (1) licensed Retailer per each 25,000 residents of the City, as measured by the most recent decennial census or American Community Survey data issued by the United States Census Bureau, whichever is the more recent, at any one time.

D. Standards.

The following additional standards are hereby established for Cannabis Establishment uses.

1. Requirements.

a. Distance Requirement.

i. No Cannabis Establishment use shall be permitted to locate, relocate, move and/or operate within any premises where the property boundary of such premises is within 500' from the property line of any public, parochial, or private elementary or secondary school.

ii. The following Cannabis Establishment uses shall not be permitted to locate, relocate, move and/or operate within any premises where the property boundary of such premises is within 1,500 feet of another Cannabis Establishment: Dispensary Facility, Retailer, Hybrid Retailer or Tobacco/Cannabis Bar.

iii. The distance shall be measured from the property boundary of the proposed site, establishment and/or premises to the nearest property line encountered. However, where a Cannabis Establishment is located within a structure of more than 50,000 square feet, the point of measurement shall be the main public entrance of such location, premises, or site.

b. Development Concept Plan. Where Special Permit is required, the applicant shall submit a preliminary Development Concept Plan of the proposed development showing all proposed and existing buildings and uses on the lot, proposed grow spaces, retail floor areas, storage areas, yard setbacks, the proposed location and design of all signage, driveways, parking lots, number of parking spaces, screening, landscaping, open space.

d. All Cannabis Establishment uses shall occur within a fully enclosed structure.

e. All Cannabis Establishments shall comply with state law regarding concealed design standards.

E. Prohibitions.

1. Cannabis Establishments are prohibited in all residence districts, as well as the, “IM”, “Park”, “Cemetery” and “Airport” Zoning Districts.

2. Cannabis Establishments are prohibited in the following districts which shall be considered overlay districts to the New Haven Zoning Ordinance,

a. River Street Municipal Development Plan;

b. Port District; and

c. Hill to Downtown Plan

3. Temporary Cannabis events, including but not limited to private marijuana vending events, cannabis trade shows or public cannabis events are prohibited unless authorized by state law.

4. Smoking, ingestion, or use of Cannabis, shall be prohibited in all Indoor Public Places, as defined in RERACA, S.B. 1201, Conn. Pub. Act 21-, where smoking or consumption of tobacco or tobacco products is prohibited by state law, unless specifically permitted by this ordinance, or other ordinance of the City of New Haven.

F. Conflicting Provisions.

1. If any standards, objectives, land uses, provisions, controls, permitted uses and other restrictions and requirements stated in this Section 42.6 of the Ordinance materially conflict with the provisions in other section(s) of the Zoning Ordinance, unless otherwise specified, this section of the Ordinance shall prevail. Notwithstanding the foregoing, all reasonable efforts shall be made to harmonize interpretations of this section 42.6 with the other provisions of the Ordinance.

2. Nothing in this Section 42.6 shall be construed to allow the use of Cannabis or allow any activity relating to the cultivation or consumption of Cannabis that is otherwise not expressly allowed in the New Haven Zoning Ordinance or is illegal under State law.

G. Severability.

Should any section, subsection, paragraph, sentence, clause, provision or phrase of this Section 42.6 be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect any other portion of this Section.

Part 3 - Section 42 of the Zoning Code is hereby amended to reflect 42.6.C (1-2).

