



ZONING REGULATIONS

WEST HAVEN, CONNECTICUT

WEST HAVEN PLANNING AND ZONING COMMISSION

EFFECTIVE AUGUST 30, 2006

REVISED TO JULY 11, 2024

CITY OF WEST HAVEN
HONORABLE DORINDA BORER, MAYOR

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Catherine Conniff.....	Assistant Planner
Stephen Hotchkiss	Zoning Enforcement Officer/ Inland Wetlands
Tony Demorro.....	Property Maintenance/Zoning Enforcement
Kim Leindorf	Administrative Secretary

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ARTICLE 1: GENERAL PROVISIONS

SECTION 1: GENERAL PROVISIONS

1.1 AUTHORITY

This Regulation is adopted in accordance with the provisions of Chapter 124 Zoning, Section 8-2 Regulations of the General Statutes of the State of Connecticut,

1.2 PURPOSES

The purposes of the City of West Haven, Connecticut Zoning Regulations are to:

- 1.2.1 Promote the health, safety, morals and general welfare of the community; and
- 1.2.2 Lessen congestion in the streets; and
- 1.2.3 Prevent overcrowding of land and avoid undue concentration of population; and
- 1.2.4 Facilitate adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and
- 1.2.5 Conserve the value of buildings and encourage the most appropriate use of the land throughout the city; and
- 1.2.6 Provide for public health, comfort, and general welfare in living and working conditions; and
- 1.2.7 Regulate and restrict the location of trades and industries and the location of buildings designed for specified uses; and
- 1.2.8 Regulate and limit the height and bulk of building hereafter erected; and
- 1.2.9 Provide aesthetic standards for new buildings and dwellings to be built in the City of West Haven; and
- 1.2.10 Regulate and determine the area of yards, courts and other open spaces; and
- 1.2.11 Regulate and restrict the location of trades and industries; and
- 1.2.12 Regulate the location of buildings designed for specific uses within the city, and
- 1.2.13 Divide the city into use categories commonly known as zoning districts or zones.

1.3 TITLE, ESTABLISHMENT AND SCOPE OF CONTROLS

1.3.1 TITLE

This document shall be known and cited as the City of West Haven Zoning Regulation.

1.3.2 ESTABLISHMENT AND SCOPE OF CONTROLS

In all Districts, after the effective date of this Regulation, any new buildings or other structures or any tract of land shall be used, constructed or developed only in accordance with the use, bulk, and all other applicable standards of this Regulation.

Except as otherwise provided in Sections 80-81 - Non-Conforming Uses, Lots or Structures:

- 1. The use of any existing building or other structure shall be not be changed or extended.
- 2. The use of any existing tract of land shall not be changed, or enlarged, or
- 3. Any existing building or other structure shall be enlarged, altered, converted, reconstructed, or relocated only in accordance with the use, bulk, and all other applicable standards of this Regulation.

1.4 ESTABLISHMENT OF DISTRICTS

In order to carry out the purpose and provisions of this Regulation the following Districts are hereby established:

RESIDENCE DISTRICTS

- R-1** Single Family Detached Residence
- R-2** Single Family Detached Residence
- R-3** One-Two-Three Family Residence
- R-4** Multi-Family Residence
- R-5** Multi-Family Residence

COMMERCIAL DISTRICTS

- NB** Neighborhood Business
- RB** Regional Business
- CBD** Central Business District
- SCR** Shoreline Commercial Retail
- VDO** Village District Overlay

INDUSTRIAL DISTRICTS

- LM** Light Manufacturing
- IPD** Industrial Development

DESIGN DISTRICTS

- RPD** Residential Design
- RCPD** Residential – Commercial Design
- CD** Commercial Design
- SRR** Shoreline Retail/Residential Design
- SDD** Shoreline Design District
- PRD** Planned Research and Development
- TOD** Transit Oriented Design
- WD** Waterfront Design

OTHER DISTRICTS

- OS** Open Space
- PF** Public Facilities
- PVD** Planned Village District
- CAM** Coastal Area Management (On Separate Map)
- FLOOD** FEMA Flood Prevention (On Separate Map)

1.5 INCORPORATION OF MAPS

The location and boundaries of the Districts established by these Regulations are shown upon zoning maps, which are hereby incorporated into the provisions of these Regulations. The zoning maps in their entirety, including all amendments thereto, shall be as much a part of this Regulation as if fully set forth and described herein.

1.6 INTERPRETATION OF PROVISIONS

In interpreting and applying the provisions of these Regulations, such provisions shall be considered as the minimum requirements:

- 1.6.1 To promote and protect public health, safety, and general welfare, as set forth in this Article and in the statements of legislative intent for the respective districts and other regulations, and
- 1.6.2 To provide a gradual remedy for existing conditions which are detrimental thereto.

1.7 WHEN PROVISIONS CONFLICT

Whenever any provisions of these Regulations and any other provisions of law, whether set forth in this or in any other law, ordinance, or resolution of any kind, impose overlapping of contradictory regulations over the use of the land, or over the use or bulk of buildings or other structures, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern. In addition, in those instances where two or more provisions appear to apply, that which is more specific shall control that which is more general in nature.

1.8 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

- 1.8.1 Unless otherwise indicated the zoning district boundary lines are the centerlines of streets, the middle of the channel of waterways, the centerline of main tracks of railroad lines, or the centerlines of utility rights-of-way. Zoning Districts shall include land under rivers, streams, lakes, ponds or tidewaters, lying within them or within any extension or addition by natural or artificial means, to the shoreline adjacent thereto.
- 1.8.2 In addition, the boundary of a zoning district shall be interpreted as following property lines existing at the time of adoption of the zoning map, or any amendment thereto. Where such an interpretation of the map would create an unreasonable distortion of the district, the boundary shall follow a line which is most consistent with adjoining lines.

1.9 LOTS IN MORE THAN ONE ZONE

Where a **lot** of record of less than two acres at the time of passage of this Regulation or any amendment thereto is mapped into two or more zoning districts, the district that incorporates the majority of the **lot area** shall be deemed to be the controlling zoning district. If a **lot** is two or more acres, each portion shall be considered as a separate **lot** for the purposes of zoning.

1.10 PRE-EXISTING LOTS AND STRUCTURES

In all residential districts, no building permit shall be issued with respect to any pre-existing residential **lot** without first obtaining a signoff from the Commissioner of Planning, who shall only approve such a permit upon making all of the following findings:

- 1.10.1 There is currently a **principal building** located on the **lot** which use is either **conforming** or legally **non-conforming**;
- 1.10.2 The request does not create a new **non-conforming use** nor increase any existing non-conformity;
- 1.10.3 The **lot** and **structure** either comply or were previously complying;
- 1.10.4 If the permit requests an expansion or addition to the existing **structures**, such expansion does not create a new non-compliance or increase an existing non-compliance (see below);
- 1.10.5 The permit does not require the removal of more than 75% of the floor space of the existing principal building;
- 1.10.6 The request does not increase the number of dwelling units on the lot, except where the request complies with Section 81.6 concerning the required square feet per unit;
- 1.10.7 The request conforms with the requirements of Section 81.8 and;
- 1.10.8 It is the opinion of the Director of Planning that the property is suitable for the lot and is in general conformity with the surrounding neighborhood.

In the event that the Commissioner of Planning shall disapprove or reject the lot as inappropriate for building, then, the owner or applicant thereof may appeal to the Zoning Board of Appeals, pursuant to the Connecticut General Statutes.

1.11 REDUCTION OF LOT AREAS

No **lot** shall be diminished in area nor shall any **yard** or open space be reduced except in conformity with the provision of this Regulation.

1.12 ADAPTIVE REUSE (Reserved)

1.13 VALIDITY AND SEPARABILITY

It is declared to legislative intent that:

1.13.1 **Validity.** If a court of competent jurisdiction finds any provision of these Regulations to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision, and all other provisions of these Regulations shall continue to be separately and fully effective.

1.13.2 **Separability.** If a court of competent jurisdiction finds the application of any provision or provisions of these Regulations to any **zoning lot, building** or any **structure**, or tract of land to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy and the application of any such provision to other persons, property, or situations shall not be affected.

1.14 Interpretation.

1.14.1 The Planning and Zoning Commission shall be responsible for the interpretation of these regulations including in accordance with all applicable laws and regulations.

1.14.2 Any uses not specifically permitted shall be deemed to be prohibited.

1.14.3 Any list of prohibited uses contained in any section of these regulations shall be deemed to be not an exhaustive list but to have been included for the purposes of clarity and emphasis and to illustrate, by example, some of the uses frequently proposed that are deemed undesirable and incompatible in the particular district.

SECTION 2 – DEFINITIONS

2. RULES FOR CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Regulation:

- The particular shall control the general.
- In case of any difference of meaning or implication between the text of this Regulation and any caption, illustration, summary, table, or illustrative table, the text shall control.
- The word shall is always mandatory and not discretionary; the word may is permissive.
- A **building** or **structure** includes any part thereof
- Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural singular, unless the context clearly indicates the contrary.
- The phrase used for includes arranged for, designed for, intended for, maintained for, or occupied for.
- The word person includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

- The word includes shall not limit a term to the specified example(s), but is intended to extend its meaning to all other instances or circumstances of like kind or character.

2.1 UNDEFINED TERMS

The definitions following shall apply to all parts of the Zoning Regulation. Words not defined in this Regulation shall be as defined in the most current edition of Merriam-Webster's Collegiate Dictionary.

Words in **boldface italic** in this Regulation are defined in this section or in an applicable section if their use is limited.

2.2 DEFINITIONS

ABANDONMENT: The voluntary discontinuance of the use of the property in a non-conforming manner for a period of three (3) months.

ACCESSORY APARTMENT: A portion of a **single-family dwelling** within which exists additional separate cooking facilities. Such apartment is not a separate and distinct **dwelling** and must have freely accessible interior access to the principal **dwelling unit**. An **accessory apartment** shall not have more than one (1) bedroom or a floor area of more than 550 square feet and shall not be occupied by persons not related by blood, marriage or adoption to the occupants of the main dwelling.

ACCESSORY BUILDING: Any **building** which is subordinate to and whose use is incidental and supplementary to the use of the **principal building** on the same **lot**. A detached **building** is one which is not attached to the **principal building** by any covered porch, breezeway, or other roofed structure.

ACCESSORY USE: A land use located on the same **lot** which is incidental and subordinate to that of the main building or **use** of the land.

ACTIVE ADULT RESIDENTIAL COMMUNITY: A residential community developed for the intended purpose of providing a dwelling to occupants age fifty-five (55) and older who are served by suitable recreational facilities and amenities, as permitted by federal and state fair housing laws, including the Fair Housing Act, 42 USC 3601 et seq. and the Housing for Older Person Act (HOPA) (Public Law 104-76 and 109 STAT. 87). (Amended 3-10-20, #ZR 20-003)

ADULT ORIENTED ESTABLISHMENT: Adult Oriented Establishments shall include: (a) Adult Cabaret, (b) Adult Bookstore, Adult Novelty Store, Adult Video Store, (c) Adult Motion Picture Theatre and (d) Any commercial establishment that regularly features adult entertainment. (See Section 49.3 Adult Oriented Establishments for more information.)

AGE-RESTRICTED HOUSING: Housing whose occupancy is restricted to individuals age 55 or older.

ALLEY: A thoroughfare through the middle of a block giving access to the rear of **lots** or **buildings**.

AMUSEMENT CENTER: see ARCADE

APPEAL: A request for a review of the interpretation of any provision of this regulation by the Zoning Enforcement Officer or City Planner or a request for a variance of such interpretation.

ARCADE: Any **building** or premise whose primary use is for commercial mechanical or electronic games which contains three (3) or more electronic and/or mechanical pinball and/or video machines.

AS-OF-RIGHT: A **use** that is permitted by the West Haven Zoning Regulation without review by a City Board or Commission.

BASE FLOOD: The flood having one percent (1%) chance of being equaled or exceeded in any given year; also referred to as the 100-year flood.

BASEMENT: A **story** (or portion of a **story**) two feet above grade level, with at least one-half of its height (measured from floor to ceiling) below the average grade level.

BED & BREAKFAST: A private home occupied by the owner in which rooms are rented daily and breakfast is provided. (See Hotel)

BLOCK: A tract of land bounded by:

- (a) streets;
- (b) railroad or interstate highway rights-of-way;
- (c) shorelines; or
- (d) corporate boundary lines of the City of West Haven.

BOARD: Zoning Board of Appeals of the City of West Haven.

BOARDING HOUSE: See **Rooming House**.

BOATING FACILITY: A facility for berthing and securing recreational craft for more than three, but less than ten, boats serving neighborhood residents exclusively.

BREAKAWAY WALL: Any type of wall, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material which are not part of the structural support of the building and which are so designed as to break-away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters.

BUFFER: An area the width of which is designated by the most restrictive applicable section of these regulations, or greater when required by the **Commission**, to be used solely for the protection of adjoining and surrounding properties by planting, grass, landscaping, screening, opaque fences, or other such means required by the **Commission**.

BUILDABLE AREA: A rectangular area that contains no **wetlands**, flood plain, utility or access easements, rights of way.

BUILDING: Any **structure** which:

- (a) is permanently affixed to the land; and
- (b) has one or more floors and a roof; and
- (c) is bounded by either areas or the lot lines of a zoning lot and intended for the shelter, housing or enclosure of persons, animal, or material. A building may be detached, attached, or semi-detached from other buildings.

BUILDING AREA: The ground area enclosed by the walls of a **building** together with the ground area of all covered porches and other roofed portions.

BUILDING COVERAGE: The proportion of the **lot area**, expressed as a per cent, which is covered by the maximum horizontal cross section of a **building** or **buildings**. **Structures** which are below the **finished lot grade** shall not be included in **building coverage**.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the **building** to the highest point of the roof for flat roofs, to the deckline of mansard roofs, and to the mean height between eaves and ridges for gable, hip, and gambrel roofs.

BULK: A term used to describe the size of **buildings** or other **structures**, and their relationships to each other and to open areas as lot lines, and therefore includes:

- (a) The size (including height and floor area) of buildings;
- (b) The area of the **lot** upon which a **building** is located;
- (c) The shape of **buildings** or other **structures**;

(d) The location of exterior walls. of **building** or other **structures**; and

(e) All open areas relating to **buildings** or other **structures**

CARPORT: A non-enclosed **structure**, open on three or four sides, whose primary **use** is for the storage of an automobile.

CAMP TRAILER: (also see RECREATIONAL VEHICLE) A vehicle commonly referred to as a camper, camp trailer, trailer, bus, or motor bus, equipped with sleeping facilities for vacation travel purposes only and not more than 81/2 feet wide or 32 feet in length. A self-contained camp trailer is a camp trailer with its own water storage, flush toilet, and/or bath, and/or shower, and waste holding tank.

CELLAR: see BASEMENT

CHANGE OF USE: The change or modification of a use type as determined by the discretion of the Planning and Zoning Commission (e.g.: retail store to wholesale warehouse, two family to three family dwelling, assembly to fabrication, etc., but not to include shoe store to book store, tool and die shop to grinding shop, etc.).

CHILD DAY CARE SERVICES: The provision of non-overnight care of unrelated children, as defined in the Connecticut General Statutes as further regulated and defined by this Regulation.

CITY: City of West Haven.

COASTAL HIGH HAZARD AREAS or COASTAL FLOOD HAZARD AREAS: An area of special flood hazards extending from off-shore to areas subject to storm surge and high-velocity wave action from storms or seismic sources (V zone - designated on a FIRM MAP as Zone V 1-30, VE or V).

COMMISSION: The West Haven Planning and Zoning Commission.

COMMISSIONER: The Commissioner of Planning and Development or a designee.

COMPLIANCE (COMPLYING): A **lot** or **structure** that meets applicable area and bulk requirements.

CONGREGATE HOUSING: A form of residential environment consisting of independent living assisted by congregate meals, housekeeping and personal services, for persons sixty-two (62) years or older, who have temporary or periodic difficulties with one or more essential activities of daily living such as feeding, bathing, grooming, dressing or transferring.

CONSIGNMENT: A transaction, other than the purchase of goods at wholesale and sold at retail, in which a person **delivers goods** to a merchant **for** the purpose of **sale**.

CONSIGNMENT SHOP OR STORE: An establishment in which **goods**; such as, clothing, art works, luggage, furniture, musical instruments, homeware items and sporting goods **are sold** for others **on consignment**. This does not include purchase of goods at wholesale and sold at retail.

CONSTRUCTION STAGING AREA: 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.

CONSTRUCTION, STATE OF: Includes substantial improvement, and the date on which the property or lot is cleared of vegetation for the purpose of excavation and inclusive of removal of natural resources.

CONVALESCENT HOME: The term is defined in the "Public Health Code of the State of Connecticut, February, 1994" as may be amended from time to time, as follows:

(a) A home for the aged;

(b) A rest home with nursing supervision;

- (c) A chronic and convalescent home;
- (d) A chronic and convalescent home with authorization to care for persons suffering from harmless chronic mental disturbances
- (e) A children's nursing home; and/or with authorization to care for persons suffering from harmless chronic mental unsoundness.

CONVENIENCE STORE/GAS FACILITY: Any building and/or lot not used for repairing or servicing of motor vehicles, but used in part for the retail sale of gasoline, methanol, diesel fuel or other common types of motor vehicle fuel provided such use is in conjunction with convenient dispensing of "consumer goods items", i.e. pre-packaged grocery and dairy products, reading and directional materials, hot snacks, small novelty items and tobacco products

CORNER LOT: see **LOT, CORNER**

COURT: The ground area located within a lot which is bordered by two or more faces of a **building** or **buildings**.

CURB: A concrete edging along a **street** built to City of West Haven specification.

CURB LEVEL: The permanently established grade of the **curb** in front of the lot.

CUSTODIAL CARE FACILITY: A facility which provides custodial care and treatment in a protective living environment for persons accused or convicted of a misdemeanor or a nonviolent 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.

DAMAGE OR DESTRUCTION: The removal, destruction or demolition, whether intentional or unintentional, of existing floor space such that such floor space whether or not continuous, is unusable. For the purpose of this Article, any such damage or destruction that occurs over an extended period of time (but within two years from first occurrence) shall be deemed to be a single event.

DAYCARE: The term **daycare** includes any of the 4 (four) specifically defined daycare uses listed below. The following definitions conform to the daycare permit categories defined by Public Act 82-35 of the Connecticut General Statutes.

- 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 child care home** – Any premises used for the care of not less than 7 nor more than 12 related or unrelated children, and meeting all standards of the Connecticut Department of Health Services.
- c. **Family child care home** – A private family home caring for not more than 6 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 above-described use primarily serving employees of the immediate zoning district in which the workplace is located.

DECK: An adjoining elevated wooden area attached to the **primary structure**.

DEVELOPMENT: Any man made change to improved or unimproved real estate, including but not limited to, **buildings**, or other **structures**, mining, dredging, filling, grading, paving, excavation or drilling operations.

DIRECTOR OF PLANNING: See COMMISSIONER.

DISCONTINUANCE: The intentional or unintentional cessation of a nonconforming use of the property on a daily basis.

DISTRICT: Zone or area designated and established by this Regulation.

DISTURBED AREA: An area where the ground cover is destroyed or removed that leaves the land subject to accelerated erosion. A lot located in any district shall be deemed to be "disturbed" if more than two (2) trees of 12 inches or more in diameter per 6,000 square feet of lot area are removed.

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.

DRIVE-IN ESTABLISHMENT: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to either serve patrons while in the motor vehicles or else intended to permit consumption in the motor vehicle of food or beverage obtained by a patron from said business establishment. (e.g, restaurants, service stations, cleaners, banks, theaters, etc.)

DRIVEWAY: A portion of a **building lot** that is used for movement of vehicular traffic.

DWELLING: 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 **dwelling**.

UNBROKEN LINE THROUGH SOLID EXTERIOR WALLS AND PARTY WALLS

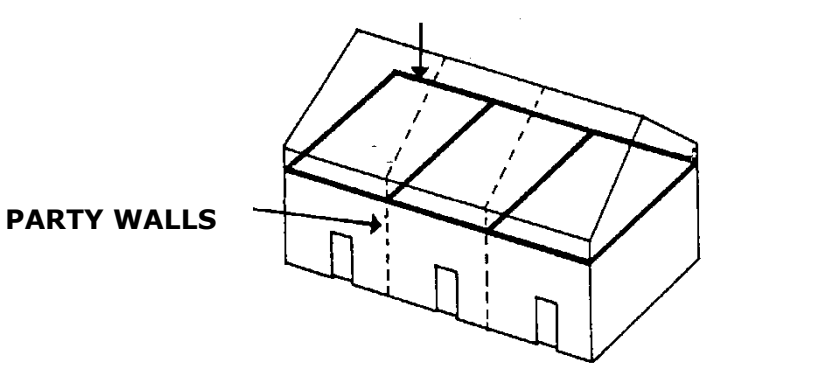


Illustration 2.2.1. Dwelling.

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: Any **building** (including a condominium) having three or more **dwelling units**, or a **dwelling** that has three or more **dwelling units**.

DWELLING, SEMI-DETACHED: A **dwelling** having any portion of one wall in common with an adjoining **dwelling**.

DWELLING, SINGLE-FAMILY: A **dwelling** having only one **dwelling unit** from ground to roof and having independent outside access.

DWELLING, TWO-FAMILY: A **building** that accommodates no more than two families, including a duplex, which does not have a party wall or walls in common with any other adjacent house or houses.

DWELLING, THREE-FAMILY: A **building** that accommodates no more than three families, including a duplex, which does not have a party wall or walls in common with any other adjacent house or houses.

DWELLING UNIT: One or more rooms in a **building** which is arranged, designed, used or intended for use by one or more persons living together and maintaining a common household that includes lawful cooking space and sanitary facilities as defined in building and sanitary codes, reserved for the occupants thereof.

EFFICIENCY UNIT: 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 an efficiency unit exceed 500 square feet.

ELDERLY HOUSING UNIT: 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.

ELDERLY HOUSING: A housing project sanctioned by federal, state or local government that restricts its residents to retired, handicapped or elderly individuals, including senior citizen housing and **congregate housing**.

ENLARGEMENTS OR EXTENSIONS: An increase in the **building** or **structure** size or an increase in **lot coverage**.

EXPANSION OF USE:

- 1) The change of a **non-conforming use** to a **use** determined to be less-conforming, or
- 2) The addition of another **non-conforming use** to an existing **non-conforming use**, or
- 3) The increase in intensity of an existing **non-conforming use** (including additional dwellings).

FAMILY/HOUSEHOLD: 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 related 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 USC §3602 (h) and this Regulation 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 Regulation: 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 Regulation, the term "disabled" shall have the same meaning as the term "handicapped" as contained in the Fair Housing Act.

FAMILY DAYCARE HOME, see DAYCARE

FARM: A residential property consisting of at least 3 acres with a **dwelling** which is used for agricultural purposes for the keeping of domesticated animals. A farm may include sheds,

DEFINITIONS

barns, or other customary accessory uses, provided there is no commercial tannery, packing, or slaughtering of animals.

FENCE: A decorative or functional barrier including any wall, hedge, or other obstruction dividing a lot or lots.

FINISHED LOT GRADE: See LOT GRADE, FINISHED

FLEA MARKET: A commercial market which sells used or new goods either inside or outside of a building on a permanent or semi-permanent daily or weekly basis.

FLOOR AREA, GROSS: 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:

- a. basement space where more than one-half the basement height is above the **average grade** along the exterior walls of the **building**,
- b. elevators and stairwells at each floor,
- c. 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**, and
- d. attic space, whether or not a floor has been laid, over which there is structural headroom of seven (7) feet or more.

FLOOR AREA, NET: The total floor area within a **building** devoted or intended to be devoted to a particular **use**, with structural headroom of seven feet six inches (7'-6") 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(s)**, 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: The ratio of the **gross floor area** of the **principal building** or **principal buildings** on a **lot** to the total **lot area**.

FUNCTIONALLY DEPENDENT FACILITY: A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as docking or port facility necessary for the loading and unloading of cargo, passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

GARAGE: A detached accessory building or a portion of a main building for parking of vehicles belonging to the occupants of the premises and in which no occupation or business for profit is carried. A detached garage may have a maximum height of 15 feet and a ground floor area that is the greater of 750 square feet or fifty per cent (50%) of the principal building ground floor area. A storage area above a detached garage shall have a height of no more than six feet six inches (6FT – 6 IN).

GRADE, AVERAGE: The proposed finished elevation along a wall adding and dividing by two the elevation of each wall corner.

GRADING: Any excavating, grading, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including land in excavated or filled condition.

GROSS FLOOR AREA: see FLOOR AREA, GROSS

HAWKER OR PEDDLER: A person, corporation, limited liability company or partnership, whether principal or agent, who goes from **town to town or from**

place to place in the same town selling or bartering or carrying for sale or barter, or exposing therefore, any goods wares or merchandise, either **on foot or from any animal or vehicle**.

HEIGHT, see BUILDING HEIGHT

HIGH WATER LINE: The line of the highest annual tide.

HOME OCCUPATION: Any use customarily conducted entirely within a **dwelling** or an **accessory building** to a **dwelling** which use is clearly incidental and secondary to the use of the **dwelling** for dwelling purposes and carried on by the residents of the premises employing not more than one person on the premises who is not a resident thereof. Home occupations may include, but need not be limited to: accountant, architect, artist, author, consultant, dressmaker, lawyer, professional office, or teacher, but does **not** include animal hospital, auto-repair, barber, beautician, massage therapist or masseuse, musician, restaurant, tavern, tearoom, or veterinarian.

HOSPITAL: A **building** licensed by the State Department of Health having facilities, medical staff, and all necessary personnel to provide diagnosis, care, and treatment of a wide range of acute conditions or chronic diseases, including injuries on an inpatient and outpatient basis.

HOTEL: A **building** providing lodging for persons, with or without meals and intended primarily for the accommodation of transients and so designed that normal access to the rooms is through a public lobby.

IMPERVIOUS SURFACE COVERAGE: Paved or covered ground surface including driveways, walkways, and parking areas (but excluding **BUILDINGS** or **STRUCTURES**).

INCIDENTAL REPAIRS OR ALTERATIONS: The replacement, upgrading or renovation of existing **building** characteristics or systems, provided that such work does not create any additional units, rooms, or a greater degree of lot coverage.

INN: see **HOTEL** above

ITINERANT VENDOR: A person, whether principal or agent, who **engages** in a **temporary or transient business** traveling from place to place selling goods, wares and merchandise.

JUICE BAR: An establishment whose primary purpose is to sell or serve non-alcoholic beverages for immediate consumption, including entertainment accessory thereto. Entertainment may be live or recorded music for dancing and/or enjoyment by patrons. Entry to the establishment may be available to the public, limited to members only, or members and "guests", with or without a fee.

JUNKYARD: That portion of a **lot**, whether in part or entirety, on which is accumulated for collection, sale or storage of material to include not limited to glass, bottles, newspaper, metal, paper, cordage, or other waste material that is non-enclosed or not permitted through these regulations under specific sections. See also MOTOR VEHICLE RECYCLER'S BUSINESS OR YARD.

LANDFILL AND FILLING OPERATIONS: The deposit of any fill material that would alter an existing surface drainage pattern or watercourse; or create a surface pitch in excess of five (5) percent; or raise an existing elevation by more than three (3) feet over an area of more than 5,000 square feet, as determined by the Planning Director or Zoning Enforcement Officer.

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

LODGER: See **ROOMER, BOARDER OR LODGER**

LODGING HOUSE: See **ROOMING, BOARDING OR LODGING HOUSE**

LOT: A plot or parcel of land under the same ownership occupied or capable of being occupied pursuant to applicable area and bulk regulations by one or more principal buildings and/or the accessory buildings or uses customarily incident to it including such yards and areas as are required by these regulations. A lot may or may not be the land shown on a recorded deed or plot.

LOT AREA: The total horizontal area of a **lot** lying within the **lot lines** and excluding any area lying beyond a **street line**.

LOT AREA PER DWELLING UNIT: The amount of **lot area**, whether occupied by **structures** or not, that exists proportionate to each **dwelling unit** located on the **lot**.

LOT, CORNER: A **lot** bounded on two or more sides by intersecting **streets**.

LOT COVERAGE: The portion or percentage of a **lot** occupied or intended to be occupied by all **buildings, structures**, plus paved or covered ground surface including driveways, walkways, and parking areas that are impervious surfaces.

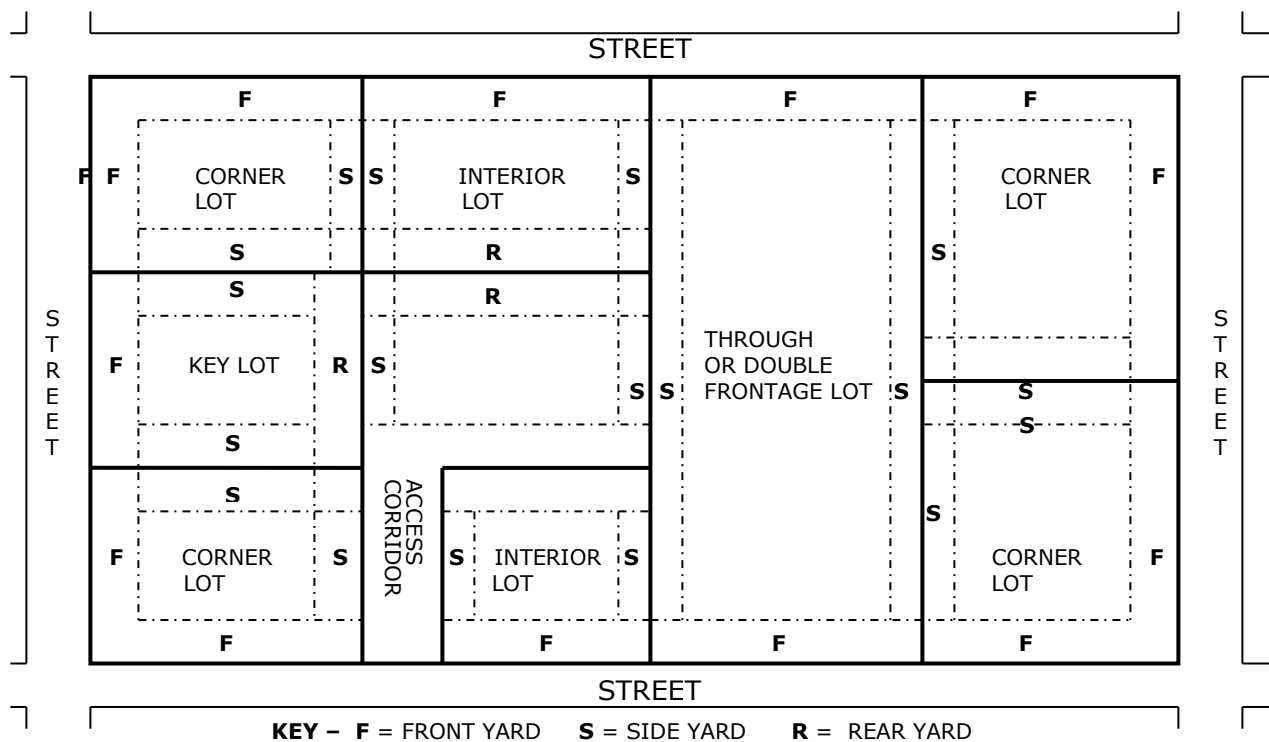


ILLUSTRATION 2.2.2 LOT AND YARD TYPES.

LOT, FLAG or CORRIDOR: 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 not more than 250 feet long.

LOT, INTERIOR: Any **lot** neither a **corner lot** nor a **through lot**

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

LOT, THROUGH: A **lot** which adjoins two non-intersecting **street lines** opposite to each other.

LOT WIDTH AND DEPTH: The distance between the side **lot lines** measured in a straight line at right angles to the mean direction of such side **lot lines** which line of measurement shall be parallel to the front line at the **front yard** depth required by these regulations, the depth of a **lot** is the mean distance from the **street line** of the **lot** to its rear **lot line**, measured in the direction of the lines of the **lot**.

MARIJUANA FACILITIES: For purposes of this regulation, Marijuana Facilities shall include Marijuana Dispensaries and Marijuana Producers as further defined in Section 49.1, Marijuana Facilities.

MARINA: (also see **BOATING FACILITY**) A boat basin having facilities for 10 boats or more for berthing, securing, and servicing of recreational craft, the sale of marine motors, the sale and brokerage of recreational craft as well as providing adequate supplies, provisions, storage, and fueling and other facilities for the same including parking.

MASSAGE THERAPY: The systematic and scientific manipulation and treatment of the soft tissues of the body, by use of pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion and nonspecific stretching.

MEAN HIGH WATER MARK: The average height of all apparent high water marks recorded over a 19 year period or a computed equivalent period.

MEAN SEA LEVEL: The average height of the surface of the sea for all stages of the tide, usually determined from hourly readings during any given period. For the purpose of these regulations, mean sea level shall be deemed to be an elevation of 0.0 feet (USGS datum, MSL).

MEDICAL CLINIC: A **building** licensed by the State Department of Health having facilities, medical staff, and all necessary personnel to provide diagnosis, care, and treatment of a wide range of acute conditions of chronic diseases or injuries on an outpatient basis.

MEDICAL REGIONAL OPERATIONS CENTER: Medical Regional Operations Center ("MROC") is a facility containing not less than 100,00 square feet used by a medical/healthcare provider for the receipt, temporary storage, break-bulk, assembly, repackaging and/or redistribution of goods and materials associated with the health care and medical industries, such as medical equipment, devices and materials, pharmaceuticals, linens and uniforms. MROC shall also include ancillary uses necessary for the operation of the facility, including such uses as offices, meeting rooms, IT facilities, cafeterias, break rooms and similar uses, as well as uses associated with the materials received at the facility, including compounding, repairs, and refrigeration.

MERGER: A **lot** shall be construed to have **merged** with an adjoining lot under the "Doctrine of Merger" whenever two or more parcels of land are consolidated through a combined use, by common owner(s). One or more lots shall have merged by the establishment of any permanent **accessory use** on a parcel of land contiguous with the parcel on which the **principal building** is located.

MERGER OF LOTS: The combined **use**, including **use** by **accessory use**, of one or more recognized **lots**.

MOBILE HOME: Any vehicle having no motor power of its own, but which is, has been or may be drawn by a motor vehicle, whether resting on wheels, jacks, or other foundation and is arranged, intended, designed or used for non-temporary human habitation or as a place in which a person(s) may eat, sleep, work or congregate. A **mobile home** shall include the type of vehicle also known as a trailer, but shall not include the type of vehicle commonly known as a **recreational vehicle** or **RV** intended for temporary habitation.

MOBILE HOME PARK: A **lot**, parcel or area of land on which one or more mobile homes are placed for the purpose of a permanent dwelling.

MOTEL: A **building** providing lodging for persons, with or without meals, primarily intended to accommodate transients and so designed that access to the rooms is direct from the out-of-doors. **Motel** shall also include Motor Hotel and Boatel.

MOTOR VEHICLE RECYCLER'S BUSINESS OR YARD: A **junk yard**, motor vehicle junk business, motor vehicle recycler's business or yard as defined in State Statutes. Any business and any place of storage or deposit, whether in connection with any business or not, which has stored or deposited two or more unregistered motor vehicles that are no longer intended or in condition for legal use on the public highways or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part, or intended to be a part of any motor vehicle, the sum of which parts or materials shall be equal in bulk to two or more vehicles. Said term shall also include any place of business of storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to cut up parts thereof.

MULTI-FAMILY DWELLING: see DWELLING, MULTI-FAMILY.

NATURAL DISASTER: An act of GOD to include damage by wind, precipitation, lightning, accidental fire, or earth movement.

NIGHT CLUB: A commercial enterprise whose primary function is to supply music or live entertainment or both and which may provide food and/or beverage for on-premises consumption.

NON-BUILDING USE: A **principal use** of land to which the **building** on the **lot**, if any, are accessory, such as a trailer park, junk yard, public parking lot, or an open storage yard of materials.

NON-COMPLYING OR NON-COMPLIANCE: Any lawful use, whether of a building or other structure which does not comply with any one or more of the applicable district area and/or bulk regulations, either on the effective date of these regulations or as a result of a subsequent amendment thereto.

NON-INFRINGEMENT AREA: The area designated by the Commission, or these regulations, adjoining a stream, floodway, **wetland**, tidal area, that may not be disturbed, filled, or improved, but may be used. The dimension or width of such an area shall be set by the Commission in view of local conditions in terms of soils, slope, **use**, streams, flood potential, and local geography.

OPEN SPACE: That part of a **lot**, including courts, walkways or **yards**, which

- (a) is open and unobstructed from its lowest level to the sky;
- (b) landscaped with vegetation and maintained for recreation or conservation purposes;
- (c) does not include those portions of a **lot** that are utilized for **off street parking**, **loading**, driveway, or **building** purposes, but does include landscaped courts, open hardscaped areas and walkways utilized for public gathering, open space or conservation access when part of a comprehensive development or redevelopment plan.

OUTDOOR VENDORS: Individuals seeking to sell wares, fruits, vegetables, other produce, crafts, or any merchandise from a non-permanent location on a private open lot, or other location not in a public street or on a public sidewalk.

OUTSIDE STORAGE: see STORAGE, OUTSIDE

PARK: Any publicly-owned park, playground, beach, parkway, or roadway within the jurisdiction and control of the Board of Park Commissioners (Park Department), except for park strips or malls in a street, the roadways of which are not within the Board's control and jurisdiction.

PARKING AREA: An area other than a street used for the temporary parking of more than three motor vehicles, which has unobstructed access to each **parking space**.

PARKING GARAGE: A **building** or other **structure** that provides parking or storage for motor vehicles, but not for commercial or public utility vehicles or dead storage of motor vehicles.

PARKING LOT, COMMERCIAL: Any tract of land which: (a) is used for the parking or storage of motor vehicles, but not for commercial or public utility vehicles or the dead storage of motor vehicles, and (b) is not accessory to a **use** on the same or adjacent **lot**.

PARKING SPACE: An off-street space available for parking one vehicle (excluding adequate driveways and aisles) and meeting the Regulation 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 vehicles.

PASSIVE SOLAR: The environmental design of a **dwelling** or parcel of land so that it has access to passive solar energy for either present or future solar energy use.

PATIO: An area of **lot coverage** for which no building permit or foundation is required. The material use can be rock, wood, asphalt or other stabilizing material to prevent the growth of vegetation.

PAWNBROKER: A person, corporation, limited liability company or partnership, licensed by the state, who engages in the **principal business** of **loaning money** upon **deposits** or **pledges** of wearing apparel, jewelry, ornaments, household goods or other personal property, or of purchasing such property on condition of selling the same back again at a stipulated price. Such person shall be licensed by the West Haven Police Department in accordance with Sections 173.1 through 173.9 of the West Haven City Code.

PENTHOUSE: That portion of a **building**, the upper most level which contains utility apparatus or connections.

PLACE OF ASSEMBLY: An outdoor area, building or portion of a building specifically identified and used for gathering together 50 or more persons for such purposes as deliberation, worship, entertainment, eating, drinking, amusement or awaiting transportation.

PREMISES: All land comprising a **lot**, and including all **buildings** and **uses** located on the **lot**.

PRINCIPAL BUILDING: A **structure** located on the **lot** in which the principal **use** to which the property is put is conducted. In all zones except R-1, R-2 and R-3, more than one **principal building** may be located on a **lot**.

PRINCIPAL USE: The **primary purpose or business** for which land, premises or a building is designed, arranged or intended or for which it is or may be occupied or maintained. This definition does not include an accessory use or incidental use not inconsistent with the principal use or purpose.

RECREATIONAL VEHICLE: (also see CAMP TRAILER) a vehicle designed for recreational use (as in camping), typically called an RV.

RECYCLING FACILITY: A facility that processes or reuse, bundles or reconstructs materials, such as, but no limited to, paper, cans, bottles, bulk vegetation (leaves, wood, etc.)

RECYCLING PROCESSING FACILITY: An operation of a recycling/transfer facility for the collection, compacting, crushing, shredding, baling, pulverizing, separation, sorting, and consolidation of solid waste material, including construction materials, demolition

materials, wood products, plastics, tires, rags, and similar materials for reclamation and volume reduction purposes and transfer to other sites for final reprocessing, reclamation conversion or change of form. (Any crushing or screening operation shall be a minimum of 500 feet from any residentially zoned property or municipal boundary). (Rev. 5/14/19. # ZR 19-008)

RENTAL, SHORT-TERM (e.g. Airbnb, VRBO) – The temporary rental of part or all of a property to any temporary renters for a minimum of seven (7) days.

- a) Occupancy is limited to no more than 4 unrelated adult temporary renters and/or their children, at any one time.
- b) The property owner is responsible for the condition of the property.
- c) Use does not transfer to subsequent owner and requires reapproval by the ZBA.
- d) Minimum 70 sf for one person + 50 sf for additional guests, including children.

RESTAURANT: A commercial enterprise whose primary function is the sale of food and/or beverage for on-premises consumption. Music and/or live entertainment may be provided; however, a dance floor area may not exceed five percent of the gross floor area of the **structure**.

RESTAURANT, FAST FOOD: A commercial enterprise whose principal business is the sale of prepared or rapidly prepared food sold directly to the customer in a ready-to-consume state either within the restaurant building or off premises through a drive-in window.

ROOMER, BOARDER OR LODGER: 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 prearrangement or for less than a week at a time shall be classed for purposes of this Regulation not as a **roomer, boarder or lodger**, but as a guest of a commercial lodging establishment (tourist home, **hotel** or boatel, **motel, or motor hotel**).

ROOMING, BOARDING OR LODGING HOUSE: A **building** or part of a **building** (other than an institutional **building**) occupied or intended to be occupied by three or more **roomers, boarders or lodgers**.

SAND DUNES: Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

SCHOOL, COMMERCIAL: Any business or school operated for the compensation or gain of its owner or operator where students or enrollees are instructed in an area of interest such as, but not limited to, braiding, beauty culture, computers, dancing, judo, sewing or welding.

SCREEN OR SCREENING: Either: (a) A strip of at least ten (10) feet wide densely planted (or having equivalent natural growth) with shrubs or trees (at least four (4) feet high at the time of planting) of a type that will form a year round dense screen at least six (6) feet high within three (3) years; or (b) a strip five (5) feet wide and an opaque wall or barrier or uniformly painted fence at least six (6) feet high. Either (a) or (b) shall be maintained in good condition at all times, in perpetuity, and may have normal entrances and exits.

SEDIMENT: Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

SENIOR CITIZEN HOUSING: see ELDERLY HOUSING UNIT

SETBACK: The horizontal distance from any **street** or **lot line** to any **building, structure, or use**, measured in a straight line from and perpendicular to such **street** or **lot line**.

SHED: A **structure** used for the purpose of storage and having a floor area of not more than 120 square feet with a maximum height to its peak of not more than twelve (12) feet.

SHOPPING CENTER, NEIGHBORHOOD: A complex of shopping facilities whose total building area is less than 50,000 square feet catering to the shopping need of the residents of the neighborhood and with off-street parking facilities for less than 200 automobiles.

SHOPPING CENTER, REGIONAL: An area originally planned and developed as a single unit, having a total ground floor building area of not less than 50,000 square feet with immediate adjoining off-street parking facilities for not less than 200 automobiles.

SIGN: Any device for visual communication use for the purpose of bringing the subject thereof to the attention of the public, but not including any flag or insignia of any government or governmental agency, or any fraternal, civic, charitable, or religious organization.

SIGNIFICANT NATURAL RESOURCES: Included, but not limited to, **tidal** and **inland wetlands**, streams, creeks, marshes, wildlife habitats, beaches, ponds, aquifer recharge areas, drainage basins for public water supply and storm water retention, and public open space.

SINGLE-FAMILY DETACHED DWELLING, see DWELLING, SINGLE FAMILY DETACHED.

SITE IMPROVEMENT: The alteration of existing features of a site pursuant to construction, reconstruction, conversion, structural mining, and any change in the use of any **building** or other **structure**, or land, or extension of the use of land, except agricultural land uses not requiring a building permit or zoning permit.

SLOPE: Inclination of the land surface from the horizontal; percentage of slope is the vertical distance divided by horizontal distance, multiplied by 100.

SOIL: Any consolidated mineral or organic material of any origin.

SOLICITORS: Persons who **request orders**, directly or indirectly for money, credit, property, financial assistance or **for purchase for future delivery** of any goods, wares or merchandise or any kind of value from door to door on any street or highway. Such persons shall register with the West Haven Police Department in accordance with Sections 174.1 through 174.9 of the West Haven City Code. Such definition may include peddlers, but **shall exclude non-profit, civic or charitable organizations**.

STATE: The State of Connecticut.

STORAGE, OUTSIDE: Storage of materials, supplies, goods or items in a non-enclosed structure.

STORAGE, SELF: Self Storage Facilities shall include facilities comprised of segments, which have direct exterior access to storage units, and/or have limited access from interior corridors. These may include single and/or multi-story buildings. (Effective 7/28/21, #ZR 21-68)

STORAGE SHED: See SHED.

STORY: 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

STORY, HALF: Any space within a **building** under a gable, hip or gambrel roof, the floor surface of which is not more than two (2) feet below the plate when measured along the exterior wall and where the height of said space does not exceed seven feet six inches (7'-6") for over sixty percent (60%) of the total floor area of said space as measured from the floor surface to ceiling surface or in its absence, the bottom of the roof beams.

STREET: A public way or a way opened to the public use or other right-of-way giving access to a **lot**, but not excluding an alley for service access only. **Street** shall be deemed to include the entire width of the right-of-way.

STREET FRONTAGE: The width of the **lot** along the **street line**, except where the **lot** narrows within the front yard **setback**, and then it is the mean distance calculated along the **street line** and a line parallel to the public street at the **front yard setback**.

STREET LINE: The line separating private property from a **street** or **alley** existing or dedicated in public ownership

STREET WALL: A wall or portion of a wall of a **building** facing the **street**.

STRUCTURE: Anything constructed or erected which requires location on the ground or attachment to something having location on or in the ground.

TAKE OUT RESTAURANT: A **use** whose primary function is for the serving of food to be eaten outside of the **building** and does not provide seating for its clientele.

TEMPORARY OR TRANSIENT BUSINESS: Any exhibition and **sale of goods**, wares or merchandise which is carried on in any **tent, booth, building, trailer or other structure or in the open** on a parcel or lot. This **does not include the sale of Christmas trees** by a non-profit or civic organization.

TERRACE: see PATIO.

THREE-FAMILY DWELLING: see DWELLING, THREE-FAMILY

TWO-FAMILY DWELLING: see DWELLING, TWO-FAMILY

TOP SOIL: Surface soil usually including the organic layer in which plants have most of their roots.

TOOL SHED: see STORAGE SHED.

UNIT: see Dwelling Unit.

USE: 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: A **use** located on the same **lot** with a **principal use** that is clearly incidental or subordinate to and customarily in connection with the **principal use**.

USE, NONCONFORMING: A **use, structure** or **lot** which existed lawfully, whether by variance or otherwise, on the date this Zoning Regulation or any amendment thereto became effective, and that fails to conform to one or more of the applicable regulations in the Zoning Regulation or such amendment thereto.

VEGETATION: Plant life in general to include, but not limited to trees, bushes and grass.

VEHICLE: Any motor vehicle as defined by the General Statutes of the State of Connecticut, as amended.

WETLAND, TIDAL OR INLAND: An area designated as tidal wetland by the Department of Environmental Protection, State of Connecticut, or as an "Inland Wetland or Water Course" by the Inland Wetlands Agency.

YARD: That portion of a **lot** extending open unobstructed from the ground to the sky along the entire length of a **lot line** and from the **lot line** for a depth and width set forth in the applicable district **yard** regulations.

(See Illustration 2.2.2 Lot and Yard Types, Lot Area on page 2-9 and definitions of Yard types that follow below.)

YARD, FRONT: A **yard** extending across the full width of the **lot** and lying between the front line of the **lot** (the **street line**) and a parallel line at a distance there from as specified by these regulations. In the case of a **through lot** or **corner lot**, both **yards** which abut the **street** shall be deemed **front yards**.

YARD, REAR: A **yard** extending across the full width of the **lot** and lying between the rear **lot line** and parallel line at a distance there from as specified in these regulations. In the case of a **through lot**, both yards which abut the street shall be **front yards**.

YARD, SIDE: A **yard** extending along a side **lot line** from the front **lot line** to the rear **lot line**. In the case of a **corner lot**, any **yard** which abuts a street shall be considered a **front yard**.

ZONE (District): Any portion of the City set aside on the Zoning Map having separate requirements established by these Regulations.

ZONING ENFORCEMENT OFFICER (ZEO): One or more people designated to enforce the City of West Haven Zoning Regulation.

ARTICLE 2: USE REGULATIONS

SECTION 10 – RESIDENTIAL DISTRICT REGULATIONS

10. RESIDENCE DISTRICT REGULATIONS

10.1 GENERAL PURPOSES OF RESIDENTIAL DISTRICTS

The purposes of these regulations are to:

- promote and protect the public health, safety, and general welfare.
- maintain neighborhood integrity, protect property values, provide sufficient light and open space between buildings.
- maintain control over the quality of the environment of the community.
- prevent congestion of streets, regulate demand on public services,
- provide sufficient room for growth and diversity of housing needs and styles to meet community needs now and in the future.

10.2 OBJECTIVES OF RESIDENTIAL DISTRICTS

It is recognized that certain neighborhoods have already become overcrowded due to the intrusion of multi-family dwellings and the increasing conversion of single-family homes to two or three family homes. Through the graduation of density, together with appropriate open space requirements and buffers, both natural and required by these regulations, it is the objective to prevent improper disruption, intrusion and overcrowding in existing neighborhoods and discourage further increases in density.

10.3 INTENT OF RESIDENTIAL DISTRICTS

It is hereby recognized that the City of West Haven is a community which at the time of these regulations enactment is mostly developed with very little undeveloped or underdeveloped land. In interpreting these regulations great consideration should be given to existing community characteristics. The intent of the regulations is to:

- use multi-family districts as buffers between single-family areas and commercial or industrial areas and provide a gradation in density between the least and most dense residential districts whenever possible.
- prevent the overcrowding of existing areas by further increases in density.
- prevent additional overcrowding and haphazard development.
- limit those instances where a variance can be granted.
- encourage the preservation and protection of historical and architecturally significant buildings.
- encourage the mixture of residential and commercial use where appropriate.
- replace variances with provisions for Special Permit Uses, Special Exceptions and Special Use Exceptions to the area and bulk requirements. Granting of any variance where the foregoing special categories would be applicable would be a violation of these regulations.

10.4 GENERAL STANDARDS OF RESIDENTIAL DISTRICTS

10.4.1 Permitted Uses

In each district certain uses are permitted, subject to all the applicable §10.4 General Standards and the requirements below, are permitted as shown in **Table 39.1 Summary of Uses in Residential Districts**, where the letter **R** indicates a use permitted As-of-Right.

10.4.2 Structures and Projections within Required Yards in all Residential Districts shall be permitted as follows:

1. **In any Yard** the following projections shall be permitted:
 - a. **Flag poles, non-enclosed steps or stoops** having ground coverage of not more than thirty (30) square feet.

- b. **Arbors or trellises, awnings or canopies, chimneys, gutters or downspouts, eaves or cornices**, whether decorative or structural; provided they do not extend more than three (3) feet into a yard or twenty (20%) of the actual setback, whichever is less, and are attached to the building.
 - c. **Porches or decks**, including steps, which project not more than one-third (1/3) into a required yard.
 - d. **Porches or decks**, including steps, which do not diminish the existing side yard.
2. In **Side or Rear Yards** only the following structures shall be permitted:
- a. **Garages, tool or storage sheds** or non-commercial greenhouses, are permitted as-of right as follows:
 - i. A minimum of four (4) feet from side and/or rear lot lines if the property width is fifty (50) feet wide or less; or
 - ii. A minimum of six (6) feet from side and/or rear lot lines if the property is more than fifty (50) feet wide.
 - b. **Non-Commercial Recreational Yard Equipment** is allowed not less than four (4) feet from a property line.
3. **Fences, Walls, fences, privet hedges, or berms** not greater than seven (7) feet in height in any side or rear yard, not higher than four (4) feet in any **front yard** or other **yard** bordering any **street** or public **right-of-way**, and not higher than 3 feet within a **corner visibility triangle** of twenty (20) feet.
4. **Accessory Uses and Structures.** Off- street surface parking, detached **garages** and **storage sheds** or **tool sheds** are permitted as-of-right in all residential districts.

10.5 SPECIAL PERMIT USES

Certain uses in residential districts are allowed only by **Special Permit** at the discretion of the Commission, subject to the standards and procedures of Article 80 – Zoning Administration and Article 75 – Site Plan Review.

Inclusion of non-residential **uses** that are appropriate and compatible with residential neighborhoods is encouraged. However, since not every lot may be suited to accommodate every type of use, non-residential **uses** are to be allowed only on a limited basis by **Special Permit** with appropriate safeguards for each individual case.

It is hereby recognized that certain non-residential **uses** are a necessary part of the community and if properly controlled are compatible with residential neighborhoods. In making its decision on any application for a **Special Permit** use the Commission must weigh the interests of the community in having the use with the interests of the landowner. If the Commission deems that the proposed **use** is in the best interests of the community as a whole, it shall make written findings and find the application consistent with the Plan of Conservation and Development. In **Table 39.1 Summary of Uses in Residential and Mixed Uses**, the letters **SP** indicate a use allowed by Special Permit.

10.6 SPECIAL USE EXCEPTIONS

After a consideration of the potential impact of the request on the surrounding neighborhood, the Planning and Zoning Commission may grant a Special Use Exception to permit the use with any conditions the Commission may determine are necessary to protect the neighborhood.

In **Table 39.1 Summary of Uses in Residential and Mixed Use Districts** the letters **SU** indicate a use allowed by Special Use Exception.

10.7 ALTERNATIVE FRONT YARD SETBACK STANDARD

Where 75% or more of the entire **street frontage** (in feet) on the same side of the **street** between the two nearest intersections has been developed with **front yards** smaller than that required in the zoning district, the required **front yard** shall be the same as the **yard** presently followed by existing **buildings** along the greatest quantity of **street frontage** (in feet).

10.8 AREA AND BULK REGULATIONS

It is the intent of these regulations to provide for the minimum requirements in all districts so as to prevent overcrowding. No lot shall be used and no building shall be erected except in conformity with the bulk regulations as set forth herein, except as may be otherwise permitted within these regulations or specifically permitted by the Connecticut General Statutes.

No new **lot** shall be created after the adoption of these regulations which does not conform to the requirements of this section, except as may be permitted under Section 82.

All applicable bulk requirements, including off-street parking, shall be located on same **lot** which shall consist of one contiguous parcel of land. However, nothing shall prohibit the combination of more than one parcel of land to form a single **lot**.

10.9 SPECIAL PROVISIONS FOR PRIOR COMPLYING LOTS AND BUILDINGS

Any existing **lot** or **building** which was complying under any previous zoning regulation but does not now comply with the requirements of this Article shall not be removed, demolished or abandoned, except as may be required under Section 81.

Such existing **lot** or **building**, however, shall not hereafter change its **use** or have any construction taken relative thereto, without complying with the provisions of Section 81.

SECTION 11 – SINGLE FAMILY DISTRICT (R-1, R-2) REGULATIONS

11 SINGLE-FAMILY RESIDENTIAL DISTRICTS (R-1 AND R-2)

Single family districts exist to protect larger areas that are predominantly developed for single family dwellings. Single Family Districts are designed specifically to maintain neighborhoods integrity with regard to minimum and uniform lot sizes as well as their single-family character.

11.1 Purpose. To provide a traditional development form for developed areas of West Haven.

11.2 Intent. To protect single family areas and to maintain a balanced community of sound residential areas of diverse types. To develop density similar to surrounding areas in a form that encourages home ownership and occupancy.

11.3 Design. Single family detached housing with private yards.

TABLE 11.1 AREA AND BULK REQUIREMENTS IN R-1 AND R-2 RESIDENTIAL DISTRICTS

KEY	REQUIREMENT	DISTRICT	
		R-1	R-2
A.	Min. Parcel Size (KSF)	20	16
B.	Min. Lot Size (KSF)	20	16
C.	Minimum Lot Area per Dwelling Unit (KSF)*	20	16
D.	Max. No. Dwelling Units Per Building	1	1
E.	Min. Front Yard (Feet)	35	30
F.	Min. Side Yard (Feet)	20	15
G.	Min. Rear Yard (Feet)	35	30
H.	Min. Street Frontage (Feet)	100	80
I.	Max. Building Coverage (%)	20	20
J.	Maximum Impervious Surface Coverage (%)	10	15
K.	Max. Lot Coverage (%)	30	35
L.	Max. Height (In Stories)	2½	2½
M.	Max. Height (In Feet)	35	35
N.	Min. Open Space (%)	70	65
O.	Parking per Studio or 1 Bedroom Dwelling Unit	1	1
P.	Parking per 2 or more Bedrooms Dwelling Unit	2	2

* Lot shall not include any land having a slope of 20% or greater.

SECTION 12 – MULTI-FAMILY DISTRICT (R-3, R-4 AND R-5) REGULATIONS

12 MULTI-FAMILY RESIDENTIAL DISTRICTS (R-3, R-4, R-5)

12.1 Purposes. Multi-family residential districts are designed to provide a variety of ownership and rental housing while at the same time maintaining sufficient quality and density to prevent overcrowding, fire and safety hazards and depreciation of surrounding property values.

12.2 Intent. To protect areas that have been and are being developed for moderate density development, and to support such non-residential uses as generally support and harmonize with a moderate density area. To provide alternative development forms that widens housing choice and encourages home ownership.

12.3 Design. To provide a variety of one to four story residential structures of varying architectural styles including townhouses, row houses and apartment buildings.

TABLE 12.1 AREA AND BULK REQUIREMENTS IN R-3, R-4 AND R-5 RESIDENTIAL DISTRICTS

KEY	REQUIREMENT	DISTRICT		
		R-3	R-4	R-5
A.	Minimum Parcel Size (KSF)	16	80	80
B.	Minimum Lot Size (KSF)	16	80	80
C.	Minimum Lot Area per Dwelling Unit (KSF)*	1 DU: 16 2 DU: 12 3 DU: 10	12	7
D.	Maximum No. Dwelling Units Per Building	3	16	32
E.	Minimum Front Yard (Feet)	25	50	60
F.	Minimum Side Yard (Feet)	15	50	50
G.	Minimum Rear Yard (Feet)	25	50	60
H.	Minimum Street Frontage (Feet)	80	150	150
I.	Maximum Building Coverage (%)	20	25	30
J.	Maximum Impervious Surface Coverage (%)	20	15	20
K.	Maximum Lot Coverage (%)	40	40	50
L.	Maximum Height (In Stories)	3	3	4
M.	Maximum Height (In Feet)	40	40	50
N.	Minimum Open Space (%)	60	60	50
O.	Parking per Studio or 1 Bedroom Dwelling Unit	1	1	1
P.	Parking per 2 or more Bedrooms Dwelling Unit	2	2	2

* Lot shall not include any land having a slope of 20% or greater.

SECTION 13-ACTIVE ADULT RESIDENTIAL COMMUNITIES AS FOLLOWS:

13. ACTIVE ADULT RESIDENTIAL COMMUNITY (AARC)

13.1 Purpose. The purpose of this Section is to encourage developments that provide alternative housing choices for people who are 55 years or older. An Active Adult Residential Community will allow for flexible development of detached or semi-detached single-family dwellings in the various Residential and Mixed-Use Districts of the City (units may only be attached by a garage and not be connected to any living space within the unit). Such a development shall consider the protection of surrounding properties and shall provide for open space and preservation of natural and historic features.

13.2 Objectives. An AARC may receive favorable consideration where a proposed development complies with standards for approval of a Special Permit (Section 85) and where the following conditions are present and the following objectives are achieved:

- a) There is no adverse impact on adjacent properties;
- b) There is sufficient capacity in public infrastructure supporting the development (Sanitary sewer, water supply, road network, utilities, etc.).
- c) Passive and/or active recreation facilities and other amenities are provided by the applicant within the proposed development.
- d) Creative design and careful land planning are accomplished;
- e) Screening/buffering and landscaping is provided, as required.
- f) Water resources and natural and historical features are protected and enhanced where present.

This statement of objectives shall not be subject to variance or exception by any City agency; however, any applicant retains any rights under State Statutes, as they may be changed from time to time.

13.3 Applicability. An Active Adult Residential Community is allowed in various Residential and Mixed-Use Districts in West Haven, subject to the area and bulk requirements of Table 13.3.

13.4 Permitted Uses. An Active Adult Residential Community consists of a community which includes single-family dwelling units with a generally smaller bedroom mix than traditional residential developments. For an AARC, each unit shall be a minimum of 1,000 square feet and possess a maximum of two bedrooms plus one utility (guest study, etc.) room. Accessory uses such as parking lots, garages, and recreational and community uses are also permitted, to the extent they are designed and intended to serve the permitted occupants of the AARC and are consistent with and appropriate to the needs and interests of those occupants.

13.5. Approval Process. All AARC developments shall require approval of a Special Permit and a Site Plan Review by the Planning and Zoning Commission, pursuant to Section 75 and 85 of the Zoning Regulations. Where located within an area that requires site specific reviews (e.g. Coastal Site Plan Review or Village District review),

an AARC development shall also be required to meet those site specific review requirements.

TABLE 13.3
ZONING REQUIREMENTS FOR AARC BY ZONING DISTRICT

Zoning District	Min. Lot Area (SF)	Max. Density (DU/40,000)	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Building Coverage	Max. Impervious Cover	Max. Lot Coverage	Min. Open Space
R1	200,000	5	35	30	50	20%	10%	30%	70%
R2	120,000	7	30	25	45	20%	15%	35%	65%
R3	100,000	10	25	25	25	20%	20%	40%	60%
R4	90,000	12	50	50	50	25%	15%	40%	60%
R5	80,000	15	60	50	60	30%	20%	50%	50%
NB	60,000	25	25	20	25	50%	25%	75%	25%
RPD	60,000	25	50	25	50	25%	15%	40%	60%
RCPD	60,000	15	50	25	50	25%	15%	40%	60%
CBD	60,000	40	0	0	20	30%	50%	80%	20%
SRR	60,000	15	12	0,20	30	30%	20%	50%	50%
WD	60,000	25	12	0,20	25	35%	60%	80%*	30%*
TOD	60,000	50	Varies	Varies	Varies	Varies	Varies	Varies	Varies

** These standards were revised to reflect that some walkways, landscaped courts, and open hardscaped areas could meet the definition of impervious cover and open space. Consequently, the two may exceed 100% when combined.*

13.6 Buffer Requirements. When located adjacent to a single-family residential district (R1 and R2), the Planning and Zoning Commission shall review the proximity of this residential community in relation to such residential district and shall require either 1) a distance of 75 feet between any proposed buildings and existing residences in the adjacent District or 2) a specific physical buffer which will be comprised of a berm with evergreen vegetation on top and a landscape plan which will provide sufficient visual buffering of the proposed development.

13.7 Occupancy restrictions. Occupancy within an AARC development shall be restricted as follows:

- a. Each of the occupied dwelling units shall be occupied only by:
 - [1] A person who is 55 years of age or older (an "age-qualified person");
 - [2] A spouse, companion or relative of an age-qualified person residing in the dwelling unit with the age-qualified person.
 - [3] The spouse, relative or companion of a deceased age-qualified person who had formerly resided in the dwelling unit or who has entered into a long-term care facility, provided that if any surviving spouse, relative or companion of a deceased age-qualified person

shall remarry or cohabit then the occupancy requirements of Subsection 13.7 (a) [1] and/or [2] above must be met; or

[4] A personal care attendant who is in service to a permitted occupant to attend to that occupant's medical and/or health needs, provided that: the personal care attendant is 21 years of age or older, registered with the Office of Planning and Development, and not paying any form of rent; the occupant in question has a note from his/her doctor stating that the condition of the occupant is such that a personal care attendant is warranted; if the occupant in need of a personal care attendant shall not occupy the dwelling unit for a period in excess of one month, unless extended by the Commission, the personal care attendant shall not live in the dwelling unit.

b. No unit may be occupied by a resident who is younger than 18 years of age and only by hardship exception granted by the Board of Directors or other governing body of the AARC condominium community.

c. No unit may be occupied by more than three (3) residents.

d. In all events, at least 80% of the dwelling units shall be occupied by at least one age-qualified person.

13.8 Ownership Structure. The proposed Active Adult Residential Community shall be a Common Interest Ownership Community as defined in Chapter 828 of the Connecticut General Statutes.

a. Reporting Requirements. The "housing facility or community" shall provide to the Commission each year, on the anniversary of the approval of the site plan, documentation regarding age verification of the occupants of all dwelling units sufficient for the Commission to determine there is compliance with the requirements of Section 13.7 of these regulations.

13.9 Parking Requirements The parking requirements for units in an AARC shall be calculated as the total parking required for the residential units under Table 62.1 of the Regulations plus an additional 10% of the total parking spaces required for the development to provide parking for visitors. Where recreational facilities, clubhouses or other amenity space is provided, the approved site plan should demonstrate a distribution of total spaces so that there will be sufficient parking near these facilities.

13.10 Separation of Units The minimum separation distance between livable spaces of the dwelling units in an AARC shall be 25 feet (this is Meriden's requirement. 10 feet was proposed in the recent regulation considered by the Commission.), however, the garages of individual units may be connected.

13.11 Open Space The land area not allocated to buildings and/or streets shall be open space and may include certain covered open areas in community facilities, such as patios, walks, walking trails, plazas or covered recreation areas. This space shall be devoted to park, recreation or environmental amenity for the enjoyment of all residents of the development. Improved open space shall be of the same character of land to be developed and shall be designed to capitalize on the

13.12 Recreational Facilities and Amenities Since the purpose of an AARC development is to meet the needs of active adults, such developments must be supported by recreational facilities and/or amenities that could promote this lifestyle. Such facilities and amenities may include but not be limited to swimming pools, fitness centers, clubhouses, walking trails, etc. When considering an AARC, the Planning and Zoning Commission shall consider facilities and amenities that are proposed as part of the AARC development and will encourage siting such developments in proximity to other facilities and amenities that are located within a half-mile (2,600 feet) of such development.

All developments must include meaningful facilities and amenities as part of the development.

13.13 Utilities

- a. Sanitary Sewers, Water. AARC developments shall be served by public sanitary sewer lines and public water supply.
- b. All electrical, cable, telephone and other service utilities shall be placed underground.
- c. Fire hydrants shall be provided on site as directed by the Commission on the recommendation of the Fire District in which the development will be located.

SECTION 20 – COMMERCIAL DISTRICT REGULATIONS

20.1 GENERAL PURPOSES OF COMMERCIAL DISTRICTS

The Commercial Districts established in the Zoning Regulation are designed to promote and protect the public health, safety and general welfare. It is hereby recognized that the City of West Haven at the time of the adoption of these regulations is substantially developed. However, it is equally recognized that the future health of the City requires continued expansion of its commercial base.

These regulations are designed to encourage modernization, expansion and full development of the City's existing commercial base. It is also the intent to provide for sufficient diversity of services to meet future community needs.

It is the additional goal of this Article and these regulations to meet the commercial needs of the community, including its need for retail and service industries while at the same time maintaining control over the quality of the community's environment. The regulations are also designed to coordinate and consolidate like uses of the commercial base of the City.

20.2 PURPOSES OF SPECIFIC DISTRICTS

These general goals include the following specific purposes:

- 20.2.1 **NEIGHBORHOOD BUSINESS DISTRICT (NB)** – To provide for convenient commercial development in appropriate locations in proximity to residential areas with development limited to the appropriate size that would provide support to the adjoining residential neighborhoods.
- 20.2.2 **REGIONAL BUSINESS DISTRICT (RB)** – To provide for the large scale commercial needs of the city, its citizens and the citizens of the region in appropriate locations at a sufficient depth from a street to provide off-street parking and loading facilities.
- 20.2.3 **CENTRAL BUSINESS DISTRICT (CBD)** – To encourage local retail development in combination with residential use for the mutual advantage of both the merchants and consumers that is easily accessible to mass transit for the elderly and disadvantaged.
- 20.2.4 **SHORELINE COMMERCIAL DISTRICT (SCR)** – To provide for convenient commercial development in appropriate locations in proximity to residential areas with uses that take advantage of the waterfront location of the district and review standards that recognize the unique characteristics of the sites.

20.3 USE REGULATIONS

- 20.3.1 **Interpretation.** Whenever an application is presented which might be categorized under more than one **use** type as listed in the Chapter, then the **use** which is more descriptive shall control (specific over general), and any dispute over same shall be determined by the Commissioner of Planning and Development.
- 20.3.2 **As-Of-Right.** In the Commercial District (hereafter CD) uses, subject to all the applicable §36.3.2 General Standards and the requirements below, are permitted as shown in the **Table 39.2 Summary of Uses in Commercial, Industrial and Other Districts**, where the letter **R** indicates a use permitted As-of-Right.
- 20.3.3 **Special Permit and Special Use Exception.** It is hereby recognized that certain uses are a necessary part of the community and if properly controlled are compatible with surrounding uses. In making its decision on any application for a Special Use Exception or Special Permit the Commission must weigh community and landowner interests in having the use.

1. **Applications** for Special Permits and Special Use Exceptions in Waterfront Districts shall be reviewed using the procedures and criteria of Article 9 of this Regulation and shall be subject to the standards and procedures of Article 10, including a Public Hearing and Section 75, Site Plan Review.
2. **Findings.** If the Commission deems that the proposed use is in the best interests of the community as a whole, it shall make findings relative to the interest of the community and consistency of the application with the Plan of Conservation and Development. In **Table 39.2 Summary Table of Permitted Uses in Commercial Industrial and Other Districts** the letters **SP** indicate a use allowed by Special Permit, **SE** indicates a use allowed by Special Exception and **SU** indicates a use allowed by Special Use Exception.

20.4 COMMERCIAL DISTRICT AREA AND BULK REGULATION INTENT

It is the intent of these bulk regulations to provide minimum requirements in all commercial districts to prevent overcrowding. No **lot** shall be used and no **building** shall be erected except in conformity with the regulations as set forth herein, except as may otherwise be permitted with these regulations or specifically permitted by the Connecticut General Statutes. No new **lot** shall be created after the adoption of these regulations that does not conform to the requirements of this Chapter.

Except in the Central Business District, all applicable bulk requirements, including off-street parking, shall be located on the same lot which shall consist of one contiguous parcel of land. However, nothing herein shall prohibit combination of more than one parcel of land to form a single lot.

20.5 ACCESSORY USES

- 20.5.1 **All Commercial Districts**, off-street **parking** and loading shall be permitted as an accessory use as of right.
- 20.5.2 **In CBD District**, multilevel parking may be permitted as an accessory use by Special Permit only.
- 20.5.3 **In RB Districts**, multi-level parking and outside storage may be permitted as an accessory use by Special Permit only.

20.6 INTENT AND PURPOSE OF COMMERCIAL DISTRICT DESIGN CRITERIA

It is hereby found that in promoting commercial and industrial growth in the city it is necessary to develop criteria for building layout and design to insure that the standards listed forthwith are met by all future commercial growth. The following design guidelines are incorporated into the Zoning Regulations of the City of West Haven as part of the Commercial District Bulk Regulations.

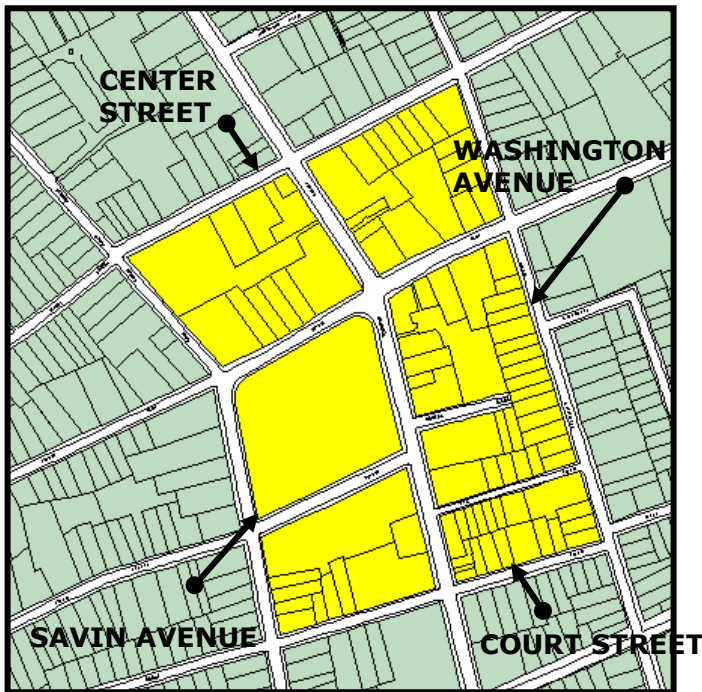
The districts affected by this plan are designated in the enclosed maps. Within these districts, it will be necessary to provide elevation drawings of facade construction for any building permit or any application before the Planning and Zoning Commission or the Zoning Board of Appeals. The criteria for design or maintenance or the historical aesthetics of a new or existing building and criteria for new buildings are outlined in the following pages.

- 20.6.1 **Central Business District Supplemental Intent and Purpose Statement.** The CBD design guidelines have been implemented to give continuity to the revitalization effort and to insure success of West Haven's plan for encouraging development and new business in primary commercial areas. The basis for these guidelines is to create a downtown business district with character and a sense of place. The purposes are to:
 - preserve quality historic structures.
 - design compatible new infill development.

- restore vitality and economic strength to West Haven's Central Business District.
- create special areas within the district which possess a mix of uses integrated by complementary activities.

20.6.2 **Design Guidelines for CBD Development.** This section provides guidance to developers, architects, and property owners who seek to redevelop the downtown area. In addition the Planning and Development Department office is available to provide assistance and guidance.

The Central Business District of West Haven is one of the older working centers of the city. The Plan of Conservation and Development has targeted this area for mixed-use development combining higher density residential uses mixed with retail commercial and office use. The area is delineated by Elm Street and Court Street to the north and south, and Savin Avenue and Washington Avenue to the west and east (See Map 20.1 Central Business Design District below).



AREA BOUNDED BY ELM STREET (NORTH), COURT STREET (SOUTH), SAVIN AVENUE (WEST), AND WASHINGTON AVENUE (EAST).

Illustration 20.1 Central Business Design District

The development guidelines are divided into three sections; building uses and design; traffic circulation and parking provisions, and: streetscape open space design.

1. Continuous ground floor retail, service and entertainment facilities should be incorporated into new development and conversion of existing buildings. Housing is encouraged in the upper floors of the development to enliven business and economic activity throughout the day and week.
2. Buildings should be situated directly on the front property line with no at grade setbacks except at building entrances with the exception of landscaped walkways or courtyards given the setback is no more than five (5) feet for walkways and ten (10) feet for courtyards. All structures must be set back five (5) feet above the fourth floor. No building may exceed six (6) stories in this district, and no historic building may be altered to increase its existing height.

3. Buildings should be no longer than 100 feet in length and be designed with consideration for architectural detailing (awnings, cornices, eaves, signs, windows and fenestration) which create visual interest, and break up the front plane of the building. Restoration of historic features should be considered whenever possible (see Illustration 20.1).



Illustration 20.2 Avoid Attempts at Hiding an Older Façade.

Buildings should be a minimum of two stories in **height**, and preferably 3-4 stories, in order to promote efficient land use and create a development mass to maintain a sense of urban density in this area. All **buildings** should be at least as tall as adjacent parking structures and the **principal use** of the **lot** should be located between the street and any parking facilities.

4. Any **new development** should relate to the existing streetscape environment in architecture, scale, shape and surface treatment to create symmetry between new and existing structures. Natural materials such as brick, stone, and wood should be emphasized. Reflective mirrors and glass are not only visually distracting, but a hazard to reflected traffic lights and are prohibited.
5. **Architectural Standards** by which to measure new development new construction, remodeling, and reconstruction have not been developed. Therefore new structures shall be modeled after existing historical structures such as the A.F. and J.P. Woos building (Silver's Drug), the Thompson Block (original Altschuler Building). In a case where a new building deviates from this standard by producing an innovative design, it shall be the function of the Planning and Zoning Commission to determine whether the design will blend architecturally with surrounding buildings.



Illustration 20.3 The Thomson Block/Altschuler Building

20.7 STREETScape AND OPEN SPACE DESIGN IN THE CENTRAL BUSINESS DISTRICT (CBD)

1. **Preserve and Incorporate Natural Site Amenities.** New development should be designed to preserve and incorporate natural site amenities, such as water views, trees, areas adjacent to public spaces and other similar features, into their site plans.
2. **Streetscape improvements** would be incorporated into the site design of all new structures and proposed renovations of more than \$25,000. Such improvements will be compatible with the materials/designs used in municipal improvements that have been initiated; including the following site elements illustrated below (Illustration 20.4):
 - ❖ Pedestrian area lighting
 - ❖ Widened sidewalks/mini parks
 - ❖ Seating (benches/low walls/wide planter edges)
 - ❖ Signing
 - ❖ Trash receptacles/billiards/bus shelters
 - ❖ Granite curbing with brick/concrete paving patterns

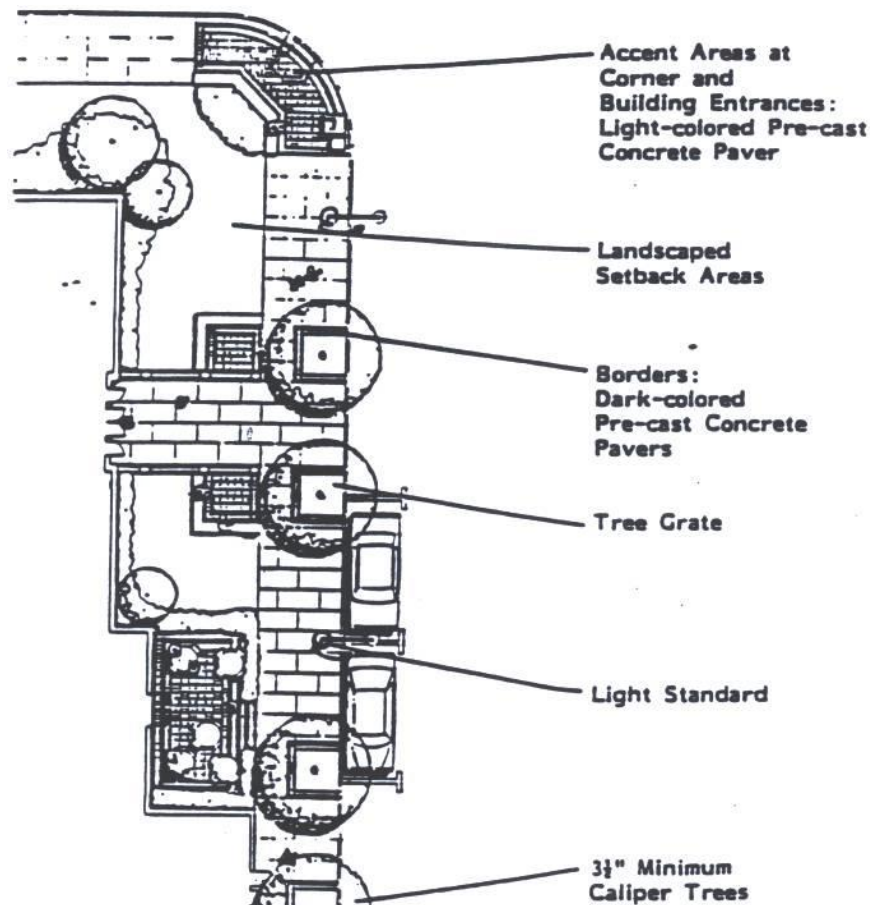


Illustration 20.4 Streetscape and Open Space Design

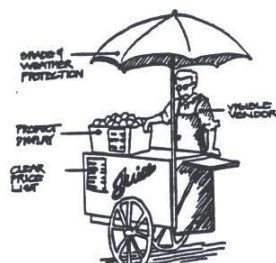


Illustration 20.5 Vending Cart Design

3. **Temporary Vending Stands and Carts** are encouraged in public open spaces and plaza areas to add Street level activity and a marketable ambiance to the Campbell Avenue corridor of the CBD.

Peddlers, Hawkers and Street Vendors shall be licensed under Chapter 139, Sections 139.1 through 1.39.12 of the City of West Haven Codes and Ordinances in addition to obtaining Site Plan Approval by the Planning & Zoning Commission. This may be accomplished by Administrative action by the Commissioner of Planning and Development.



Illustration 20.6 Sign Placement and Design

4. **Signs Location.** Signs should be located on building facades below the sills of second floor windows as shown on the diagram above. Wall murals and flags or banners which contain no advertising are permitted provided they comply with applicable sign regulations. Billboards are strictly prohibited in the CBD as are roof signs and ground signs other than those exempted from permit procedures.

Signs within windows shall be strictly prohibited as they distract from the continuity of front window displays. The posting of temporary signs shall be exempted if the owner provides no more than two (4FT x 3FT) framed boxes per facing (See **Illustration 20.6 Sign Placement and Design**) as approved by the Planning and Development Department. Changeable signs (such as those announcing grocery specials) may be posted within these frames.

One sign per window of not more than 10 x 24 inches announcing a temporary sale shall be allowed for no more than fifteen (15) days. Non-conforming signs of this nature will not be replaced should the repair of the structure be necessary. Ground signs that list existing businesses on one lot are encouraged.

4. **Establishing a Sense of Open Space.** Greening vacant open spaces or window boxes or ledges can establish a sense of open space and therefore create an attractive public area that encourages shoppers and retail trade. Therefore property owners are encouraged to take advantage of small underutilized spaces to create pocket gardens, greened alleys or courtyards. These areas should be open to the public as access to other shopping areas and maintained year round. A diagram of such amenities will be furnished with the alteration plans submitted to the Planning and Development Department.

20.8 CENTRAL BUSINESS DISTRICT USES

The intent and purpose this district is to provide for a pedestrian-oriented retail streetscape and to maintain the character of a retail-oriented downtown. Personal services and residential uses are encouraged above the ground floor of commercial buildings.

The ground floor of commercial buildings shall be restricted to retail sales, restaurants or personal services establishments such as offices of attorneys, doctors or accountants, as more specifically set forth in these regulations. For existing buildings or new construction on properties not fronting on Campbell Avenue, Main Street, or Captain Thomas Boulevard, the ground floor may have residential uses except for properties located in a coastal flood hazard area,

Organizations that provide medical, residential or educational services are prohibited from using the ground floor of buildings within this zone.

Places of worship or religious facilities shall not be located on the ground floor of a building, unless the building was originally constructed for such purposes.

20.9 OUTDOOR DISPLAY AND SALES OF MERCHANDISE

Outdoor display and sales of merchandise may only be permitted in the Central Business District and Neighborhood Business Districts by issuance of a Temporary Permit by the Commissioner of Planning & Development for **special events** sponsored by the Downtown Business Association; such as, Sidewalk Sales, Street Fairs or Festivals; or such other organizations as described in Section 55.1. In addition, limited outdoor display of seasonal merchandise related to the shoreline (such as bikes, kayaks or umbrella rentals) may be permitted in the Shoreline Commercial Retail, Shoreline Residential Retail Districts, and Shoreline Design District subject to administrative approval of the Planning and Zoning Commission. The city may also grant, pursuant to section 7-148 (c)(3)(A) and 7-148 (c)(6)(C)(vi) of the Connecticut General Statutes, a license to abutting property owners for the use of the sidewalks and streets for the purpose of encouraging commercial development. Such licensees shall be granted only upon the recommendation of the Planning and Zoning Commission following review of the proposed use and layout for same, under such terms and conditions as may be required.

20.10 OUTDOOR DINING

20.10 OUTDOOR DINING

Outdoor dining service for **take-out** and **restaurants** is encouraged in all commercial zones and can be accomplished in accordance with the following conditions:

- Approval of a large scale outdoor dining area of 5 or more tables shall be subject to Special Permit approval of the Planning and Zoning Commission and must follow the general Standards of Outdoor Dining. Parking for Outdoor Dining of this scale must meet the parking requirements of Table 62.1 for Restaurants.
- In the case of small-scale projects (4 tables or less and no more than 16 chairs) Outdoor Dining may be permitted by issuance of a Temporary Permit by the

Commissioner of Planning & Development. The application will be reviewed and assurance that the general standards for outdoor dining have been met.

- A Temporary Permit will be issued from April 1, to November 1, each year.

20.10.1 GENERAL STANDARDS FOR OUTDOOR DINING

1. Sales and service may include food and beverages.

- Outdoor dining may operate during regular business hours of the restaurant operating the outdoor dining but no later than 11:00 pm
- Any license agreement shall comply with any applicable requirement imposed by the Liquor Control Act of the State of Connecticut, Consumption of alcohol on such property is permitted only in accordance with any liquor permit, provided that such public consumption shall not violate any other state statute, state regulation of municipal ordinance.

2. The site plan shall show the specific location for outdoor seating and service which may include public sidewalks.

- furnishings for outdoor dining shall consist solely of moveable tables, chairs, and decorative accessories. Furnishings must be kept in a state of good repair and a clean and safe conditions at all times
- All tables, chairs, trash receptacle, etc shall be removed at the end of each outdoor dining season.
- Awnings shall be adequately secured and retractable umbrellas over tables must be adequately weighted.
- Adequate trash receptacles must be provided. and the restaurant is responsible for cleanup of all trash generated from the outdoor dining (including the restaurant site and surrounding areas)
- The Outdoor dining must consider safety and flow of pedestrian traffic. Outdoor dining operation shall provide not less than five contiguous feet of sidewalk clear of obstructions to allow unimpeded pedestrian traffic to the street corners
- When the temporary use ceases , then all evidence of such use shall be removed from the premise.
- When If said use is to be re-established the applicant must reapply and again meet all conditions and standards of this subsection.

3. Use of public sidewalks shall be in compliance with Section 139.12 of the West Haven City Code.

4. The Planning and Zoning Commission or staff may require a low fence or wall less than three feet in height or landscaped planters surrounding the outdoor dining area.

5. An emergency exit shall be provided.

- Ingress/egress must be maintained between restaurant doorways and the sidewalk. All ADA Accessibility Guidelines, Fire Code and Building Codes should be adhered to. The exit doors of the restaurant should be maintained free of chairs and tables at all times and must be handicapped accessible
- The Outdoor dining must consider safety and flow of pedestrian traffic. Outdoor dining operation shall provide not less than five contiguous feet of sidewalk clear of obstructions to allow unimpeded pedestrian traffic to the street corners

Note: The city reserves the right and power to temporarily order the discontinuation of the operation of public outdoor dining at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. These situations include, but are not limited to festivals, parades, marches, road races, repairs to the street or sidewalk, or any other emergencies occurring in the area.

(Revised 7-23-19. ZR 19-027.)

20.11 CENTRAL BUSINESS DISTRICT SIGNS

In order to provide for a dramatic and vibrant business district, the following special sign regulations shall apply only to the downtown Central Business District (CBD).

1. Wall murals painted by an acknowledged artist in a tasteful and artistic manner--not graffiti. Design must be approved by the Planning & Zoning Commission.
2. Flags or banners are permitted provided they comply with applicable sign regulations. Per section 65.5.2
3. Billboards and Roof Signs are strictly prohibited.
4. Signs within storefront windows provided that they do not exceed fifty per cent (50%) of the window space are permitted. No skins and tints are allowed.
5. Handmade signs are strictly prohibited.
6. Flashing or scrolling electronic signs are prohibited, see Section 65.7.10
7. Promotional signs including banners not exceeding three (3) feet by five (5) feet indicating a new product or service or short-term sale provided no such sign shall remain for more than fifteen (15) days after the event or sale.
8. Neon signs or lighting shall be permitted provided they are no more than six feet in length or a total of ten linear feet.

TABLE 20.1 AREA AND BULK REQUIREMENTS IN COMMERCIAL DISTRICTS

	REQUIREMENTS	CBD	NB	RB	SCR	CD
A.	Minimum Lot Size (Sq. Feet)	3,000	6,000	10,000	40,000	20,000
B.	Minimum. Lot Size per Unit (Sq. Feet)	1,000	1,300	NA	NA	16,000
C.	Number of Dwelling Units Per Lot	◆	◆	NA	NA	◆
D.	Minimum. Front Yard (Feet)	0	25	25	25	50
E.	Minimum. Side Yard (Feet)	0	15	15	25	25
F.	Minimum. Rear Yard (Feet)	20	20	25	25	50
G.	Minimum. Street Frontage (Feet)	50	50	100	100	100
H.	Minimum. Inner Yard	10 feet per story excluding basement				
I.	Maximum Building Coverage (%)	30	50	50	30	60
J.	Maximum Lot Coverage (%)	100	75	75	55	90
k.	Maximum Height (in stories)	4,6♣	2 ½	4	3	4,6♣
L.	Maximum Height (in Feet)	45,75♣	35	50	35	45,75♣
M.	Minimum Open Space (%)	0	25	25	45	10

Notes:

DU = Dwelling Unit NA = Not Allowed

In **R-4, R-5, RPD, RCPD & SRR Districts:** For any lot which does not have the required square footage and/or frontage for multi-family use it shall be deemed a reasonable use of the property to construct a one, two or three (1, 2 or 3) family dwelling thereon, pursuant to the requirements for an R-3 District, provided the requirements of said R-3 District are met.

CORNER LOTS. For special provisions concerning corner lots or through lots see Article 1.

- ◆ = Number of dwelling units on a lot is based on lot size; First floor fronting the street shall be used as commercial rather than residential, if such frontage is on Campbell Avenue, Main Street, or Captain Thomas Boulevard or is located in a coastal flood hazard area.
- ♣ First figure by right, second by Special Permit

SECTION 21. Village District (Overlay)

21.1 Purpose

The Village Districts act, passed by the Connecticut General Assembly in 1998, is an aggressive tool to help municipalities protect and preserve their community character and historic development patterns. The enabling statute allows cities and towns to designate "village districts" as a way of preserving neighborhoods, village centers, and business districts that have distinctive community character, notable landscape features, and historic structures.

The purpose of this Village District Overlay (VDO) is to protect the distinctive character, landscape, and historic structures and development pattern within this overlay area while encouraging a mixed use, walkable district that is attractive to residents, employees, and visitors. New construction or substantial rehabilitation in the VDO should be compatible with the existing character of the district and reinforce both the existing development patterns and the connections to the area.

An overlay zone is a zoning district which is applied over one or more previously established zoning districts, establishing additional standards or criteria for properties in addition to those of the underlying zoning district.

21.2 Authority

These regulations are enacted pursuant to C.G.S. §§ 8-2 and 8-2j, as amended, to protect the distinctive character, landscape, and historic structures within the West Haven Village District (WHVD) assuring that new construction, demolition, renovations substantial reconstruction, and rehabilitation of property or properties within the WHVD will be in keeping with the established architectural features, scale and character of the district. The WHVD shall be an overlay district, the regulations of which shall be in addition to the regulations to the underlying zone districts.

21.3 Scope and Applicability

1. Village District Boundaries

The Village District Overlay (VDO) is an overlay zone which is established by a Change of Zone approved by the Planning and Zoning Commission (under Section 86 of the Zoning Regulations currently). Once established, the Village District Overlay (VDO) zone may be extended or modified by approval of subsequent Change(s) of Zone by the Planning and Zoning Commission.

2. Applicability

These regulations and appropriate reviews apply to the following activities: new construction, renovations, changes in façades (alterations to existing building facades such that the appearance of the building changes), substantial reconstruction, or rehabilitation of any structure, property or properties in public view within the VDO. The scope of the application of these regulations includes:

- I. The design and placement of buildings;
- II. The maintenance of public views, which includes the size and placement of signs;
- III. Parking and vehicular circulation;
- IV. Pedestrian circulation and safety;
- V. The design, paving materials, and placement of public roadways
- VI. The uses of buildings and structures, as well as any other element or aspects that the Planning and Zoning Commission deems appropriate in order to protect the distinctive character of the VDO.

c. Applicable projects

- I. Construction of buildings, structures, and accessory structures, including additions and alterations to existing buildings and structures, resulting in an increase in gross building floor area of more than one-thousand (1,000) square feet or an increase in building area coverage of more than five hundred (500) square feet.
- II. Construction, reconstruction or alteration of a building façade, including signage, that exceeds thirty percent (30%) of the vertical plane area of any façade or portion of façade visible from within the Village District from any public street roadway, public pedestrian walkway or park.
- III. Construction of new or modification of existing driveways, parking areas, outside storage, signage, lighting, landscaping, fences, walls, pedestrian walks and terraces, and related site features, that exceeds two thousand (2,000) square feet or thirty percent (30%) of site area.

d. Exemptions

The following projects and activities shall be exempt from review under the VDO section of the zoning regulations. This is maintenance of existing structures and not replacement/renovation.

- i. Repairs, minor alterations, and maintenance of an existing residential structure, as well as exterior steps, walkways and driveways. These minor repairs, alterations and maintenance include replacing roof shingles or other forms of roofing, adding windows, shutters, siding, stonework, brickwork, utility services, fencing, or other changes in structure's features that do not result in a significant impact on the design, function, architectural character or visual appearance of the structure;
- ii. Exterior architectural modifications that do not substantially alter the existing height, bulk, or façade of an existing building or structure (with the exception of non-enclosed decks);
- iii. Interior modifications that do not result in the change in use of the building.
- iv. Changes in use of a building or structure to a permitted use in the VDO Zone, requiring no change in the building exterior or site not otherwise exempt.

21.4 Design Principles

The following Design Principles shall apply to new construction and substantial reconstruction and rehabilitation of properties within the Village District. These Design Principles are consistent with the legislative requirements of CGS § 8-2j.

- a. Proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, and the terrain in the district and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification.
- b. All spaces, structures and related site improvements visible from public roadways, public spaces, walkways, and bikeways shall be designed to be compatible with the elements of the area of the Village District in and around the proposed building or modification.
- c. The color, size, height, location, proportion of openings, roof treatments, building materials and landscaping of commercial or residential property and any proposed signs and lighting be evaluated for compatibility with the local architectural motif and the maintenance of views, historic buildings, monuments and landscaping.
- d. The removal or disruption of historic traditional or significant structures or architectural elements shall be minimized.
- e. The building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse impact on the district.
- f. Proposed streets shall be connected to the existing district road network, wherever possible.

- g. Open spaces within the proposed development shall reinforce open space patterns of the district, in form and siting.
- h. Locally significant features of the site such as distinctive buildings or sight lines of vistas from within the district shall be integrated into the site design.
- i. The landscape design shall complement the district's landscape patterns.
- j. The exterior signs, site lighting and accessory structures shall support a uniform architectural theme if such a theme exists and be compatible with their surroundings.
- k. The scale, proportions, massing, and detailing of any proposed building shall be in proportion to the scale, proportion, massing, and detailing in the district.

21.5 Design Standards

The following design standards shall apply to new construction, substantial reconstruction and rehabilitation of properties, and changes that alter the exterior appearance of buildings within the Village District and in view from public streets, public spaces, walkways, or bikeways. Where applicable, these standards are designed to supplement existing regulations in the Zoning Regulations.

a. Building Placement and Orientation

- i. **Building Placement** - Building placement shall respect existing patterns of building placement for the street on which they are located and define the edges of streets and public spaces. The individuality of the building shall be subordinated to the overall continuity of the streets and public spaces. Buildings shall be placed to conceal parking at the interior or rear of building lots.
- ii. **Building Setbacks** - Infill buildings shall match the setback from the front lot line of the immediately adjacent buildings. If the setbacks do not match, the infill building may match one or the other, or may be an average of the two setbacks. See Figure A.

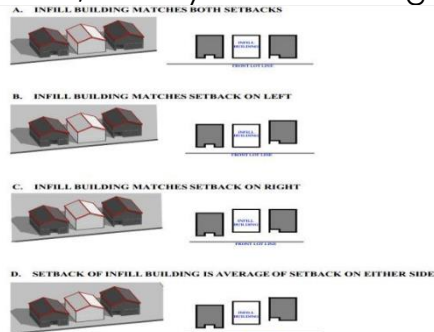


Figure A - Building Setbacks

- iii. **Building Orientation** - Buildings shall be oriented with the primary building façade(s) facing the primary street frontage(s) of the

site. Building massing and façades shall be designed to frame streets and public spaces to provide a sense of spatial enclosure and to define street edges. Building entrances, storefronts and windows shall be oriented to the primary street(s) with transparency to streets and public spaces.

- iv. **Design Treatment of Edges** - Buildings that are not physically adjoined to abutters shall treat side yards and the spaces between buildings in a manner consistent with existing patterns of use, in terms of setbacks and use. Landscaping shall be used to define street edges and to buffer and screen edges that may have a negative visual impact, such as parking or loading areas. Access driveways and curb cuts using side yards may be combined between adjoining properties to access parking for multiple buildings at the interior of the block.

b. Building Massing and Form

- i. **Relationship to Existing Context** - Building massing, form, and scale shall be complementary to and respectful of the patterns of existing buildings in the immediate vicinity. See *Figure B*.



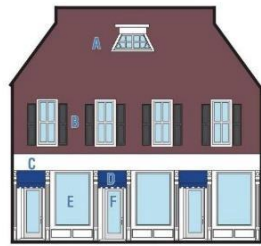
Figure B – Relationship to Existing Context

- ii. **Building Form** - The shape and massing of new and renovated buildings shall provide a balance among building height, story-height, building width and block width. The shape and massing of the building shall complement the abutting structures and define the edges of streets and open spaces. See *Figure B*.
- iii. **Scale** - The scale of proposed new or substantially rehabilitated buildings shall be compatible with the surrounding architecture and landscape context. Elements that may help to relate building massing proportionally shall include: articulated building bases through a change in material or color; placement of windows in a regular pattern; articulation of building entries with canopies, porches or awnings, and façade and roof projections (such as bay windows or dormers).

- iv. **Proportion** - The proportions of building elements shall be generally compatible with existing structures and the features and components of the façade.
- v. **Height** - Infill buildings visible from public streets, public spaces, walkways, or bikeways shall continue the patterns of height of adjacent existing properties. Where the discrepancy between the proposed height and existing height patterns is greater than ten feet, the Joint Committee shall review design proposals with the Applicant for context sensitivity based upon the following: articulation of façade; building mass, scale, bulk and proportion; or other building massing considerations.
- vi. **Building Roofs** - Roofing materials visible from public streets, public spaces, walkways, or bikeways shall be of high quality and durable, including, but not limited to: slate, copper, ceramic slate tile, clay tile, concrete tile, or ribbed metal or architectural asphalt shingle. Flat horizontal roofs are exempted from this standard. Roofing materials shall not call undue attention to the roof itself with bright or contrasting colors, unless historically documented. Building mechanical equipment and solar panels located on building roofs, sites, or other locations shall be not be visible from the street.

c. Building Façades

- i. **Façade Design and Relationship to Existing Context** - The façade, or primary building elevation, of new construction or substantial rehabilitation shall be compatible with the façade design of neighboring buildings so as to create continuity across projects and the street edge. Primary building façades with frontage along the street shall be sensitive to the existing context of building façades along that street. At least two of the following design elements should be repeated in adjacent buildings, excluding parking structures: design treatment at the ground level, relative location and size of doors, window style and proportions, location of signs, dominant façade material, dominant color, bay window style, and roof form. There shall be a direct vertical correspondence between the design of the façade of the upper floors and the ground level retail façades. New construction and substantial rehabilitation of properties adjacent to public open spaces shall be oriented to define the edges of those open spaces and provide a transparent ground floor to activate the public space. See *Figure C*.



A: Decorative Window with Trim
 B: Two-over-two Windows, Shutters, Trim
 C: Sign Band, Trim
 D: Awnings
 E: Ground Floor Display Windows and Panels
 F: Inset Glazed Doors and Pilasters

Figure C - Façade Design and Relationship to Existing Context

- ii. **Placement and Treatment of Entries** - Entrances shall be oriented to the primary street frontage and address the street with an active and welcoming entry composition that is integrated into the overall massing and configuration of the building form. Building and shop entrances shall be recessed to a minimum depth equal to the width of the door to prevent doors from swinging into the sidewalk. Building entries may add components to the building façade such as storefronts, canopies, porches, and stoops and shall provide a high level of visibility and transparency into ground floor uses. See *Figure D*.



Figure D – Placement of Treatment of Entries

- iii. **Façade Materials** - Materials shall be selected to be compatible with or complementary to the Village District. Materials on the façade that are subject to deterioration (plywood or plastic) shall be avoided or removed and replaced. Building façade exterior materials, including architectural trim and cladding, shall be of high quality and durable, including but not limited to: stone, brick, wood, metal, glass, sustainable cement masonry board products and integrated or textured masonry. Uninterrupted, multi-level glazing may not be used as a primary façade design treatment. Repairs and alterations must not damage or destroy materials, features or finishes that are important in defining the building's historic character. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials.

Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

- iv. **Roof Parapet and Cornice Lines** - Building cornice lines shall be maintained, preserved or recreated to define building façades and create façade components consistent with historic parapet or cornice lines as originally designed and built in Village District. See *Figure E*



Figure E – Roof Parapet and Cornice Lines

- v. **Proportion and Pattern of Windows** - Original window patterns and openings shall be preserved or restored, including conservation and repair to preserve historical details, in the redevelopment of existing structures. New construction shall acknowledge and respond to existing adjacent window patterns in proportion, scale, rhythm and number of openings. See *Figure F*



A: Decorative Window
B: Typical Pattern for Second Story
C: Ground Floor Display Windows
D: Inset Glazed Doors

Figure F – Proportion and Pattern of Windows

- vi. **Transparency** - Building façades facing the principal street or public open space shall have at least 25% of the overall façade in transparent windows and at least 40% of the ground floor façade in transparent windows. Along the secondary façades that face pedestrian alleys or connections, façades must achieve at least 15% transparency. Windows on the ground floor of the primary façade shall not be mirrored or use tinted glass or be obstructed by curtains, shades, or blinds. See *Figure G*.



Figure G - Transparency

Figure G

- vii. **Awnings and Signage** - Awnings and signs may not obscure important architectural details by crossing over pilasters or covering windows. Multiple awnings or signs on a single building shall be consistent in size, profile, location, material, color and design. On multi-tenant buildings the awnings and signs shall be allowed to vary in color and details, but shall be located at the same height on the building façade. See *Figure H*.

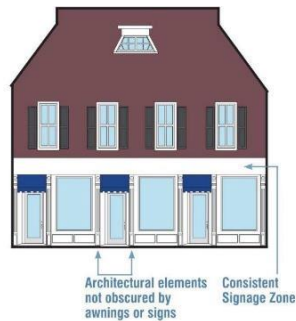


Figure H – Awnings and Signage

d. Landscape

- i. **Landscape Use and Orientation** - Landscape features shall shield negative views and define edges, and frame streets and public spaces. Plantings shall not obscure site entrances and exit drives, access ways, or road intersections or impair visibility of commercial storefronts. Tree species shall be selected to maintain relatively clear views of the ground floor and adequate height clearances for sidewalk circulation. Site and landscape features shall be integrated with the design of new construction and reflect a coordinated site and building design.
- ii. **Open Spaces** - Landscape features shall shield negative views and define edges, and frame streets and public spaces. Plantings shall not obscure site entrances and exit drives, access ways, or road intersections or impair visibility of commercial storefronts. Tree species shall be selected to maintain relatively clear views of the ground floor and adequate height clearances for sidewalk circulation. Site and landscape features shall be

integrated with the design of new construction and reflect a coordinated site and building design.

- iii. **Site and Street Edges** - Landscape features shall shield negative views and define edges, and frame streets and public spaces. Plantings shall not obscure site entrances and exit drives, access ways, or road intersections or impair visibility of commercial storefronts. Tree species shall be selected to maintain relatively clear views of the ground floor and adequate height clearances for sidewalk circulation. Site and landscape features shall be integrated with the design of new construction and reflect a coordinated site and building design.
- iv. **Rain Gardens** - Rain gardens may be provided as a contributing element of the site drainage, and integrated into the overall site. The plantings should be well adapted to wetland edge environments, including grasses, hedges, shrubs, or trees that tolerate intermittent wet conditions and extended dry periods. The design should prevent long-term standing water that would damage the plantings.

e. Parking

- i. **Parking Placement** - Parking shall be located at the interior of blocks, behind buildings, or at the rear of sites, away from prominent site edges, public spaces, and streets. See *Figure I*.

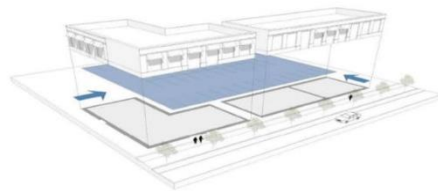


Figure I – Parking Placement

- ii. **Screening and Landscaping** - Parking areas shall be separated from the street with landscaped buffers of between five feet and eight feet in width. Parking areas on secondary streets may also be screened by other site components, including fences, gates, walls, permanent planters, or hedges. Landscaped medians shall be provided between parking spaces to break up the impervious surfaces and mitigate the visual impact of parking. No landscape island shall be less than 6' wide with a minimum width of 10' is required for planting strips with trees. See *Figure J*.



Figure J – Screening and Landscaping

Figure J

- iii. **Structured Parking** - Structured parking, where provided, shall be at the interior of a block, surrounded on visible edges by active uses to avoid inactive street edges created by the parking structure. Alternatively, the structured parking could be arranged such that the ground floor area facing the main street is available for commercial space.
- iv. **Curbs and Curb Cuts** - Granite curbs shall be used to protect planting areas and to define sidewalks, walkways, and parking area edges. Curb cuts shall be minimized and combined whenever possible. Every curb cut shall provide a continuous and uninterrupted pedestrian walkway.

f. Streetscape and Sidewalks

- i. **Pedestrian Access** - New construction and public infrastructure improvements shall reinforce a network of continuous, convenient and safe pedestrian connections along sidewalks to and from all pedestrian entrances of all garages, parking lots and parking structures and all public, resident, and employee entrances to every building. Sidewalks and pedestrian paths should incorporate appropriate lighting, street furniture, landscaping, and signage consistent with the Village District. The network should not include streets or spaces that are primarily used for vehicular connections, deliveries and services.
- ii. **Sidewalk Configuration** - Sidewalks shall have a minimum unobstructed width of 4'-0". Sidewalks shall be widened to accommodate street trees, landscaping, and outdoor furnishing and amenities. Sidewalks shall be continuous and uninterrupted at driveways and curb cuts to reinforce priority for pedestrians. See *Figure K*.

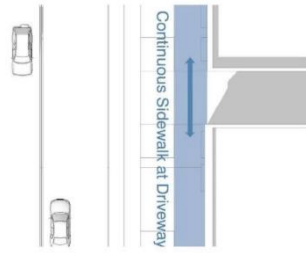


Figure K – Sidewalk Configurations

- iii. **Special Paving** - Unit pavers may be used to enhance the character of sidewalks, pathways, and plazas. Existing brick or pavers shall be maintained or replaced and shall be introduced if adjacent sidewalks are brick. When employed, unit pavers should be selected and set in a manner that limits uneven surfaces or joints that would become an impediment to accessibility. An acceptable method includes providing a sub-base of wire-mesh reinforced concrete below the setting bed, and mortared joints. See *Figure L*.



Figure L – Special Paving

- iv. **Passageways** - Passageways through buildings that connect the principal streets to parking shall include displays relevant to adjacent businesses, public art, and/or wayfinding signage related to the Village District and lighting that provides a safe environment for pedestrians.
- v. **Street Furniture** - Permanent street furniture including light fixtures, benches, bike racks, trash and recycling receptacles, and newspaper stands shall be integrated with street and sidewalk circulation to ensure adequate clearances, access and convenience of the location of these amenities. Street furniture shall be clustered at convenient locations that are plainly visible and accessible and must be located such that the minimum 4'-0" sidewalk clearances are maintained.
- vi. **Public Art** - Public art may be used to define and punctuate public spaces. Art installations shall maintain clearances in public spaces, and be constructed of materials that are durable, easily maintained and that do not present safety hazards.

21.6 Design Review Process

An architect or architectural firm, contracted by the Commissioner of Planning and Development and/or designate as its consultant for the application, must conduct the reviews and submit its recommendations to the Planning and Zoning Commission within 35 days after the commission receives the application. The consultant's report must be entered into the public hearing record and the commission must consider it in making its decision.

The Planning & Zoning Commission is the governing body with regards to approval/denial of applications. In addition to the report of the architectural review noted above the commission may seek recommendations of any city agency or regional council or outside specialist. Any and all reports or recommendations shall be entered into the public hearing records.

If the commission grants or denies an application, it shall state upon the record the reasons for its decisions. If the commission denies an application, the reason for the denial shall cite the specific regulations under which the application was denied. Notice of the decision shall be published in the newspaper as do all other decisions by the commission.

(Adopted 9/21/19, ZR 19-038)

SECTION 25 – INDUSTRIAL DISTRICT REGULATIONS

25.1 GENERAL PURPOSES OF INDUSTRIAL DISTRICTS

The Industrial Districts established in this Zoning Regulation are designed to provide a tax and employment base to the City of West Haven. It is hereby recognized that the City of West Haven at the time of the adoption of these regulations is substantially developed. However, it is equally recognized that the future health of the City requires continued expansion of its industrial base. These regulations are designed to encourage modernization and development of the City's industrial potential while protecting the public health, safety and general welfare. It is recognized that while these goals are sometimes contradictory, cohesive industrial development can meet the community needs and concerns now and in the future.

25.2 INTENT

It is the further intent of these regulations:

- To separate and segregate industrial uses from residential and commercial uses, and
- to encourage industrial development which is free from the danger of fire, toxic and noxious matter, explosions and other hazards, and
- to prevent as much as possible development that will cause offensive, noise, vibration, smoke, dust and particulate matter odor, and
- to provide sufficient accessory use facilities to prevent traffic congestion and safety hazards, and
- to locate industrial uses in such areas where provision can be made to protect adjoining non-industrial districts through natural or constructed buffers.

25.3 USE REGULATIONS

25.3.1 **Interpretation.** Whenever an application is presented which might be categorized under more than one use type as listed in this section the use which is more descriptive shall control (specific shall control over general) and any dispute over same shall be determined by the Commissioner of Planning and Development, subject to right of review before the Zoning Board of Appeals.

25.3.2 **Uses Permitted As-Of-Right.** In each district certain uses are permitted **as-of-right** and do not require approval of either the Commission or the Board, except where a Site Plan is required, but require a **CZC (Certificate of Zoning Compliance)** be issued when the application conforms to all applicable requirements.

Table 39.2 Summary Table of Uses in Commercial, Mixed Use, Industrial and Other Districts indicates uses permitted As-of-Right.

25.3.3 **Special Permit and Special Use Exceptions.** It is recognized that certain industrial uses are a necessary part of the community and if properly regulated are compatible with surrounding uses. In making its decision on any application for a Special Use Exception or Special Permit the Commission shall weigh community and landowner interests in establishing the use.

Applications for Special Permits and Special Use Exceptions in Industrial Districts shall be reviewed using the procedures and criteria of Article 8 of this Regulation and shall be subject to the standards and procedures of Article 10, including a Public Hearing and Section 75, Site Plan Review.

If the Commission deems that the proposed use is in the best interests of the community as a whole, it shall make findings relative to the interest of the community and consistency of the application with the Plan of Conservation and Development. In

Table 39.2 Summary Table of Uses in Commercial, Mixed Use, Industrial and Other Districts the letters **SU** indicate a use allowed by Special Use Exception and the letters **SP** indicate a use allowed by Special Permit.

25.3.4 **Supplemental Standards for Special Permit Uses in Industrial Districts.** The Commission shall establish conditions and requirements to protect adjoining property values and to minimize any potential traffic, safety or other hazard. In granting any Special Permit the Commission may:

1. Establish conditions affecting the operation, location and **use** provided same fulfills the purposes of this Section and Article.
2. Require landscape buffers of not less than 75 feet or more than 100 feet when adjoining any district other than Industrial Planned Development Zones.
3. Require a licensed engineer certify that the facility as designed and built will meet all federal, state and local standards for air, water and noise pollution.
4. Industrial uses listed under the CT DEEP Industrial Stormwater General Permit must obtain a permit through CT DEEP based on the Standard Industrial Classification (SIC) codes. (Rev. 7/23/19. #ZR 19-026)

25.4 **ACCESSORY USES**

In all Industrial districts off-street parking and loading shall be a permitted accessory use. Outside storage and retail sales (provided same is less than 10% of gross floor space) may be allowed by Special Permit.

TABLE 25.1 AREA AND BULK REQUIREMENT IN INDUSTRIAL DISTRICTS

	REQUIREMENTS	LM	IPD
A.	Minimum Lot Size (Sq. Ft)	40,000	40,000
B.	Minimum Front Yard (Feet)•	25	50w
C.	Minimum Side Yard (Feet) •	30	25
D.	Minimum Rear Yard (Feet)•	50	50
E.	Minimum Street Frontage (Feet)	125	100
F.	Maximum Building Coverage (%)	35	40
G.	Maximum Lot Coverage (%)	65	80
H.	Maximum Height (in Stories)	6	4
I.	Maximum Height (Feet)	80	60
J.	Maximum Impervious Surface Coverage (%)	30	40
K.	Minimum Open Space (%)	35	20

Note: • Yard Setbacks double whenever the lot bounds a residential zoning district.

SECTION 26 PLANNED VILLAGE DISTRICT (PVD)

26. PLANNED VILLAGE DISTRICT (PVD) OVERLAY ZONE

The Planned Village District (PVD) Overlay Zone is intended to allow for an alternative mixed use development of large tracts of vacant Business Park /industrially zoned land that contain topographic and environmental restraints that may restrict development of the property for office/light industrial use. The PVD Overlay Zone allows for a development mix that provides employment and fiscal benefits to the City consistent with the underlying Business/industrial zone, while also allowing residential uses particularly where topographical and site constraints limit the feasibility of nonresidential development. The zone shall function as an overlay zone, such that the underlying Business/Industrial zone shall continue to govern development of the land, provided that, if the PVD Overlay zone is mapped on the site and the PVD Master Plan is approved in accordance with the procedures set forth herein, the site may also be developed in accordance with the PVD Master Plan and the PVD standards set forth herein.

A development pursuant to the PVD Overlay requires both legislative and administrative approvals from the Planning & Zoning Commission. The legislative approvals are the adoption of the PVD Overlay on a site, which renders the site eligible for treatment as a PVD, and the adoption of the PVD Master Plan, which sets forth the mixture of buildings and uses within the development. The administrative approvals are the Site Plan and/or Special Permit, which must conform to the PVD Master Plan and other standards set forth herein. In order to provide flexibility to the developer, an applicant shall be allowed to submit applications either simultaneously or sequentially, provided that no special permit or site plan application may be filed until after the adoption of the PVD Overlay Zone and PVD Master Plan for the Site.

Notwithstanding the requirements of this Section 26, any property located within a PVD Overlay zone may be developed and used in any manner permitted in the underlying industrial zone without the requirement of a PVD Master Plan.

26.1 PURPOSE

- To provide an alternate form of development for remaining larger industrially-zoned land tracts of West Haven that generally have topographic and/or environmental constraints such as ledge, the presence of significant streams and/or wetlands, flood plain, or contain forests.
- To retain large portions of a site in a natural undisturbed or minimally disturbed state by use of smart growth design techniques and to provide alternative development forms that encourage business growth, entrepreneurship and business ownership.
- To allow for high quality age-restricted and other appropriate housing types with a variety of sizes and floor areas that will meet the housing needs of West Haven citizens in a manner that will stimulate other economically beneficial uses of the site and surrounding areas.
- To allow for development mixture that will provide a positive economic impact to the City consistent with the underlying business/industrial zone.

26.2 PROCEDURES FOR ADOPTION OF PVD OVERLAY ZONE

26.2.1 Application Review. Pursuant to General Statutes Section 7-159b, an applicant for a PVD Overlay Zone or a PVD Master Plan may request a preapplication review with the Planning & Zoning Commission, or its authorized agents prior to the submission of an application. Although this process may enable a prospective applicant to obtain meaningful preliminary feedback, this informal review is not intended to include evaluation of application specifics. Any statements by members of the Commission are not binding and are not intended to indicate prejudgment in any way of an actual application, should one later be submitted. Similarly, silence by Commission members during an informal review should not be construed as assent or acceptance of what is presented. The Commission's official decision-making process only commences upon the submission of a formal application.

26.2.2 Establishment of PVD Overlay Zone. Establishing a PVD Overlay Zone requires approval by the Planning and Zoning Commission of a zoning map change application, in accordance with the procedures set forth in the General Statutes of the State of Connecticut and Section 86 of these Regulations for a zone change and public hearing.

26.2.3 PVD Master Plan. The PVD Master Plan is a condition precedent to a specific development in a PVD Overlay Zone. The PVD Master Plan shall establish the development criteria applicable to the project, e.g., without limitation, the proposed layout of the structures, the infrastructure and roadways within the zone, the mix of uses within the zone, density of residential development and design standards. The Master Plan shall be consistent with the building and development standards set forth below. The Master Plan will establish the dimensional characteristics of the PVD Overlay Zone and its uses, and shall encompass the development of the entire PVD tract.

The PVD Master Plan application shall be prepared by appropriate certified professionals and shall consist of all of the materials as required by West Haven Zoning Regulations and the West Haven Land Use Application - Zoning Map Change (as the same may be amended from time to time) including:

1. existing land uses and zoning within 500 feet of the area to be rezoned
2. names of all property owners located within 500 feet of the boundary of the property to be rezoned as listed on the Town Assessor's records as of a date no more than 15 days before the application is filed

The PVD Master Plan application shall also be accompanied by the following information:

1. A boundary survey of the land included within the proposed PVD Overlay Zone conforming to a Class A2 Survey showing the general gradient of the site, existing structures, existing roads and rights- of-way, major topographic features, and limits of inland wetlands, watercourses and floodplains as mapped in the field by a qualified Soils Scientist and plotted by a Connecticut Licensed Land Surveyor;
2. A Preliminary Drainage Assessment prepared by a Professional Engineer registered by the State of Connecticut to the level necessary to show the general effect of the proposal on the physical environment of the site and surrounding adjacent lots within 500 feet, including but not necessarily limited to:
 - a. storm water run-off before and after development and how it is to be controlled.

- b. the impact on existing or proposed improved drainage systems. The watershed assessment shall be based on a 100-year storm event.
 - c. All stormwater designs shall be laid out by a professional engineer. All designs must be done in accordance with the 2004 Connecticut Stormwater Quality Manual (latest edition). (Rev. 7/23/19. # ZR 19-026).
- 3. A Preliminary Traffic Impact Analysis showing the estimated impact of proposed traffic together with a capacity analysis of existing streets directly affected by the proposal and the improvements that will be constructed to alleviate any adverse impacts of the proposed traffic.
 - 4. A Market Analysis of the local economy with an emphasis on commercial and residential housing structure and trends, an examination of the supply of real estate in appropriate sub-market categories, and an evaluation of the economic gaps to which the proposed development would apply.
 - 5. A Municipal Fiscal Impact Statement. A professional real estate economic analyst with experience in municipal fiscal analyses, shall prepare and submit a statement covering, at a minimum, the following factors:
 - a. The property and other municipal tax and fee revenue that may be generated.
 - b. The municipal expenses and burdens that may be generated, both immediate and long term.
 - c. If there are residential components, the anticipated number of school-aged children and the impact on existing and planned schools.
 - d. The impact of ancillary business to be generated in existing business centers by the population of and visitors to the project, and the demand for ancillary development to be generated.
 - e. A comparison of the fiscal impact if developed under the proposed PVD with a feasible development, if any, if developed in accordance with the underlying zone.

The Commission may require that this report also be provided to the Tax Assessor, Economic Development Commission, and/or such other entity as the Commission deems appropriate for review and comment.

- 6. Project Team Credentials. A list and brief description of all principal project team members (legal, design, development, etc.) shall be provided. Where team members have taken a primary role in similar projects, the description shall include an overview of any such projects.
- 7. A Master Plan containing the following information: For these purposes, the Master Plan shall not be construed as a Site Plan.
 - a. a plan showing general location of all existing and proposed public roadways, access points to such existing and proposed roadways, limits of development areas ,and open space areas, including recreational trails.

- b. a preliminary plan showing the proposed general system of utilities and their connection points to existing systems.
 - c. a preliminary plan showing a schematic design of the proposed drainage system.
 - d. a preliminary plan showing the general locations of the designated land use areas.
 - e. a general statement from a registered professional engineer with a preliminary assessment of the projected impact on the water supply and distribution system, drainage system and sanitary sewer system based on the illustrative plan referenced below.
 - f. a land use table ("Table") indicating the area of proposed land use areas in acres, the uses permitted in each land use area, the maximum amount of building development and density for each land use area (which shall be presented in square feet, rooms, units or other appropriate measure of development), the maximum impervious coverage for each land use area, the parking ratios for each proposed land use, the maximum building height for each land use area, the sign requirements/criteria for each land use area, the proposed yard requirements for each land use area, and the required open space, landscaping and/or buffers for each land use area.
 - g. General Plans showing the improvements to be erected, the open space provided, the location of the proposed uses and preliminary renderings of proposed buildings. The Plans shall be diagrammatic in nature, indicating development areas with general building layouts, parking areas, active and passive open space areas and access systems, both vehicular and pedestrian. Representative floor plans for each type of unit shall be provided. The General Plans shall be presented in a schematic format and shall not constitute the site plan or site plan approval required herein below.
 - h. a proposed development sequencing if the project is to be phased.
9. A preliminary Shared Parking Study prepared by an appropriate professional. The study shall demonstrate that the proposed parking supply will be adequate to serve the needs of the development. Such study may be based upon accepted industry standards or based on actual experience with similar developments and studies of or known to the professional preparing the report. The study should consider parking demand variations due to factors such as time of day, weekday versus weekend demand, monthly variations in parking demand, noncaptive and modal split which would affect when the peak accumulated parking demand would occur.
10. Analysis of the location, availability, and capacity of public utilities capable of serving the proposed project.
11. Such other information requested by the Commission that will assist it in evaluating whether the development of the site will be consistent with the purpose of these Regulations.

The Commission will act upon the PVD Master Plan application in accordance with the discretion afforded and the procedures established for the adoption of a zoning

amendment. In reviewing the application, the Commission shall consider the purpose of this Section 26 and these Regulations, the goals, recommendations and objectives of the Plan of Conservation and Development, and any other relevant criteria authorized by law for the adoption of zoning amendments. The Commission may, in its reasonable discretion, approve, disapprove or approve with conditions or modifications the Master Plan application.

26.2.4 Special Permit/Site Plan Approval.

1. Prior to implementing all or any portion of the approved PVD Master Plan, the applicant shall obtain site plan approval for the development or for a specific phase or portion thereof, except that, if any part of the development contains a use or uses designated as Special Permit Uses in table 26.2, such uses shall require special permit and site plan approval. The applicant may submit its site plan and/or special permit application(s) in phases or for specific portions of the development constituting less than the whole of the development or may submit a site plan for the entire development. Any application so submitted shall be consistent with the approved PVD Master Plan. The information to be submitted with such site plan application(s) shall be as provided in these Regulations, provided that the application shall include existing and proposed Covenants and Restrictions governing, among other things, ownership, management and operations of the development, including, but not necessarily limited to, measures to assure sufficient long-term maintenance of any areas required within the project for public use.

26.2.5 MODIFICATION OF AN APPROVED PVD MASTER PLAN.

1. An amendment to the approved PVD Master Plan shall be considered minor or major. The Planning & Zoning Commission shall in its sole discretion determine whether proposed amendments are minor or major, using the general factors set forth below; Minor amendments are changes which do not alter the concept of the PVD Master Plan in terms of density, floor area ratio, land use, height, and provision of open space, the reduction of amenities or the physical relationship of the elements of the development. Minor amendments shall include but not be limited to small changes in the location of buildings, open space, number and location of parking spaces or realignment of minor streets or site circulation; and may be reviewed and approved by the Planning & Zoning Commission as an amendment to a Site Plan application.

Major amendments represent substantial deviations from the Master Plan approved by the Planning & Zoning Commission. Major amendments shall include, but not be limited to, large changes in floor space, the mix of uses, density, lot coverage, height, setbacks, lot sizes, open space; changes in the location of buildings, open space, or parking; or changes in the circulation system which would have a significant effect on the traffic impact. A major amendment shall require an amendment of the PVD Master Plan and shall be considered in the same manner as the adoption of the original PVD Master Plan.

26.3 PERMITTED USES. Subject to the standards, criteria and requirements of this and other applicable provisions of the regulations, a PVD district may include uses set forth in table 26.2. All uses not specifically enumerated in table 26.2 are prohibited, including, but not limited to public or private elementary or secondary schools, universities or colleges

including related facilities such as dorms or sports complex, places of worship, parish houses or similar uses, religious services, and fraternal organizations.

26.4 DEVELOPMENT STANDARDS

26.4.1 Location/Minimum Acreage. The minimum PVD Overlay Zone tract shall include not less than 80 acres located in the IPD District.

26.4.2 PVD Overlay Zone Lot Area. The PVD Overlay Zone Lot Area shall be the gross land area minus one half (1/2) of the sum of (a) the Tidal Wetland or Inland Wetland waterbodies area plus (b) the land area with a slope equal to or in excess of twenty per cent (20%). The area of private streets may be included in the PVD Overlay Zone Lot Area.

26.4.3 Utilities. There shall be sufficient capacity in sanitary sewer, water supply or other utility systems over the life of the development, as certified by the City Engineer.

26.4.4 Access. There shall be direct access to a major street or highway.

26.4.5 Recreational Facilities. Exceptional recreational facilities and other amenities shall be provided by the developer.

26.4.6 Community Open Space Requirements

26.4.6 a) There shall be **community open space** provided in each PVD. Community Open Space is defined as a portion of the development that is permanently dedicated as land for common use and appurtenant and accessible to all lots within the development, whose use shall be perpetually restricted to one or more of the purposes described in Section 26.4.6.5 by instrument recorded in the land records of the City of West Haven. At least 20% of the total Community Open Space must be land that is not wetland, watercourses, or land with slopes of 15% or greater.

26.4.6 b) Ownership Alternatives. Ownership or Control of Community Open space must be proposed to be in one of three forms, in order of preference:

- (1) A unit owners' association, as defined in C.G.S. § 47-202(3), the unit owners of a common interest community, as defined by C.G.S. § 47-202(7), or a trust owned by the occupants of the development, or
- (2) A non-profit organization (such as the West Haven Land Trust), or
- (3) The City of West Haven.

26.4.6 c) Declaration Required. Community Open Space form must be applicant declared and verified and dedicated as permanent land upon which no structure can be built.

26.4.6 d) Review Required. The Community Open Space instrument shall be reviewed and approved by the City Attorney before it is recorded on the West Haven Land Records.

(a) Any amendment to the development restrictions in said instrument shall be approved by the Commission.

26.4.6 e) Plan Requirements. The Open Space Development plan must show direct access to the community open space or public rights-of-way to the community open space, and:

- i. All corners of the community open space shall be marked with monuments.
- ii. A restriction running to (or enforceable by) the City shall be recorded and provide in perpetuity for one or more of the following uses:
 - (a) Conservation.

- (b) Protection of natural drainage systems.
- (c) Recreational or park purposes.
- (d) Preservation of natural resources, scenic sites or historic areas.
- (e) Agriculture.

26.4.6 f) Additional Restrictions Permitted. The Commission may impose additional restrictions upon community open space and such restriction must be recorded on the West Haven Land Records.

26.4.7 Variances Not Permitted. The standards, conditions and requirements of Section 26 shall not be subject to variance or exception by any other city agency.

26.4.8 Slope Development Restrictions. No structure may be constructed on slopes of 15% or greater unless specifically allowed by the Commission following a written finding that upon site plan review such structure is:

1. Contextually harmonious with the overall development.
2. Respectful of the natural landforms of the area.

26.4.9 Fee Simple Parcels Allowed. The Commission may, at its discretion, allow separate and multiple fee simple parcels within the overall Planned Village Development tract if it finds that the design allows adequate circulation and parking for the several uses. In such case, or in the case of any other form(s) of ownership of portions of the overall Planned Village Development, the gross land area of the entire development tract of the PVD as a whole shall be considered in determining compliance with the requirements of these regulations. Any division of a PVD tract shall be subject to the requirements of the West Haven Subdivision Regulations, and any lots created pursuant to any division or subdivision shall comply with the IPD District standards for minimum lot size, frontage and yards.

26.4.10 Parking and Loading Standards. Notwithstanding the requirements of Article 5, Section 60 and of this Section 26, the Commission may, at its discretion, modify the parking, loading and access requirements applicable to a development in the PVD Overlay Zone, including, without limitation, reducing the number of parking and loading spaces to be required for the development, provided that the Commission finds that such modified standards will be adequate and in accordance with the PVD Master Plan.

26.4.11 Residential Density. The maximum residential density in any PVD Overlay Zone shall not exceed five dwelling units per acre of the PVD Overlay Zone Lot Area, as that term is defined in 26.4.2.

26.4.12 Residential/Nonresidential Mix of Uses. Any PVD Tract Area shall have at least 25% of the gross floor area devoted to nonresidential uses. For purposes of determining this percentage, hotels and motels shall be considered nonresidential uses; assisted living facilities and continuing care retirement communities shall be considered residential uses, except that any for-profit nursing or convalescent home component of a continuing care retirement community shall be considered a nonresidential use provided that this nursing or convalescent home component does not exceed more than 20% of the entire gross floor area of the nonresidential uses within the PVD Tract.

26.4.13 Size/Components of Residential Units. In order to ensure that the stand-alone residential units in a PVD include a variety of housing sizes to meet the housing needs of West Haven residents, the Commission recommends that 20% of the dwelling units in the PVD tract area (not including dwelling units in mixed use buildings) shall contain a livable floor area of 1,200 square feet or less. All dwelling units that are not part of a mixed use building shall contain garages designed to accommodate at least two vehicles. The Commission shall be authorized to modify these guidelines if

the applicant can demonstrate to the Commission that such modifications are consistent with the purpose set forth in Section 26.1 of providing a variety of sizes and floor areas that will meet the housing needs of West Haven citizens. For purposes of this subsection, "Livable floor area refers to the interior area of a dwelling unit designed for human occupancy and includes rooms for living, sleeping, cooking, study, toilet and bathing areas, laundry, household closets, hallways and similar circulation spaces, but shall not include garages, utility/mechanical rooms, storage rooms, crawl space, cellars, attics or basements which are not designed for human occupancy".

- 26.4.14 Maximum Floor Area Ratio.** The Maximum Floor Area ratio for a project within the PVD tract area shall be 1.0. In calculating floor area ratio, the required percentage of open space (30%) shall be excluded from the calculation of the tract area.
- 26.4.15 Phasing.** Unless waived or modified by the Commission, the nonresidential phases of development shall be constructed prior to or simultaneously with the residential phases of development.
- 26.4.16** Area and Bulk requirements shall be as set forth in table 26.2.
- 26.4.17 Age Restricted Housing** As a guideline for the developer, it is expected that dwelling units will consist of age-restricted housing, except for rental units located above the first floor of the buildings with non-residential uses on the first floor.

TABLE 26.1 AREA AND BULK REQUIREMENTS IN PLANNED VILLAGE DISTRICT

KEY	REQUIREMENT	PVD
A.	Minimum Acreage	80 ACRES
B.	Minimum <i>Community Open Space</i> as Percentage of Tract (%)	30%
C.	<i>Maximum Building Coverage (%) (gross land area of entire PVD tract)</i>	50
D.	<i>Maximum Impervious Surface Coverage (%) (gross land area of entire PVD tract)</i>	30
E.	<i>Maximum Lot Coverage (%) (gross land area of entire PVD tract)</i>	70
F.	Maximum Height- Non-residential Buildings ¹	4,6 ♣
	In Stories	
	In Feet	45,75♣

G.	Maximum Height- Residential Buildings In Stories In Feet	2.5 35
H.	Maximum Number of dwelling units per building – Residential Buildings ¹	4

♣ First figure by right, second by special permit.

¹ Nonresidential Buildings include mixed use buildings with non-residential uses on the first floor; Residential Buildings are buildings used exclusively for dwellings, including home occupations.

SECTION 26 PLANNED VILLAGE DISTRICT (PVD)

TABLE 26.2 USES PERMITTED IN A PLANNED VILLAGE DISTRICT

USE CATEGORY	SPECIAL PERMIT	SITE PLAN REVIEW
RESIDENTIAL USES		
Single Family Attached		X
Single Family Detached		X
Dwelling above Ground Floor		X
Home Occupation	X	
Two & Three Family Dwelling		X
Multi-Family Dwelling		X
Continuing Care Retirement Community	X	
Accessory Recreational Uses		X
INSITUTIONAL & SUPPORTIVE USES		
Library, Museum or Cultural Center	X	
Park, Ball Field, Tennis Court, Golf Course		
Other Open Space/Recreational Facility		X
Open Space or Conservation Area		X
Municipal Fire or Police Station	X	
Utility or Drainage Easement		X
Government Office, Building	X	
Private Club, Hall or Similar Facility		X
ACCESOSORY USES		
Detached Garage or Shed		X
Off-Street Surface Parking		X
Multi-level Structured Parking	X	
In-ground Swimming Pool	X	
TRANSIENT LODGING		
Hotel, Motel or Inn		X
FOOD, DRINK & ENTERTAINMENT		
Convention Center		X
Liquor, Package Store	X	
Night Club, Tavern, or Café	X	
Restaurant		
With Outdoor Seating		X
With Drive-In Service	X	
Grocery Store		X
Delicatessen		X
Banquet Hall	X	
Amusement Center	X	
Commercial Recreation Facility	X	
Outdoor Golf Range		X

USE CATEGORY	SPECIAL PERMIT	SITE PLAN REVIEW
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PERSONAL SERVICES

Bank/Credit Union		X
Barber/Beauty Shop		X
Child Care/Day Care Facility	X	
Laundry or Dry Cleaning		X
Craft Shop (Woodworking, Tailor)		X
Pet Shop/Grooming Facility (Non-Boarding)		X

COMMERCIAL USES

Small Appliances, TV Repair Shop, etc.		X
Neighborhood Shopping Center		X
Regional Shopping Center	X	
Retail Store, Shop, Boutique		X
Business or Professional Office		X
Corporate Office/Headquarters		X
Theater		X
Temporary Vending Stand or Cart		X

HEALTH CARE

Animal Hospital, Veterinary Office, Other Facility for Animal Care or Treatment	X	
Hospital or Medical Office with In-Patient Care	X	
Fitness and Wellness Center		X
Medical Office (Outpatient)		X

HEAVY COMMERCIAL

Farm Supply Store	X	
Plant Nursery with Retail Sale	X	

INDUSTRIAL

Industrial Offices		X
Light Manufacturing		X
Manufacturing, Processing/Assembly	X	
Research and Development Laboratory		X
Interior Storage (Non-Hazardous Materials)	X	
Outside Storage (Accessory Use Only)	X	
Public or Private Utility Facility		X

TRANSPORTATION

Bus, Train or other Mass Transit Station		X
Public Street or Road		X
Private Street or Right of Way		X

SECTION 27 INCENTIVE HOUSING ZONE (IHZ)

27. INCENTIVE HOUSING ZONE (IHZ)

The Incentive Housing Zone (IHZ) is an overlay zone which is established by a Change of Zone by the planning and zoning commission and development within the zone is allowed only by Special Permit to encourage responsible development and redevelopment or partially developed parcels of land in West Haven. The IHZ is designed to further the goals of the State and City Plan of conservation and development, to concentrate in areas with available public utilities.

27.1 Purpose

- To provide an alternative form of development for the currently developed, partially developed or under-utilized land and structures
- To encourage development of general and incubator office, commercial, heavy commercial and industrial space.
- To encourage development of affordable housing in new developments
- To prevent sprawl and traffic congestion by encouraging a more vibrant residential component to business or mixed use areas.
- To encourage development which supports a lifestyle in which residents can walk or use public transportation to reach jobs, services and recreational or cultural opportunities.
- To encourage transit oriented mixed use developments.

27.2 LOCATION CRITERIA

Any land or buildings to be zoned for IHZ shall have one or more of the following characteristics:

- a. An area near a train or bus transit station.
- b. An area of concentrated development such as a commercial center, existing residential or commercial district or a neighborhood development planned area.
- c. An area of underutilized buildings with existing infrastructure.
- d. An area with vacant or underutilized land.

27.3 DEVELOPMENT OBJECTIVES

27.3.1 To preserve and protect the city of west Haven 's natural environment by encouraging the permanent preservation of specific features and land including sites of ecological significance, environmentally sensitive lands, qualities of natural beauty, or sites of historical interest.

27.3.2 To preserve and protect wetlands, streams, rivers, aquifers and ponds as natural resources

27.3.3 To avoid flooding, erosion and water pollution.

27.3.4 To promote suitable siting of buildings and better overall site planning

27.3.5 To provide for revitalization of areas by creating mixed use developments with a variety of housing and business opportunities

27.3.7 To create mixed use developments adjacent or near train or bus transit facilities

27.4 DEFINITIONS

27.4.1 INCENTIVE HOUSING ZONE: An overlay zone that permits industrial, commercial(etail) and residential components which allows a tract of land of to be developed as a unified mixed use development.

27.4.2 INCENTIVE HOUSING DEVELOPMENT: a residential mixed or use development that is proposed or located within an approved incentive housing zone.

27.5 SPECIAL PERMIT REQUIRED

An incentive Housing Development shall only be allowed by Special Permit following a public hearing.

27.6 APPLICATION STANDARDS

27.6.1 Minimum Acreage. The minimum tract shall be (5) Acres.

27.6.2 IHZ Zone Lot Area. The IHZ zone lot Area shall be the tract gross land area minus one half(50%) of the sum of the Tidal Wetland or Inland Wetland water bodies area plus the land area with the slope equal to or in excess of twenty percent (20%). The area of private streets may be included

27.7 SUPPLEMENTAL STANDARDS

27.7.1 Slope Development Restrictions. No construction of structures may occur on slopes of 15% or greater unless specifically allowed by the Commission following a written finding that such structures are:

1. Contextually harmonious with the overall development .
2. Respectful of the natural landforms of the area.

27.7.2 Fee Simple Parcels Allowed. The commission may, at its discretion, allow separate and multiple fee simple parcels within the overall Incentive Housing Development tract if it is found that a design allows adequate circulation and parking for the several uses. In such case, or in the case of any other form(s) of ownership or portions of the overall Incentive Housing Development, the IHZ as a whole shall be considered in determining compliance with the requirements of these regulations.

27.7.3 Parking and Loading Standards. Notwithstanding the requirements of Article 5, Section 60, the Commission may, at its discretion, modify the parking, loading and access requirements applicable to a development in the Incentive Housing Zone, including, without limitation, reducing the number of parking and loading spaces to be required for the development, provided that the commission finds that such modified standards will be adequate.

27.7.4 Mixed Uses Not withstanding any other provision of these regulations, mixed uses are permitted within a single development, lot and/or building in the IHZ

27.7.5 Open Space Land for parks, playgrounds, recreational areas, plazas or open spaces shall be provided in each Incentive Housing Development as deemed necessary by the Commission

27.7.6 Density In no event will the density of any Incentive Housing development be less that one and one half (1 ½) times the density of the underlying residential or mixed use zoning district. In any case, the minimum density for the following types of housing shall be:

Single Family Detached Houses- 6 Dwelling Units per Acre

Town houses or Duplexes- 10 Dwellings Units per acre

Multi-Family Residences-40 Dwelling Units per acre

27.7.7 Design Criteria The following criteria are to be used to create pedestrian friendly street facades:

1. Ground floor facades that face public streets shall have display windows, entry doors with awnings, fanlights, or other such features that emphasize a pedestrian scale.
2. Bank wall surfaces greater than twenty (20) feet along the horizontal plane of the building are prohibited.
3. New Building materials should be selected to convey a sense of quality durability and permanence.
4. Recessed doorways are preferred, to break up the building façade, provide a welcoming space, and provide protection from the weather.
5. Façade colors shall be low-reflective, subtle, neutral or earth-tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.

6. Full size brick is preferable to brick tile veneer
7. A combination of materials is encouraged to create greater visual interest.
1. Flat roofs shall be screened from public view using parapet walls or other architectural elements.
2. Outdoor living space may be constructed on roofs, provided the floor and lower three feet of such space will not be visible from the public view on abutting streets.
3. Mechanical equipment, metal chimneys, and elevator shafts on a roof shall be screened from the public view parapet walls or other architectural elements.

27.7 Affordability Plan For an incentive Housing Development, at least twenty percent (20%) of the dwelling units shall be conveyed subject to an incentive housing restriction requiring that at least thirty (30) years after the initial occupancy of the development, the dwelling units will be sold or rented at, or below, prices that will preserve the units as housing for which persons pay thirty percent (30%) or less of their annual income, where the income is less than or equal to eighty per cent (80%) or less of the median income of the city. Said Affordability Plan shall be submitted to and approved by the Commission prior to approval of the Incentive Housing Development Plan.

27.8 PROCEDURES FOR ADOPTION OF IHZ OVERLAY ZONE

27.9.1 Application Review. An applicant for an IHZ Overlay Zone or an IHZ Master Plan may request a pre-application review with the Planning or Zoning Commission, or its authorized agents prior to the submission of an application. Although this process may enable a prospective applicant to obtain meaningful preliminary feedback, this informal review is not intended to include evaluation of application specifics. Any statements by members of the Commission are not binding and are not intended to indicate prejudgment in any way of an actual application, should one later be submitted. Similarly, silence by Commission members during an informal review should not be construed as assent or acceptance of what is presented. The Commission's official decision-making process only commences upon the submission of a formal application.

27.9.2 Establishment of IHZ Overlay Zone. Establishing an IHZ Overlay Zone requires approval by the Planning and Zoning Commission of a zoning map change application, in accordance with the procedures set forth in the General Statutes of the State of Connecticut and Section 86 of these regulations for a zone change and public hearing.

27.9.3 IHZ Master Plan. The IHZ Master Plan is a condition precedent to a specific development in an IHZ Overlay Zone. The IHZ Master Plan shall establish the development criteria applicable to the project, e.g., without limitation, the proposed layout of the structures, the infrastructure and roadways within the zone, the mix of uses within the zone, density of residential development and design standards. The Master Plan shall be consistent with the building and development standards set forth below. The Master Plan will establish the dimensional characteristics of the IHZ Overlay Zone and its uses, and shall encompass the development of the entire IHZ tract.

The IHZ Master Plan application shall be prepared by appropriate certified professional and shall consist of all of the materials as required by West Haven Zoning Regulations and the West Haven Land Use Application – Zoning Map Change (as the same may be amended from time to time) including:

1. existing land uses and zoning within 500 feet of the area to be rezoned
2. names of all property owners located within 500 feet of the boundary of the property to be rezoned as listed on the Town Assessor's records as of a date no more than 15 days before the application is filed.

The IHZ Master Plan application shall also be accompanied by the following information:

1. A boundary survey of the land included with the proposed IHZ Overlay Zone conforming to a Class A2 Survey showing the general gradient of the site, existing structures, existing roads and rights-of-way, major topographic features, and limits of inland wetlands, watercourses and floodplains as mapped in the field by a qualified Soils Scientist and plotted by a Connecticut Licensed Land Surveyor;
2. A Preliminary Drainage Assessment prepared by a Professional Engineer registered by the State of Connecticut to the level necessary to show the general effect of the proposal on the physical environment of the site and surrounding adjacent lots within 500 feet, including but not necessarily limited to:
 - a. storm water run-off before or after development and how it is to be controlled.
 - b. The impact on existing or proposed improved drainage systems. The watershed assessment shall be based on a 100-year storm event.
 - c. All stormwater designs shall be laid out by a professional engineer. All designs must be done in accordance with the 2004 Connecticut Stormwater Quality Manual (latest edition). (Rev. 7/23/19. #ZR 19-026)
3. A Preliminary Traffic Impact Analysis showing the estimated impact of proposed traffic together with a capacity analysis of existing streets directly affected by the proposal and the improvements that will be constructed to alleviate any adverse impacts of the proposed traffic.
4. A Market Analysis of the local economy with an emphasis on commercial and residential housing structure and trends, an examination of the supply of real estate in appropriate sub-market categories, and an evaluation of the economic gaps to which the proposed development would apply.

TABLE 27.1 AREA AND BULK REQUIREMENTS IN INCENTIVE HOUSING ZONE

KEY	REQUIREMENT	IHZ
A.	Minimum Acreage (SF)	217,800 SF (5 Acres)
B.	Minimum Community Open Space as Percentage of Tract (%)	10%
C.	Minimum Sub Lot Area (SF)	9500
D.	Lot Width Minimum (Feet)	100
E.	Lot Depth (Feet)	80
F.	Front Yard (Feet)	20
G.	Side Yard (Feet)	20*
H.	Rear Yard (Feet)	25

I.	Minimum Street Frontage (Feet)	100
J.	Maximum Building Coverage (%)	70
K.	Maximum Impervious Surface Coverage (%)	Entire Site 20
L.	Maximum Lot Coverage (%)	Entire Site 90
M.	Maximum Height	In Stories In Feet 6,12 ♣ 75,150♣

Note:

* Unit in Townhouse Row may have Zero (0) Ft. Side Yards between attached units.
There shall be no more than ten townhouses in one building.

♣ First figure by right, second by special permit

Table 27.2 USES PERMITTED IN AN INCENTIVE HOUSING ZONE

USE CATEGORY	SPECIAL PERMIT	SITE PLAN REVIEW
RESIDENTIAL USES		
Dwelling above Ground Floor		X
Home Occupation	X	
Two & Three Family Dwelling		X
Multi-Family Dwelling		X
Accessory Recreational Uses		X
INSITUATIONAL & SUPPORTIVE USES		
Library, Museum or Cultural Center	X	
Park, Ball Field, Tennis Court, Golf Course		
Other Open Space/Recreational Facility		X
Open Space or Conservation Area		X
Municipal Fire or Police Station	X	
Utility or Drainage Easement		X
Government Office, Building	X	
Private Club, Hall or Similar Facility	X	
ACCESSORY USES		
Off-Street Surface Parking		X
Multi-level Structured Parking	X	
USE CATEGORY	SPECIAL PERMIT	SITE PLAN REVIEW

ACCESSORY USES (Cont.)

In-ground Swimming Pool

X

TRANSIENT LODGING

Hotel, Motel or Inn

X

FOOD, DRINK & ENTERTAINMENT

Convention Center

X

Liquor, Package Store

X

Night Club, Tavern, or Café

X

Restaurant

With Outdoor Seating

X

With Drive-In Service

X

Grocery Store

X

Delicatessen

X

Banquet Hall

X

Amusement Center	X	
Commercial Recreation Facility	X	
PERSONAL SERVICES		
Bank/Credit Union		X
Barber/Beauty Shop		X
Child Care/Day Care Facility	X	
Laundry or Dry Cleaning		X
Craft Shop (Woodworking, Tailor)		X
Pet Shop/Grooming Facility (Non-Boarding)		X
COMMERCIAL USES		
Small Appliances, TV Repair Shop, etc.		X
Neighborhood Shopping Center		X
Regional Shopping Center	X	
Retail Store, Shop, Boutique		X
Business or Professional Office		X
Corporate Office/Headquarters	X	
Theater		X
HEALTH CARE		
Hospital or Medical Office with In-Patient Care	X	
Fitness and Wellness Center		X
Medical Office (Outpatient)		X
TRANSPORTATION		
Bus, Train or other Mass Transit Station		X
Public Street or Road		X
Private Street or Right of Way		X

SECTION 28 EDUCATIONAL FACILITIES DISTRICT (EFD)

28. EDUCATIONAL FACILITIES DISTRICT (EFD)

The Educational Facilities District (EFD) is intended to allow for mixed use development of land by the University of New Haven and other accredited educational institutions. The EFD zone allows for a development mix that provides employment and fiscal benefits to the City consistent with the Plan of Conservation and Development, and promotes the continuing vitality of its educational institutions, while allowing compatible and complimentary uses.

28.1 PURPOSE

- To promote responsible growth of educational institutions located within the City to ensure their long term viability and success.
- To provide an alternate form of development or redevelopment of land within the City of West Haven that is occupied by, near to or influenced by the presence of the University of New Haven or other educational facilities.
- To allow alternative development forms and encourage business growth and uses supportive of education.

28.2 PERMITTED USES

Subject to the standards, criteria and requirements of this and other applicable provisions of the regulations, an EFD district may include uses set forth in Table 28.2. All uses not specifically enumerated in Table 28.2 are prohibited. A change in use of property in the EFD District to another use permitted as-of-right may be approved administratively provided: the change involves interior building renovations only; no alterations to the building exterior or any portion of the site are proposed; and the proponent submits an application furnished by the Planning and Development Department and any additional information deemed necessary by the Commissioner of Planning and Development. The Planning and Development Department may submit such a request to the Commission as staff deems appropriate, whereupon a site plan application shall be submitted. If such a change in use is approved administratively, staff shall report such approval at the next meeting of the Commission.

28.3 DEVELOPMENT STANDARDS

- 28.3.1 Parking and Loading Standards.** Notwithstanding the requirements of Article 5, Section 60 and of this Section 28, the Commission may modify the parking, loading and access requirements applicable to a development in the EFD district, including, without limitation, reducing or increasing the number of parking and loading spaces to be required for the development.
- 28.3.2 Residential/Nonresidential Mix of Uses.** Any non-residential uses other than educational uses shall have retail or office uses on the ground floor area.
- 28.3.3 Area and bulk requirements.** See Table 28.1.

28.3.4 Signs. The requirements of Article 6 shall not apply to signs that are necessary for identification, direction or reasonable promotion of a permitted use in the EFD District. All signs in the EFD District must: be located on the EFD property; not be located on a roof; not create a safety or traffic hazard; and be securely anchored. Digitally enhanced or electronic billboards with changing images and electronic billboards with changing images are permitted, subject to approval of the Planning and Zoning Commission and such requirements that the Commission deems necessary to ensure safe vehicular passage and minimize impacts on surrounding properties. A sign in the EFD District may be approved administratively provided such sign: will be located below the roof line of a building; will not shed light pollution onto neighboring properties; and is no more than 100 square feet in area. All other signs must be approved by the Commission upon submission of an application furnished by the Planning and Development Department, three (3) copies of a sketch of the proposed sign and its relationship to the structure or site, and any additional information deemed necessary by the Commissioner of Planning and Development.

28.4 PROHIBITED USES

The following uses are prohibited in the Educational Facilities District:

- a. Industrial uses
- b. Heavy commercial uses
- c. Any use not specifically permitted in Table 28.2

TABLE 28.1 AREA AND BULK REQUIREMENTS IN AN EDUCATIONAL FACILITIES DISTRICT

KEY	REQUIREMENT	EFD
A.	Minimum Acreage	0
B.	Maximum Height In Stories In Feet	6♣, 8♥ 75♣, 100♥
C.	Minimum Off Street Parking See Sections 60 and 28.3.1	
D.	Minimum Front, Side or Rear Yard (in feet)	15 ¹ , 5 ² , 0 ³

♣ By right.

♥ By Special Permit

¹ To any immediately abutting residential zone with no intervening street.

² To any residential zone separated from an EFD parcel by a street.

³ To any non-residential zone.

TABLE 28.2 USES PERMITTED IN AN EDUCATIONAL FACILITIES DISTRICT

USE CATEGORY

SPECIAL PERMIT

SITE PLAN REVIEW

EDUCATIONAL INSTITUTION & SUPPORTIVE USES

Public or Private Educational Institution

X

Classroom or Student Support Facility

X

Academic Administration Building		X
Athletic Facility Operated By an Educational Institution		X
Student Residence Hall		X
Faculty/Staff Housing		X
Chapel, Prayer Space or other Place of Worship		
For use by an Educational Institution		X
Ancillary Residential, Recreational or Other Facility		
which is Supportive of an Educational Institution		X
Library, Museum or Cultural Center		X
Park, Ball Field, Tennis Court, Golf Course, or		
Other Open Space/Recreational Facility		X
Open Space or Conservation Area		X
Municipal Fire or Police Station	X	
Governmental Office, Building	X	
Private Club, Hall or Similar Facility	X	

ACCESSORY USES

Off-Street Surface Parking		X
Multi-level Structured Parking		X
In-ground Swimming Pool		X

FOOD, DRINK & ENTERTAINMENT

Restaurant		
With Outdoor Seating		X
With Drive-in Service	X	
Grocery Store		X
Delicatessen		X

PERSONAL SERVICES

Bank/Credit Union		X
Barber/Beauty Shop	X	
Child Care/Day Care Facility	X	
Laundry or Dry Cleaning		X

COMMERCIAL USES

Retail Store, Shop, Boutique		X
Business or Professional Office		X
Theater		X

HEALTH CARE

Hospital or Medical Office with In-Patient Care	X	
Fitness and Wellness Center		X
Medical Office (Outpatient)	X	

SECTION 30 – DESIGN DISTRICTS

30.1 GENERAL PURPOSES OF DESIGN DISTRICTS

The Design Districts established herein are designed to promote and protect the public health, safety, general welfare and welfare and property values, while permitting development opportunities not usually available in traditional Euclidean zoning. These general goals include the following specific purposes:

- To provide sufficient larger scale areas in appropriate locations which are either primarily vacant and underdeveloped or largely blighted or substandard and present unique opportunities for development or redevelopment utilizing sound and well planned development techniques.
- To coordinate development involving special uses and stringent design criteria.
- To provide alternate development options for large properties under single or corporate ownership or control, in areas accessible to major lines of transportation.
- To permit development of residential, commercial, open space and recreational uses, or community facilities, or appropriate combinations of such activities to meet the City's housing, business and/or recreational needs.
- To promote the use of land and building development in accord with the Plan of Conservation and Development to protect the district character and its suitability for various uses, conserve and enhance the value of the land and buildings of the surrounding areas, and promote tax revenue and jobs in the City.
- To permit developments of greater size and scope than otherwise permitted in these regulations by encouraging a combination of uses of suitable design which demonstrate efficiency in building layout, patterns of internal circulation, parking and loading, ingress and egress.

30.2 PURPOSES OF SPECIFIC DESIGN DISTRICTS

These general goals provide for the following design districts:

- 30.2.1 **RESIDENTIAL DESIGN DISTRICT (RPD)** – To provide for coordinated design of larger scale residential development limited to the appropriate size that would enhance the adjoining residential neighborhoods.
- 30.2.2 **COMMERCIAL DESIGN DISTRICT (CD)** – To encourage coordinated design of retail development for the mutual advantage of both the merchants and consumers that is easily accessible to mass transit for the elderly and disadvantaged and would enhance the surrounding communities.
- 30.2.3 **RESIDENTIAL-COMMERCIAL DESIGN DISTRICT (RCPD)** – To provide for coordinated design for city residential and commercial needs for its citizens and those of the region in appropriate locations at a larger scale that would enhance the surrounding communities.
- 30.2.4 **SHORELINE RESIDENTIAL/RETAIL DESIGN DISTRICT (SRR)** – To foster 1-3 Story residential and commercial development and reuse of land within an open space oriented community using building scale and forms that recognize the existing community fabric, takes advantage of its Long Island Sound setting and existing boardwalk and beach amenities while recognizing the importance of existing views and vistas to and from the waterfront.
- 30.2.5 **WATERFRONT DESIGN DISTRICT (WD)** – To encourage development of middle density mixed use waterfront community with significant public open space and water dependent elements to serve both the neighborhood and the city.

30.2.6 **TRANSIT ORIENTED DESIGN DISTRICT (TOD)** – To allow moderate to high density mixed use development with a residential component in a transit oriented community within walking distance of the proposed train station, and to provide development incentives to encourage adaptive reuse of existing sound structures and infill or redevelopment of underdeveloped areas.

30.2.7 **PLANNED RESEARCH AND DEVELOPMENT DISTRICT (PRD)** is a zone which is designed to accommodate Research and Development and Educational Uses which are compatible and support research and development of new products, ideas and concepts. This zone permits a wide range of offices, research and development facilities, manufacturing and educational uses.

30.2.8 **Shoreline Design District (SDD)** In an effort to protect the architectural an unique residential character of portions of the West Haven shoreline, the SD District shall start at the Sandy Point Bird Sanctuary and extend to the end of Beach Street/ Washington Avenue. It shall encompass two city blocks (from Beach Street / to Thomas Street).

30.3 **USES PERMITTED IN DESIGN DISTRICTS**

In each district the uses listed under each category may be permitted if they meet the standards of these regulations and the bulk regulations listed in Table 30.1

30.3.1 **As-of-Right.** In each district certain uses are permitted **as-of-right** that do not require approval of either the Commission or the Board except where a Site Plan is required, but require a **CZC (Certificate of Zoning Compliance)** be issued when the application conforms to all applicable requirements. In **Table 39.2 Summary Uses** the letter **R** indicates a use permitted As-of-Right.

30.3.2 **Special Permit and Special Use Exceptions.** It is hereby recognized that certain uses are a necessary part of the community and if properly controlled are compatible with surrounding uses. In making its decision on any application for a Special Use Exception or Special Permit the Commission must weigh community and landowner interests in having the use.

Applications for Special Permits and Special Use Exceptions in Design Districts shall be reviewed using the procedures and criteria of Article 8 of this Regulation and shall be subject to the standards and procedures of Article 10, including a Public Hearing and Section 75, Site Plan Review.

30.3.3 **Accessory Uses and Structures.** Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted in development subject to the general restriction on permitted principal uses and structures.

30.3.4 **Intent of Area and Bulk Requirements.** It is the intent of these bulk regulations of **Table 36.1 Area and Bulk Requirements in Design Development Districts** to provide minimum requirements to prevent overcrowding. No **lot** shall be used and no building shall be erected except in conformity with the bulk regulations as set forth herein, except as may otherwise be permitted within these regulations or specifically permitted by the Connecticut General Statutes.

30.4 **JOINT & COMMON USE OF OFF-STREET PARKING IN DESIGN DISTRICTS**

The Planning and Zoning Commission may approve the joint or common **use** of off-street **parking spaces** located on separate and adjoining **lots** and under separate ownership in Planned Development Districts provided that the off-street **parking spaces** comply with all applicable Section 60 requirements.

30.5 **RECLASSIFICATION OF PARCEL TO DESIGN DISTRICT**

Any parcel with an area of 20,000 square feet or less which is legally conforming and/or complying as to use, lot and/or structure at the time such parcel reclassification to a Design Development District may be continued as a conforming/complying use, lot and/or structure at the same location. If any previously-existing parcel is merged or combined with an adjoining parcel, thereby creating a new parcel with an area greater than 20,000 square feet, such parcel shall be required to comply with these Planned Development District requirements.

SECTION 31 – PLANNED RESEARCH AND DEVELOPMENT (PRD) DISTRICT

31.1 STATEMENT OF PURPOSE.

The purpose of the Planned Research and Development Design District is to capitalize on the location and accessibility of large tracts of land which can be developed for a variety of compatible uses. For instance a combination of executive offices, research & development and manufacturing activities of one company can be located on the same site. Educational uses such as college or university facilities are encouraged in order to take advantage of the research capabilities of higher education resources. This will provide opportunities for innovation and industrial growth in a campus environment.

31.2 USES PERMITTED IN THE PLANNED RESEARCH AND DEVELOPMENT DISTRICT (PRD)

Uses listed in Table 39.2 Summary Table of Uses in Commercial, Mixed Use, Industrial and Other Districts are permitted subject to Site Plan Approval for new uses or substantial additions to existing buildings. Area and Bulk Requirements are as listed in Table 36.1 Area and Bulk Requirements in Design Districts.

31.3 GENERAL STANDARDS.

1. **Disturbing Aspects.** Noise, odor, light, **signs** and all other possible disturbing aspects connected with operation of such **uses** shall be enclosed, screened or otherwise controlled to the extent that the operation of any such **use** shall not unduly interfere with the area use and enjoyment of properties or streets.
2. **Utility Services** shall be underground.
3. **Signs.** All **uses** permitted by this section shall comply with Sections 65, 67 and 69 of the Sign requirements.
4. **Parking** shall be located to the rear of structures whenever practical, screened from the view of the street and shall be subject to Section 60 Parking, Loading and Access requirements. The commission may modify the parking, loading and access requirements if it determines that such modifications are appropriate and adequate to assure compliance with the intent and purpose of these regulations.

31.4 AS-OF-RIGHT USES.

Uses permitted **as-of-right** require Site Plan Review by the Commission. In Table 39.2 Summary of Permitted Use in the Commercial, Industrial and Other Districts the letter **R** indicates a use permitted As-of-Right.

31.5 SPECIAL PERMIT AND SPECIAL USE EXCEPTION.

It is hereby recognized that certain uses are a necessary part of the community and if properly controlled are compatible with surrounding uses. In making the decision on any application the

Commission must weigh community and landowner interests in evaluating the proposed use. Applications for Special Permits and Special Use Exceptions in

Planned Research and Development Design Districts shall be reviewed using the procedures and criteria of Article 8 of the Regulation and shall be subject to the standards and procedures of Section 75 Site Plan Review.

- 31.6 ACCESSORY USES AND STRUCTURES.** Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted in development subject to the general restriction on permitted principal uses and structures.

SECTION 32 – SHORELINE DESIGN (SD) DISTRICT

32.1 STATEMENT OF PURPOSE.

The purpose of the SD is to encourage the physical development of the Shoreline area from Beach Street to the Sandy Point Bird Sanctuary that protects the unique residential nature of this area. This should be done in a manner that preserves the character of adjacent neighbors. The SD seeks to promote and encourage structures that promote the architectural heritage of West Haven and are in keeping with the scale of surrounding communities.

32.2 Description and Intent

The Commission shall find that the proposed architectural design including, among other elements, the exterior building material, roofline, and building elevations shall be designed in the style and vernacular inspired by a New England coastal aesthetic consistent with figures below. New construction or reconstruction shall adhere to the design principles and purposes of this district, in whole or in part. All new development should be based on creating an inviting environment for the pedestrian at street level. New construction shall harmonize with the neighborhood, ensure the transition between unlike areas, shall protect property values and shall preserve and enhance the appearance and beauty of the community.

32.2.1 The Shoreline Design District shall seek to enhance, conserve and respect the architectural heritage of West Haven, the area's aesthetic appeal, historic scale and massing, pedestrian access, and recreational water-related uses and views while limiting the intensity of development consistent with the Plan of Conservation and Development and keeping with the scale of surrounding communities. The City of West Haven shall encourage all entities that are not legally required to comply with this Section to consider the purpose of this Section when submitting designs for the area.

32.2.2 Pre-Existing Conditions

32.2.2 a) Existing buildings that do not conform to the provisions of this Section, may continue in use as they are until a substantial modification is requested, at which time; the Planning and Zoning Commission shall determine the provisions of this section that shall apply.

32.2.2 b) Minimum lot width, lot depth, and lot areas assigned to the SD District shall only apply to newly plotted lots and shall not preclude the redevelopment of existing lots that do not meet these standards. The redevelopment of such existing lots shall be considered a pre-existing condition and shall be allowed as of right.

32.2.2 c) The modifications of existing buildings shall be permitted as of right, with Site Plan Approval, if such changes result in greater conformance with the provisions of this Section.

32.3 Design Standards & Guidelines

32.3.1 Building Character, Massing and Orientation

-The scale, proportions, massing, and detailing of any proposed building shall be in proportion to the scale, proportion, massing, and detailing in the district. The building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse impact on the district.

I. Height

-Any building shall not exceed 2 stories by right and 4 stories by Special Permit. If any story is used for parking, that is considered a story. Structures which exceed the as of right height for the district and are seeking approval by special permit shall incorporate into their design, variations in building orientation, setbacks, facade or other architectural treatments including height/story step backs to mitigate potential adverse impacts to the area.

II. Building Setback

-To the extent possible in addition to the current minimum for the street line setback, any new principal structure located on the corner of an arterial street and a minor street shall increase the minor street line setback to enhance public views to the water from adjacent residential properties.

III. Building Orientation

- a. Buildings shall be oriented with the primary building façade(s) facing the primary street frontage(s) of the site, except when orientation is designed to maintain or enhance public views.
- b. Buildings shall be placed to conceal parking at the interior or rear of building lots.
- c. The following shall be maintained and enhanced wherever possible through careful design and siting of structures:
 1. Public views to and along the water
 2. Public access to Beach Street as well as City owned properties including parks, bike/ pedestrian facilities and beaches.
 3. Residential access to solar (i.e. new construction must address impacts to surrounding properties)

IV. Form

- a. Residential buildings shall incorporate massing and façade design elements such as front porches, front-gable roofs, cross-gables, or hipped roofs with dormers or towers that help relate their building massing to that of the examples in the figures below.

- b. Commercial and mixed-use buildings shall incorporate massing and façade design elements such as storefronts, cornices and parapets that help relate their building massing to that of the examples in the figures below.



V. Building Façade

-Any building façade longer than 40', visible from a street, adjacent property, publicly owned land will be designed to have interruptions in the walls of the building to avoid the appearance of a flat uninterrupted façade. Interruptions in a façade may include changes in wall plane, surface ornamentation, porches, awnings or other treatments in addition to windows and doors.

VI. Materials

-Building façade exterior materials, including architectural trim and cladding, shall be of high quality and durable, including but not limited to stone, brick, wood, metal, glass, sustainable cement masonry board products. Clapboard, shingle, and board and batten siding or a combination is preferred.

VII. Windows

a. Residential

1. No less than twelve percent (12%) and no more than thirty-five percent (35%) glass area will be employed on the foremost front facing façade of a building.
2. No more than thirty-five percent (35%) glass area will be employed on other facades.

b. Commercial

Building façades facing the principal street or public open space shall have at least 25% of the overall façade in transparent windows and at least 40% of the ground floor façade in transparent windows. Along the secondary façades that face pedestrian alleys or connections, façades must achieve at least 15% transparency. Windows on the ground floor of the primary façade shall not be mirrored or use tinted glass or be obstructed by curtains, shades, or blinds.

VIII. Roof style

-The shape of the roof will compare to the majority of roofs within the district. Pitched gabled roofs shall be broken up with dormered upper levels or towers. Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.



IX. Landscaping

-The landscape design shall complement the district's landscape patterns.

- a. **Parking:** Parking shall be located at the interior of blocks, behind buildings, or at the rear of sites, away from prominent site edges, public spaces, and streets. Above-grade parking structures, or portions of underground parking that protrude above grade shall comply with the following requirements: Primary and secondary

frontages shall be lined with an active use at grade or shall be screened on all levels with an architectural treatment compatible with the building for 100% of its frontages. Parking areas shall be separated from the street with landscape buffers of between five feet and eight feet in width. Parking areas on secondary streets may also be screened by other site components, including fences, gates, walls, permanent planters, or hedges. Landscape medians shall be provided between parking spaces to break up the impervious surfaces and mitigate the visual impact of parking. No landscape island shall be less than 6' wide with a minimum width of 10' is required for planting strips with trees.

b. Sidewalks & Walkways:

1. Sidewalks shall be separate and distinct from motor vehicle circulation to the greatest extent possible.
2. Walkways shall be raised and curbed along buildings and within or adjacent to parking lots. Pedestrian street crossings shall be clearly delineated by a change in pavement color and/or texture.

c. Street Furnishings:

1. Benches shall be provided in areas of gathering and high pedestrian activity and shall meet city standards.
2. Bike Racks shall be properly anchored, hold at least two bicycles and should be provided in safe, accessible, convenient, and well-lit locations, placed within 100 feet of a building's entrance.

X. Eating and Drinking Establishments

-Eating and drinking establishments shall be allowed and outdoor seating is encouraged.

XI. Signs

-Signage shall be appropriate for the scale and character of the building and the area, provide consistency and uniformity of signage through the zone and shall comply with signage standards as permitted by the regulations.



XII. Public Facilities

-Public facilities including structures dedicated to water pollution control, recreation, police, sanitation, public works, etc. should follow the design recommendations of this section as to the use of materials, facade treatments, roof types, character etc.

SECTION 35 – TRANSIT ORIENTED DESIGN (TOD) DISTRICT

35.1 Statement and Purpose

35.1.1 The purpose of the Transit-Oriented Design (TOD) zone is to guide the physical development of the area by capitalizing on the locational attributes of the West Haven Train Station area.

35.1.2 The TOD zone is intended to:

- a. Provide a walkable, mixed use and attractive community including protection of the environment and open spaces.
- b. Encourage a harmonious relationship between different land uses.
- c. Reduce sprawl.
- d. Enhance the existing development fabric and infill undeveloped areas by encouraging the redevelopment of sites and/or adaptive reuse of existing structures where possible.
- e. Provide improved mobility and greater health benefits of a pedestrian environment through an enhanced public realm.
- f. Preserve the character of adjacent neighborhoods.
- g. Protect environmentally sensitive lands and provide adequate open space.

35.2 Description and Intent

35.2.1 This provision exists to encourage the adaptive reuse of existing structures and new mixed-use development within a walkable, pedestrian-friendly public realm.

35.2.2 The TOD District shall:

- a. Encourage the retention and/or the adaptive reuse of existing buildings and new infill construction that accommodates the demands of the automobile, while prioritizing other forms of circulation (transit, walking and cycling).
- b. Promote and encourage the adaptive reuse and infill structures that respect the architectural heritage of West Haven, and are in keeping with the scale of surrounding communities.
- c. Encourage the seamless integration of residential, office, commercial, light industrial, and civic uses that do not attract large volumes of traffic and that present pedestrian-friendly facades to the street.
- d. Discourage commercial strip development that break the urban street fabric and negatively impacts the pedestrian environment.
- e. Minimize visual and functional conflicts between residential and non-residential uses within and adjacent to the TOD development.
- f. Provide a range of retail experiences, including shops for daily neighborhood needs as well as more specialized products for a wider market.

35.3 Applicability / Relationship to other parts of Zoning Code

- 35.3.1 This Section shall apply to all streets, public rights-of-way, properties, buildings and uses occurring within the TOD zone, as shown on the [City of West Haven's Zoning Districts Map](#).
- 35.3.2 All development shall comply with the standards and guidelines of this Section.
- 35.3.3 All applications for building construction are required to conform to applicable building code and life safety and health ordinances. The provisions of this Section, when in conflict, shall take precedence over those of other codes, ordinances and standards, except for those [Local Health, Safety and Building Codes](#).
- 35.3.4 This Section is intended to supersede and replace all conflicting rules in the West Haven Zoning Code in order to create a more harmonious and walkable public realm within the TOD area. When this Section is silent on matters related to land use or development, applicable provisions of the City of West Haven Zoning Code that do not conflict with this Section shall apply.
- 35.3.5 The City of West Haven shall encourage all entities that are not legally required to comply with this Section, to consider the purpose of this Section when submitting designs for the area.
- 35.3.6 Amendments to this Section shall demonstrate compliance with Sections 35.1: Statement of Purpose and Section 35.2: Description and Intent.

35.4 Pre-Existing Conditions

- 35.4.1 Existing buildings that do not conform to the provisions of this Section, may continue in use as they are until a [substantial modification](#) is requested, at which time, [the Planning and Development Commissioner](#) shall determine the provisions of this Section that shall apply.
- 35.4.2 Minimum lot width, lot depth and lot areas assigned to the TOD District shall only apply to newly planted lots and shall not preclude the redevelopment of existing lots that do not meet these standards. The redevelopment of such existing lots shall be considered a pre-existing condition and shall be allowed [as of right](#).
- 35.4.3 The modification of existing buildings shall be permitted [as of right, with Site Plan Approval](#), if such changes result in greater conformance with the provisions of this Section.
- 35.4.4 The restoration or rehabilitation of an existing building shall not require the provision of parking in addition to the existing, subject to the following conditions:
 - a. It shows its inability to park on-site the required parking.
 - b. It shows that the building can be accessed by pedestrians and cyclists.
 - c. It provides potential off-site parking, where possible.
 - d. Approval of the Zoning Board of Appeals shall be required.
- 35.4.5 Any undeveloped area over five acres, shall provide connectivity as necessary to comply with block perimeter requirements listed in Section 35.6.1.

- 35.4.6 Where buildings exist on adjacent lots, [the Planning and Development Commissioner](#) may require that a proposed building match one or the other of the adjacent setback, rather than the provisions of this Section, if those setbacks establish a dominant character.

35.5 Adaptive Reuse Standards

- 35.5.1 Adaptive reuse of existing older loft style multi-level commercial and industrial structures to a mix of uses as permitted in Table 39.2 shall be encouraged.
- 35.5.2 The ground floor of converted structures should be reserved for commercial uses.
- 35.5.3 Live-work Loft conversions shall require a commercial or office use, which shall be limited to a maximum of 50% of the dwelling unit area. A minimum residential square footage of 450 square feet shall be required.
- 35.5.4 Work-live conversions shall require a commercial, office or light industrial component that exceeds 50% of the dwelling unit area. Non-residential uses shall be low intensity uses that do not create excessive noise or otherwise impact on the residential character of the uses around it. A minimum residential square footage of 450 square feet shall be required.
- 35.5.5 Review standards for Live-work Lofts shall meet Special Permit requirements, in addition to the following standards:
- e. The proposed physical configuration shall be compatible with industrial and commercial uses on adjacent parcels.
 - a. The proposal shall not preclude development of permitted industrial and commercial uses on adjacent parcels.
 - b. The site can reasonably accommodate Live-Work and/or Work-Live Lofts with minimal or no conflict with existing tenants.
 - c. The site can reasonably accommodate parking and loading needs for the uses.
 - d. No equipment or process shall be used which creates undue noise, vibration, glare, fumes or odors detectable to normal senses of the property.

35.6 New Construction Standards

- 35.6.1 **Block Configuration:** One of the measures to ensure that the TOD District develop as an urban pedestrian-oriented area is to require human-scaled block sizes. The intent is to maintain the permeability of all blocks in order to facilitate pedestrian movement and ensure the opportunity for blocks to accommodate different types of uses. Block size shall be limited as follows:
- a. Block sizes shall have a maximum perimeter of 2,000 feet. Block perimeter shall be measured as the right-of-way perimeter adjacent to public streets.
 - b. Where mid-block pedestrian passages of 30 feet minimum are provided, the block perimeter shall be measured from public rights-of-way___0 to the mid-block pedestrian connections. Under this provision, the mid-block pedestrian passages shall be continually open to the public and connect two public streets.

- c. Other mid-block pedestrian passages in mixed-use and commercial areas shall be allowed to be a minimum of 15 feet wide. They may be hardscaped and/or softscape and shall be well lit for security and comfort purposes.
- d. Block perimeters that include civic space or topography challenges may be exempt from block perimeter requirements based on approval of the Planning and Zoning Commission.

35.6.2 **Plot Standards:** All blocks shall be subdivided into plots and shall comply with the following requirements:

- a. The minimum and maximum plot areas shall be determined by building type and as specified in "Table 35.1: TOD Form Standards". Plots shall have frontages on a minimum of one street (vehicular or pedestrian) and/or civic space.

35.6.3 **Area and Bulk Development Regulations** shall supersede the general regulations listed in Table 36.1 and instead, shall be determined by building type and as specified in "Table 35.1: TOD Form Standards".

35.6.4 **Density** limits shall be as follows:

- a. Multi-family Residential density shall be limited to 50 bedrooms/acre with a minimum 70% studio and 1 bedroom units unless otherwise specified in "Table 35.1: TOD Form Standards".
- b. Additional density bonuses shall be permitted for the following:
 - vi. Mixed-Use buildings that provide over 50% of their ground floor as retail shall be given a 15% density bonus.
 - vii. 10% open space provided on private property for public use shall be given a 10% density bonus, subject to the following conditions:
 - 8. Public space shall be visible and accessible from a public right-of-way.
 - 9. Public space must be open to the public daily from dawn to dusk.
 - 10. Mixed-use or residential properties which restrict up to 25% of their base units to occupancy by individuals who are 55 years or more of age shall be granted a 5% overall density bonus.

35.7 **Common Open Space**

- 35.7.1 As an important component of the public realm, open spaces shall be used for a wide range of social, recreational and/or natural environment preservation purposes. A collection of useful public spaces, ranging in size and character will positively contribute to the vitality of the urban environment, enrich the civic spirit of a community and reinforce the area's habitat biodiversity and ecology. Open space requirements shall be as follows:
- a. The uses authorized shall be appropriate to the character of the open space, including its topography, size and vegetation, as well as the character of the development including its size and density.

- b. Common open space connections to the greater regional open space network shall be encouraged.
- c. Common open spaces shall be accessible and designed to invite people of all ages and mobility.
- d. Common open spaces shall be visible with a minimum of one side bordering a street unless constrained by natural conditions. Open spaces shall be entered directly from a street.
- e. Landscaping shall be consistent with the City's Landscape requirements. Plants within common open spaces should require minimal maintenance and be horticulturally acclimatized to the region.
- f. Common open space shall contain benches, trash receptacles and bike racks, in keeping with the scale of the space. All furnishings shall meet applicable city standards.
- g. Paving within common open spaces should consist of the following pervious and/or impervious materials such as: scored concrete, concrete pavers, stone, brick or gravel.
- h. Materials within common open spaces should be selected with consideration of their maintenance and durability and reflect their importance as a civic space.
- i. Common open spaces should not be fenced, except playgrounds, pools and dog parks. If provided, walls should be constructed of brick, stone or concrete. Fences shall be built of painted ornamental metal.

35.8 **Use Standards**

35.8.1 **General Standards for Permitted Uses:**

- k. Permitted uses shall be as listed in Tables 39.1 and 39.2 Summary of Permitted Uses in the TOD District. They shall also be subject to the following conditions:
 - xii. The requirements of Section 35
 - xiii. Minimum distance requirements, if provided and as specified in Tables 39.1 and 39.2
- n. In each district, certain uses are permitted as-of-right, that do not require approval of either the Commission or the Board except where a Site Plan is required, but require a CZC (Certificate of Zoning Compliance) be issued when the application conforms to all applicable requirements. In Tables 39.1 and 39.2 permitted uses with the letter R indicates a use permitted as-of-right.
- o. Noise, odors, lights, signs and all other possible disturbing aspects connected with operation of such uses shall be enclosed, screened or otherwise controlled to the extent that the operation of any such use shall not unduly interfere with the area use and enjoyment of properties or streets.
- p. Uses not listed in Tables 39.1 and 39.2 as either permitted, prohibited or allowed by Special Use Exception, but found to be similar to listed permitted uses by [the Planning and Development Commissioner](#), may be allowed by Special Use Exception, provided that such uses:

- xvii. Are consistent with Section 35.1 Statement of Purpose and Section 35.2: Description and Intent;
- xviii. Will not adversely affect neighboring properties;
- xix. Will contribute positively to the economic vitality and enhance the walkability character of the TOD District.

35.8.2 **Special Permit and Special Use Exception:**

Certain uses are a necessary part of the community, and if properly controlled are compatible with surrounding uses. In making its decision on any application for a Special Use Exception or Special Permit, the Commission must weigh community and landowner interests in having the use.

- t. Applications for Special Permit and Special Use Exceptions shall be reviewed using the procedures and criteria of Article 10, including a Public Hearing and Article 8: Site Plan Review.

35.8.3 **Residential Development:**

- u. A range of residential dwelling types shall be encouraged within the TOD.
- v. A minimum of 15% of all dwelling units, excluding accessory units and multi-family units on upper floors, should have a clearly defined front yard. Standards for the front yards shall be as specified in Section 35.10: Urban Design Standards.

35.8.4 **Commercial Development:**

- b. The maximum ground level footprint of a commercial building shall be 20,000 square feet. Buildings with larger footprints shall require the approval of the [Zoning Board of Appeals](#).
- c. Commercial uses shall be allowed to be mixed and integrated with dwelling units, public and semi-public uses, community clubs and community facilities.

35.8.5 **Signs:**

All permitted uses shall comply with Section 65: Sign Requirements and Table 69.3: Commercial, industrial and advertising signs and shall not negatively impact residential uses.

Internal illumination of signs shall be permitted, subject to the following conditions:

- xxiii. Illuminated signs shall not negatively impact residential properties.
- xxiv. Illuminated signs shall not be permitted higher than 35 feet.
- xxv. Illuminated signs shall not be permitted between the hours of 10:30 pm and 6:30 am.

35.9 **Parking Standards**

This section seeks to balance the needs of pedestrians, cyclists and transit users with necessary parking. Parking should accommodate the minimum number of spaces necessary to support

the uses it serves, without being excessive, in order to support an active, walkable TOD, not degrade the public realm and remain compatible with surrounding neighborhoods.

- 35.9.1 Shared parking shall be encouraged. In general, parking both on-street and off-street in the TOD shall be treated as a shared resource. A goal is to achieve mixed-use “park-once” areas where multiple destinations are served by parking once, or one time. The land uses and projects within the TOD are therefore encouraged to share parking, so that different land uses that occupy parking at different times of day may use the same parking spaces; this will reduce paved surfaces, minimize environmental impacts and enhance the non-motorist realm.
- 35.9.2 On-street parking abutting a particular lot, on all sides, shall be counted toward fulfilling parking requirements.
- 35.9.3 Parking shall conform to Section 60: Parking, Loading and Access Standards, except if those standards are superseded by the standards listed in this section:
 - a. Section 60.5.1: Parking may be provided within 400 feet of a principal entrance.
 - b. Section 60.24: Parking areas, where possible, should be screened by buildings.
 - c. Section 60.25 – A landscape buffer between different uses in TOD shall not be required.
- 35.9.4 Required off-street parking spaces shall conform to the following requirements:
 - a. The number of spaces shall be provided in accord with Table 62.1: Summary Table of Parking and Loading Requirements, except for the following standards which shall supersede.
 - i. Multi-family dwelling units located within 1,320 feet (¼ mile) of train station property shall meet the following minimum standards:
 - 1. 1 bedroom and studio units shall require a minimum of 1 parking space/unit and a maximum of 1.5 spaces/unit.
 - 2. 2 bedroom units shall require a minimum of 1.25 parking spaces/unit and a maximum of 1.5 spaces/unit.
 - ii. Residential uses beyond 1,320 feet (¼ mile) from the train station property and within the study area shall have minimum parking in accordance with the underlying zoning, but no more than 1.5 spaces per dwelling unit.
 - iii. Office uses within 1,320 feet (¼ mile) of the train station shall have minimum 2.75 spaces/1,000 square feet and a maximum of 3.25 spaces/1,000 square feet for reserved parking.
 - iv. Retail uses within 1,320 feet (¼ mile) of the train station shall have minimum 3.25 spaces/1,000 square feet and a maximum of 3.75 spaces/1,000 square feet for reserved parking.
 - v. Restaurants shall provide a minimum 1 parking space for every 4 seats.

- b. Section 60.13: An additional reduction of parking requirements for all other uses, up to 30%, should be considered by the Planning and Zoning Commission based on recognized industry-standard published work(s) or examples of similar land use/parking ratios from an existing functioning TOD.
- c. Liner uses that line parking structures or lots, with a depth of 30 feet or less shall be exempt from parking requirements.
- d. A minimum of one bicycle rack shall be required for every 20 vehicular spaces for bicycle parking.

35.9.5 Off-street parking access shall comply with the following requirements:

- z. Parking shall be located to the rear of structures and screened from the view shed of the street. Exceptions may be granted for:
 - i. Parking for single-family dwellings on lots wider than 55 feet.
 - ii. As permitted in Section 60.7: Front Yard Parking Permitted by Special Permit.
- c. Where alleys are provided, parking shall be accessed from the alleys.
- d. Parking for townhouses shall be accessed from an alley.
- e. Where alleys are unavailable, excluding for townhouses, parking may be accessed by driveways directly from the street.
- f. Parking entrances shall not face public open spaces.
- g. Curb cuts shall be kept to a minimum along all streets.

35.9.6 Above-grade parking structures, or portions of underground parking that protrude above grade shall comply with the following requirements:

- h. Primary and secondary frontages shall be lined with an active use at grade for a minimum depth of 30 feet along a minimum of 50% of its frontages, or shall be screened on all levels with an architectural treatment compatible with the building for 100% of its frontages.
- i. Internal elements such as pipes, fans and lights shall be concealed from public view.
- j. Pedestrian access into above-grade parking structures shall be directly to a street or public frontage.

35.9.7 Deviations and/or reliefs from these standards and Section 60: Parking and Access shall require approval by the [Zoning Board of Appeals](#) as defined in Section 60.28.

35.10 Urban Design Standards & Guidelines

35.10.1 Building Character and Massing:

While uses in the TOD District are permitted by right and do not specifically require a Special Permit approval or a public hearing, the Planning and Zoning Commission realizes that approved developments in this District will often involve a mix compatible of residential and non-residential uses

in close proximity to one another and developments that will frequently interact closely with elements of the public domain. As a consequence, it is important when the Commission considers Site Plan approval for such developments, the following urban design standards and guidelines are strictly followed to ensure high quality development of superior building materials and the creation of an attractive village environment in which to live, shop, and work. Where the Commission deems it appropriate, the review of a site plan may be the subject of a public hearing in order to receive broad comment from the community on a specific proposed development.

- a. Buildings shall provide an appropriate architectural scale and elements to reduce the appearance of the height and length of building facades through the use of changes in fenestration, wall plane, balcony locations, height and/or materials.
- b. HVAC and mechanical equipment shall be integrated into the overall building design and not be visible from adjoining streets and or open spaces. Through-wall units or vents shall be prohibited along street frontages and open spaces, unless recessed within a balcony.
- c. Uninterrupted facades shall be discouraged. Long buildings (over 200 feet long) shall be broken down to a scale comparable to adjoining properties, by articulating the building in plan or elevation. Multiple rhythm of window openings shall be encouraged for larger buildings.
- d. A variety of building heights shall be encouraged.
- e. The facades of mixed-use buildings shall differentiate commercial uses from residential uses with distinguishing elements and expression lines, architectural projections, changes in fenestration and/or material changes.
- f. Within a building, window types shall be complementary and minimize the use of different styles.
- g. Window openings should reveal their thickness within the building wall, when appropriate to the building material used.
- h. When used, shutters shall be appropriately sized to cover the window opening.
- i. Rooftop equipment shall be concealed by a parapet and/or screened architecturally with materials or elements consistent with the building design and designed to minimize its overall impact.
- j. With the exception of utility rooms, building mechanical and utility equipment and trash storage shall be located in alleys where possible. Where otherwise provided along streets, they shall be adequately screened with landscaping walls or integrated into the design of the building.

35.10.2 Building Orientation and Entries:

- a. Building orientation shall provide a complementary façade to the building it faces across a street, or open space such that the front of a building faces the front or side of buildings, except in instances when it faces existing buildings.

- b. Buildings shall have their principal pedestrian entrance along a street, pedestrian passage or open space with the exceptions of visible entrances off a courtyard.
- c. All residential units shall be raised above the level of the adjacent sidewalk by a minimum of two feet, as measured from the average sidewalk elevation. Exceptions shall be allowed for ADA/FHA compliance.
- d. Building entries for mixed-use buildings shall distinguish entrances for residential and commercial uses.
- e. Residential buildings with ground-floor units shall provide landscaping, walls, fences, stoops or similar elements to provide an attractive and private frontage to the building.
- f. Multifamily buildings should provide protection from the elements with canopies, marquees, recesses or roof overhangs.
- g. Townhouse shall distinguish each unit entry with changes in plane, color, materials, front porches or front stoops and railings.
- h. Usable front yards shall be clearly defined for buildings, using landscaping, hedging, fencing, or a brick or stone wall, none of which shall exceed three feet in height. Front yards of single-family dwellings may be unified into one common yard and treated as a single yard for the entire building.

35.10.3 **Retail Storefronts:**

- a. Retail frontages shall be architecturally articulated through the varied use of materials, colors, display windows, entrances, awnings and signage.
- b. Retail shops shall provide a minimum of 16 feet of height from floor to floor.
- c. Retail shops shall provide a minimum of 40% glazing (void to solid ratio) along primary facades. Exceptions may be granted by the [Zoning Board of Appeals](#).
- d. Special consideration shall be given to the scale and configuration of large format retail buildings to ensure they are in keeping with the massing and urban character of buildings.
- e. Opaque, smoked, and reflective glass on storefront windows shall be prohibited unless used as accent materials.
- f. Retail storefront materials shall consist of high-quality durable materials, such as stone, brick, concrete, metal, glass, and wood.
- g. Storefront awnings shall be appropriate to the style of the building and storefront.
- h. Awnings and canopies shall have a minimum depth of three feet and provide at least eight feet of clearance above the sidewalk.
- i. Requests for sidewalk sales shall be reviewed by the Building Department and the Planning and Zoning Commissioner. The building permit application shall specify the following:
 - i. the location of the sale;
 - ii. the hours and timeframe of the sale; and

- iii. what is being sold at the sale.

35.10.4 Eating and Drinking Establishments:

- a. Eating and drinking establishments shall be allowed and outdoor seating is encouraged. Outdoor seating on sidewalks, including within courtyards and public rights-of-way shall be allowed subject to the following standards and guidelines:
 - i. Access to store entrances shall not be impaired.
 - ii. Sidewalks of a minimum of five feet along the curb and leading to an establishment shall be maintained free of tables and other encumbrances to allow for pedestrian circulation.
 - iii. Planters, posts, ropes and other removable enclosures are encouraged and shall be used as a way of defining the area occupied by the eating and drinking place.
 - iv. Awnings, canopies and large umbrellas shall be permitted and located to provide shade. Colors shall complement building colors.
 - v. Outdoor trash receptacles shall be provided at establishments with outdoor seating.
 - vi. Tables, chairs, planters, trash receptacles and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located.
 - vii. Outdoor seating shall not be entitled to additional seating over and beyond what is permitted for the establishment.
 - viii. Outdoor seating operators shall maintain a clean, litter-free and well-kept appearance within and immediately adjacent to the area of their activities.

35.11 Streetscape Standards & Guidelines

35.11.1 Sidewalks & Walkways:

- a. In order to promote pedestrian activity, a continuous sidewalk network shall be provided throughout the development to interconnect residential uses, commercial uses and open spaces. Sidewalks shall be separate and distinct from motor vehicle circulation to the greatest extent possible, provide a pleasant and safe route for pedestrians, promote enjoyment of the development and encourage incidental social interaction among pedestrians.
- b. Sidewalk Network Standards:
 - i. Barrier-free design sidewalks shall be used to the greatest extent possible.
 - ii. Sidewalks shall align with one another with direct links and connect to open space trails and paths, providing an unbroken circulation system.
 - iii. The pedestrian circulation system shall include gathering/seating areas and provide landscaping, benches and other street furniture where appropriate.

- iv. Sidewalks shall have a minimum width of five feet, along major pedestrian routes, six feet along major pedestrian routes and 10 feet in mixed-use areas.
- v. Sidewalks shall be constructed of slate textured concrete pavers, concrete with accent materials, such as brick borders, or some combination thereof compatible with the style, material, colors and details of surrounding buildings. Functional, visual and tactile properties of paving materials shall be appropriate to the proposed functions of pedestrian circulation.
- c. Walkways shall be raised and curbed along buildings and within or adjacent to parking lots where practical. Pedestrian street crossings shall be clearly delineated by a change in pavement color and/or texture.
- d. All sidewalks and walkways shall have appropriate lighting, using pedestrian-scaled poles and fixtures consistent with the overall design theme for the development.

35.11.2 Bikeways:

- a. A continuous bikeway circulation route shall be provided. Bikeways shall link open space areas, and link development within the TOD and with surrounding areas.
- b. One-way bikeways shall be a minimum of five feet wide, and two-way bikeways shall be a minimum of eight feet wide, and both may use asphalt paving.

35.11.3 Street Furnishings:

a. Benches:

- ii. They shall be provided in areas of gathering and high pedestrian activity.
- iii. They shall meet city standards.

b. Bike Racks:

- i. They shall be properly anchored to promote stability and security.
- ii. They shall hold at least two bicycles.
- iii. Bike racks should be provided in safe, accessible, convenient, and well-lit locations. They should be placed within 100 feet of a building's entrance.

c. Trash Receptacles:

- i. Trash receptacles shall be placed adjacent to building entrances and other convenient locations determined by property owners where they do not impede pedestrian movement.
- ii. A minimum of 1 trash receptacle shall be provided at each intersection in mixed-use and commercial areas.

d. Street Trees:

- i. Continuity of street character shall be reinforced through the placement of street trees lining both sides of each street. 30 feet on center /average shall be provided. [Tree species should alternate for disease resistance \(e.g. oak, maple oak one side of a street and maple, oak, maple across the same street\).](#)
- ii. Contrasting tree species shall highlight special locations such as plazas and within common open spaces.
- iii. Tree species shall be approved by the City and shall have a three inch caliper minimum at the time of planting.
- iv. Tree wells and/or landscape strips shall be planted with appropriate ground cover plantings and shall be a minimum width of four feet. Tree wells shall be planted at the outside edge of the sidewalk. Trees shall be planted centered on the landscape strip.

e. Street Lights:

- i. Street lights shall be designed to direct light to the ground and to minimize light spillover.
- ii. Where located along or next to residential buildings, street lights shall have a maximum height of 12 feet.
- iii. Street lights shall be placed to avoid conflicts along sidewalks and with street trees.
- iv. High pressure sodium lamps shall not be permitted.

f. Underground Utilities

- i. Applicant shall consider the potential for incorporating underground utilities into the design of their development, where feasible, and identify modifications that should be considered by the City to adjacent streets and public rights-of-way. Where underground utilities are not proposed, the applicant shall demonstrate to the Commission how feasibility was determined.

TABLE 35.1: TOD FORM STANDARDS
 TABLE 35.1: TOD FORM STANDARDS
 TOD ZONE REGULATIONS
 Table 35.1: Table 35.1: Family Density
 Table 35.1.2: Single Family Pickunder

LOT OCCUPATION		
A	Lot Width (min.)	50 ft.
B	Lot Depth (min.)	100 ft.
	Lot Area (min.) / (max.)	5,000 s.f.
	Lot Coverage (max.)	65%
	Open Space (min.)	20%
	Frontage Build-Out (min.)	50%
Setbacks		
Principal Building		
C	Front Setback (min.)	15 ft.
D	Side Setback (corner) (min.)	5 ft.
E	Side Setback (interior) (min.)	5 ft.
F	Rear Setback (min.)	25 ft.
Accessory Building / Garage		
G	Side Setback (min.)	2 ft.
H	Rear Setback (min.)	2 ft.
Building Height		
	Principal Building (max.)	3
	Arcade (max.)	N/A
	Accessory (max.)	2
Parking		
	Spaces	(See "35.9 Parking Standards")
Notes		

1. Accessory Buildings shall not exceed a 484 sq. ft. maximum footprint.



For illustrative purposes only. Not intended to suggest architectural style or detailing.

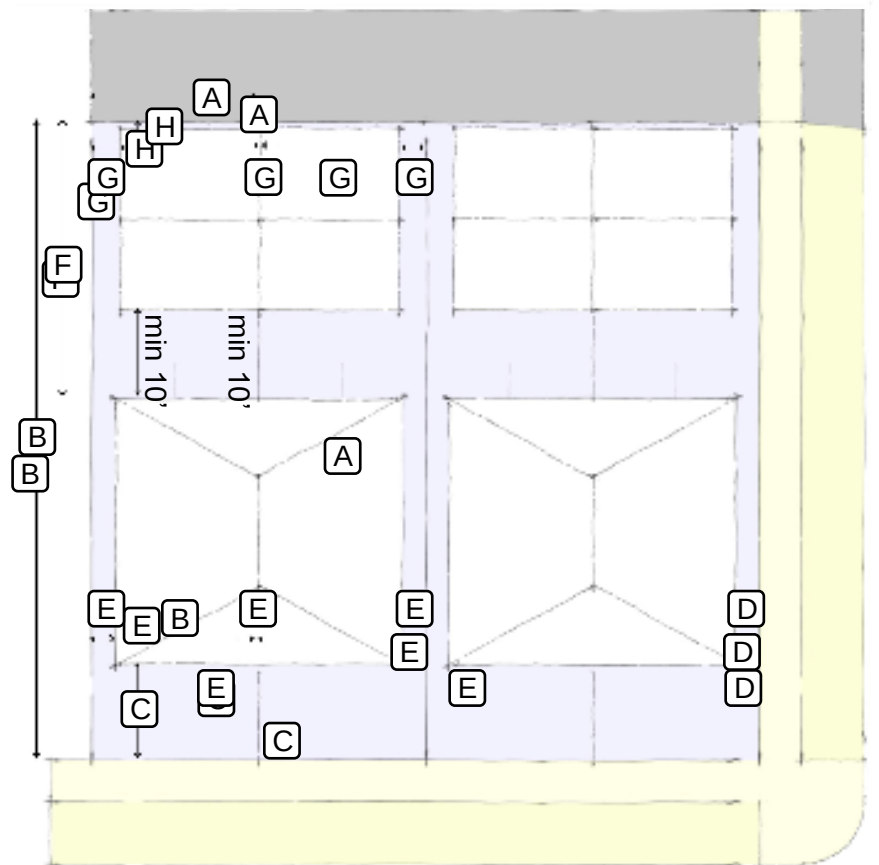
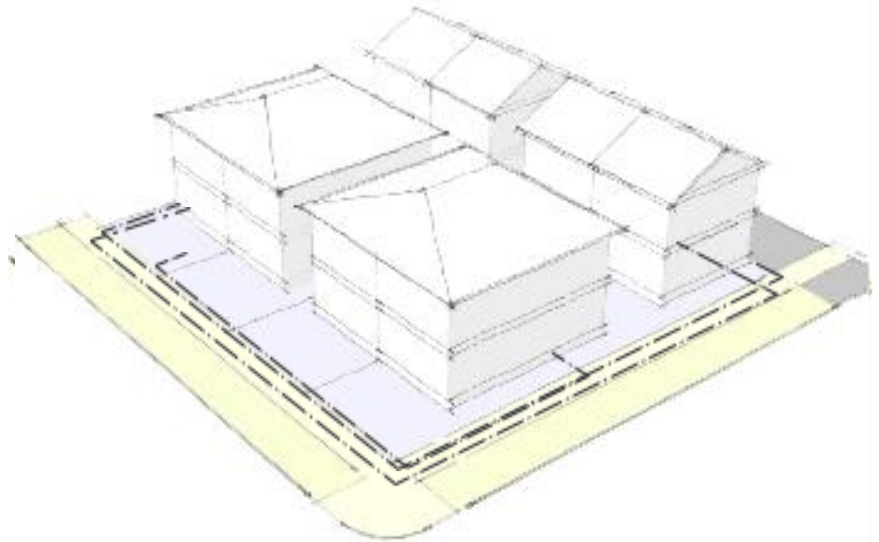


TABLE 35.1: TOD FORM STANDARDS

Table 35.1.5: Tuckunder Townhouse

LOT OCCUPATION		
A	Lot Width (min.)	16 ft.
B	Lot Depth (min.)	100 ft.
	Lot Area (min.) / (max.)	1,600 s.f.
	Lot Coverage (max.)	65%
	Open Space (min.)	20%
	Frontage Build-Out (min.)	75%
Setbacks		
Principal Building		
C	Front Setback (min.)	5 ft.
D	Side Setback (corner) (min.)	5 ft.
E	Side Setback (interior) (min.)	0 ft.
F	Rear Setback (min.)	2 ft.
Accessory Building / Garage		
G	Side Setback (min.)	0 ft. / 5 ft. (corner)
H	Rear Setback (min.)	2 ft.
Building Height		
	Principal Building (max.)	3
	Arcade (max.)	N/A
	Accessory (max.)	2
Parking		
	Spaces	(See "35.9 Parking Standards")

Notes

1. Accessory Buildings shall not exceed a 484 sq. ft. maximum footprint.



For illustrative purposes only. Not intended to suggest architectural style or detailing.

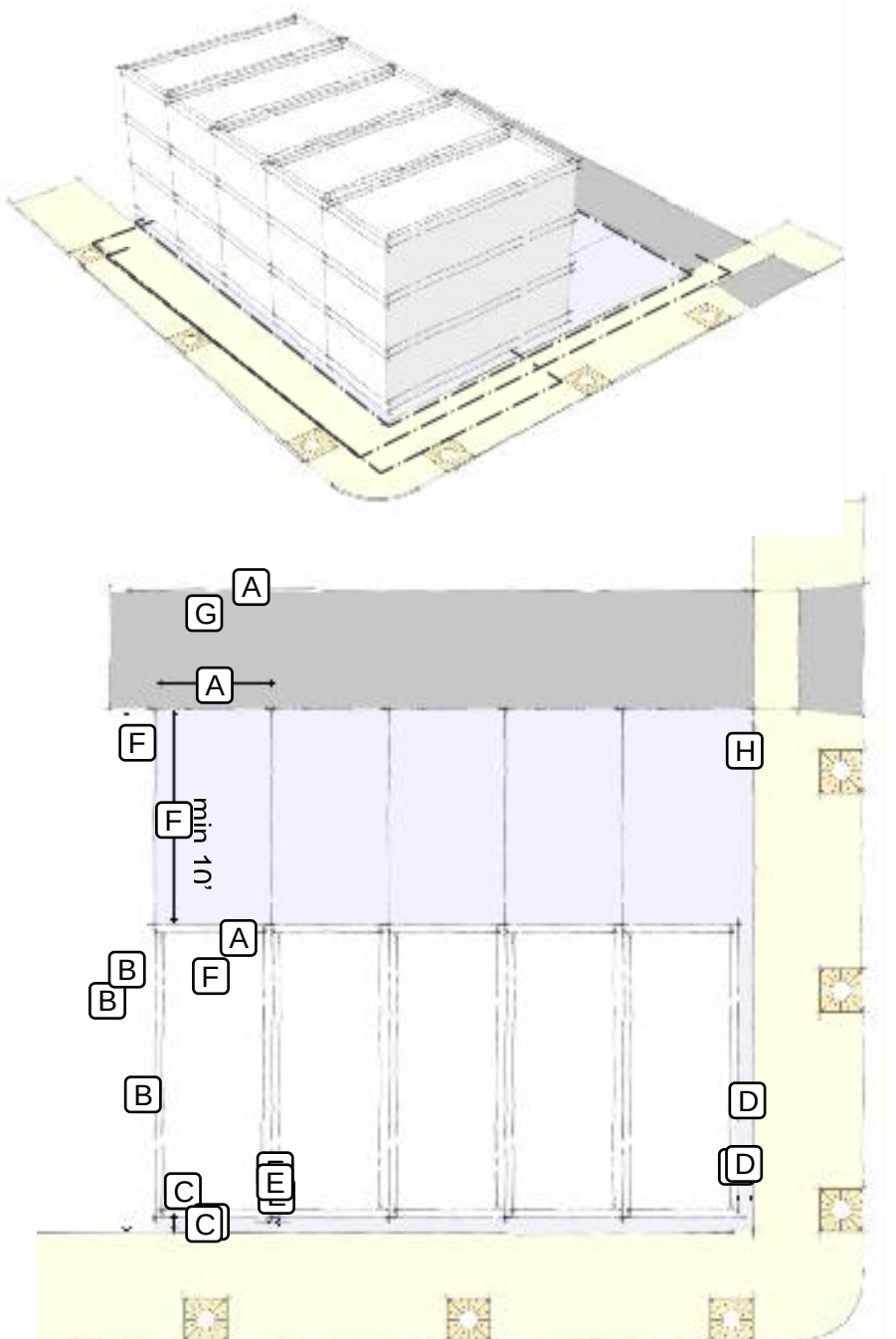


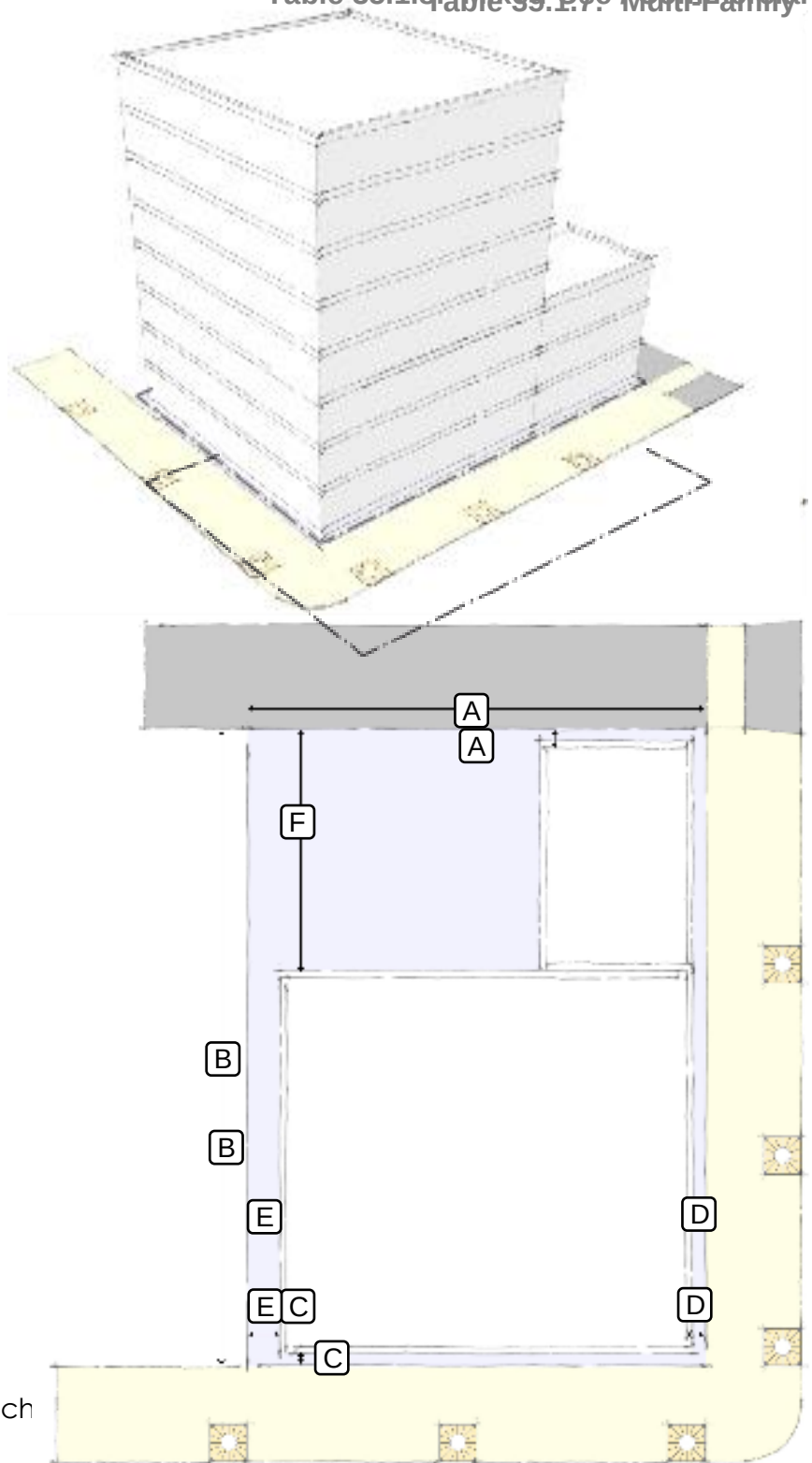
TABLE 35.1. TOP FORM STANDARDS
Table 35.1.8. Mixed-Use Commercial

Definitions		
LOT OCCUPATION		
TOP ZONE REGULATIONS		
A	Lot Width (min.)	72 ft.
B	Lot Depth (min.)	90 ft.
	Lot Area (min.) / (max.)	N/A
	Lot Coverage (max.)	80%
	Open Space (min.)	10%
	Frontage Build-Out (min.)	70%
	Density (max.)	50 bdrms/acre 70% min. studio & 1 bdrm
Setbacks		
Principal Building		
C	Front Setback (min.)	15 ft.
D	Side Setback (corner) (min.)	5 ft.
E	Side Setback (interior) (min.)	5 ft.
F	Rear Setback (min.)	2 ft.
Accessory Building / Garage		
G	Side Setback (min.)	N/A
H	Rear Setback (min.)	N/A
Building Height		
	Principal Building (max.)	8
	Arcade (max.)	N/A
	Accessory (max.)	N/A
Parking		
	Spaces	(See "35.9 Parking Standards")
Notes		

1. Accessory Buildings shall not exceed a 484 sq. ft. maximum footprint.



For illustrative purposes only. Not intended to suggest architectural style or detailing.



Live-Work: a rear yard, fully mixed-use building type with one dwelling above or behind a commercial space, that shall be limited to a maximum of 50% of the dwelling unit area.

Liner (building): a building conceived specifically to mask a parking lot or a parking structure from the frontage. Liner buildings are shallow in depth as they are conceived to mask parking without consuming it, as a conventional building would.

Mixed-Use: a rear yard, flexible commercial building type. Commercial buildings have floor-plates deeper than residential ones.

Substantial Modification: Any combination of repairs, reconstruction or alterations to an existing building or structure that would: a) increase building floor area by more than 750 square feet; b) result in a modification of more than 30% of the building façade; or c) cumulatively cost equal to or exceed thirty percent (30%) of the market value of the structure before the “start of construction” of the modification.

Town House: a rear yard building type. A single-family dwelling with common walls on the side lot lines, the facades forming a continuous frontage line. Townhouses are the highest density type able to provide private yards.

Tuckunder: a rear yard loaded building type which the rear portion of the ground floor is given over to parking. The floors above extend over the parking.

Work-Live: a rear yard, fully mixed-use building type with one dwelling above or behind a commercial space, that exceeds 50% of the dwelling unit area.

SECTION 36 – WATERFRONT DESIGN (WD) DISTRICT

36.1 STATEMENT OF PURPOSE

The Waterfront Design (WD) District is designed to foster a pedestrian-oriented environment within a low to mid-rise mixed use commercial and residential community and encourages water dependent uses and provides incentives to encourage incorporation of public usable open space to extend shorefront public space.

36.2 DESCRIPTION AND INTENT

The WD district encourages development of a middle density mixed use waterfront community with significant public open space and **water dependent** elements to serve both the neighborhood and the city.

- To encourage development of a waterfront pedestrian scaled neighborhood with working, living and recreation components that takes advantage its waterfront setting in a manner that extends the existing neighborhood development pattern and fabric and continues to expand an accessible public waterfront.
- To provide amenities for private use such as private courts, decks and balconies, porches and stoops and use of natural materials are encouraged.

36.3 USES PERMITTED IN WATERFRONT DESIGN (WD) DISTRICT

In the Waterfront Design District (hereafter WD) uses listed in Table 39.2 Summary of Permitted Use in the Commercial, Industrial and Other Districts are permitted subject to §36.3.2 General Standards and Table 36.1 Area and Bulk Regulations and the requirements below.

36.3.1 General Standards.

1. **Disturbing Aspects.** Noise, odor, light, **signs** and all other possible disturbing aspects connected with operation of such **uses** shall be enclosed, screened or otherwise controlled to the extent that the operation of any such **use** shall not unduly interfere with the area use and enjoyment of properties or streets.
2. **Utility Services** shall be underground.
3. **Signs.** All **uses** permitted by this section shall comply with §65 Sign requirements.
4. **Parking** shall be located to the rear of structures whenever practical, screened from the view shed of the street and shall be subject to §60 Parking, Loading and Access requirements.

36.3.2 **As-of-Right.** Uses permitted **as-of-right** do not require approval of either the Commission or Board except where a Site Plan or Coastal Site Plan Review is required, but require a *Certificate of Zoning Compliance (CZC)* be issued if all applicable requirements are met. In Table 39.2 Summary of Permitted Use in the Commercial, Industrial and Other Districts the letter **R** indicates a use permitted As-of-Right.

36.3.3 **Special Permit and Special Use Exception.** It is hereby recognized that certain uses are a necessary part of the community and if properly controlled are compatible with surrounding uses. In making its decision on any application the Commission must weigh community and landowner interests in having the use.

Applications for Special Permits and Special Use Exceptions in Waterfront Districts shall be reviewed using the procedures and criteria of Article 8 of this Regulation and shall be subject to the standards and procedures of Article 10, including a Public Hearing and Section 75, Site Plan Review.

36.3.4 **Accessory Uses and Structures.** Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted in development subject to the general restriction on permitted principal uses and structures.

36.4 RESIDENTIAL DEVELOPMENT

A range of residential dwelling types is encouraged and no more than 60% shall be the same type of dwelling unit. Buildings shall be designed in conformance with the selected design vocabulary and shall vary in terms of footprint, architectural elevations, fenestration, type of roof, height, front entrance, and porch or balcony locations.

- 36.4.1 **Color, materials, and architectural details** should be limited in number, compatibility and repetition throughout the development.
- 36.4.2 **First Floor to be Raised.** All residential units shall be raised above the level of the adjacent sidewalk, and the residential units shall be raised above ground level at the front of the building by a minimum of two feet.
- 36.4.3 **Usable Front Yards Required.** A minimum of 50% of all dwelling units, excluding accessory buildings and apartments on upper floors, shall have a clearly defined front yard using landscaping, hedging, fencing, or a brick or stone wall, none of which shall exceed three (3) feet in height. Front yards of attached duplexes or townhouses may be unified into one common yard treated as a single yard for the entire building.
- 36.4.4 **Usable Open Space per Dwelling Unit Required.** A minimum **usable open space** per **dwelling unit** of 250 square feet is required.

36.5 SIDEWALKS, WALKWAYS AND BIKEWAYS

- 36.5.1 A **sidewalk network** shall be provided throughout the development to interconnect residential, commercial and open spaces to promote pedestrian activity within each site and through the development; they shall be separate and distinct from motor vehicle circulation to the greatest extent possible, provide a pleasant route for uses, promote enjoyment of the development, and encourage incidental social interaction among pedestrians.
- 36.5.2 **Sidewalks Standards.**
 - 1. **Barrier free design** sidewalks shall be used to the greatest extent possible.
 - 2. The **pedestrian circulation** system shall include gathering/sitting areas and provide, landscaping, benches and other street furniture where appropriate.
 - 3. **Sidewalk Width.** A minimum width of 4 feet, along major pedestrian routes 5 to 6 feet, and in commercial areas 8 to 12 feet.
 - 4. **Material.** Sidewalks shall be constructed of brick, slate, textured concrete pavers, concrete with accent materials such as brick borders, or some combination thereof compatible with the style, materials, colors, and details of surrounding buildings. Functional, visual and tactile properties of paving material shall be appropriate to the proposed functions of pedestrian circulation.
- 36.5.3 **Walkways Delineation.** Walkways shall be raised and curbed along buildings and within parking lots where suitable. Pedestrian street crossings shall be clearly delineated by a change in pavement and/or texture. All sidewalks and other pedestrian walkways shall have appropriate lighting, using poles and fixtures consistent with the overall design theme for the development.
- 36.5.4 **Bikeway Links.** Bikeway links shall be provided, where possible, to link open space areas, and to link to surrounding development. Bikeways shall be a minimum of six feet wide and may use asphalt paving. Bike racks shall be provided in internal open space areas where feasible.

36.6 COMMERCIAL DEVELOPMENT

Since the Waterfront Design District is planned as a Mixed Use zoning district, Commercial uses are permitted and required as part of a Mixed Use Development. Commercial Retail and other uses are as permitted in Table 39.2. A wide range of retail stores, personal service establishments and water oriented commercial uses is encouraged and expected.

Commercial uses shall be constructed in accordance with a development schedule approved by the Planning & Zoning Commission. Said non-residential uses shall be constructed in each phase of the development with certificates of occupancy granted prior any sales or rental of residential units.

A minimum of 2,500 square feet of commercial retail and other commercial uses shall be provided for each bedroom in the residential component of the mixed use development.

TABLE 36.1 AREA AND BULK REQUIREMENTS IN DESIGN DISTRICTS

KEY	REQUIREMENT	RPD	CD	RCPD	SRR	TOD	WD	PRD	SDD
A.	Minimum Tract Size (Acres)	NA	NA	NA	NA	Varies *	15	20	N/A
B.	Minimum Lot Size (Sq. Ft.)	40,000	20,000	20,000	7,500	Varies *	20,000	N/A	7,500
C.	Minimum Lot Area per Residential Unit (Sq. Ft.)	2,000	16,000	8,000	5,000	Varies *	2,000	N/A	5,000
D.	Maximum Number of Units per Building	8	NA	NA	11	Varies *	8	N/A	12
E.	Minimum Front Yard (Feet)	50	50	50	12	Varies *	12	50	6
F.	Minimum Side Yard (Feet)	25	25	25	0#, 20	Varies *	0#, 20	25	0#20
G.	Minimum Rear Yard (Feet)	50	50	50	30	Varies *	25	50	30
H.	Minimum Street Frontage (Feet)	100	100	100	50	Varies *	50	100	50
I.	Minimum Inner Yard	10 Feet Per Story, Excluding none							10' per story
J.	Maximum Building Coverage (%)	25	60	25	30	Varies *	35	40	30
K.	Maximum Impervious Surface Coverage (%)	15	30	15	20	None*	60	40	20
L.	Maximum Lot Coverage (%)	40	90	40	50	Varies *	80	80	50
M.	Maximum Height (In Stories) ♦ Hotel	N/A	8	8	NA	Varies *	8	8	2*4
	Commercial or Residential	4	4,6	4,6 ▼	3	Varies *	4,6	n/a	
	Office, Research, Educational	4	4,6	8	3	Varies *	8	8	
N.	Maximum Height (in feet) ♦ Hotel	NA	45,75	75	NA	Varies *	100	100	35*45
	Commercial or Residential	45,75	45,75	45,75	35	Varies *	45,75	N/A	
	Office, Research, Educational	45,75	45,75	45,75	35	Varies *	100	100	
O.	Minimum Open Space (%)	60	10	60	50	Varies *	30%**	20	50
P.	Minimum Off-Street Parking – For <i>parking</i> requirements, refer to Section 60.								

All new construction within these zones will require Site Plan Approval and must meet the minimum bulk regulations above, as well as those requirements set forth in Section 83.

♦ First number is As-of-Right, second number is by Special Permit,

20 ft, Except 0 Ft for Side-by-Side Townhouses only.

⊙ **Front Yard** - 12 FT. build-to line for **structures** up to 40 foot total height, or for **structures** of more than 48 foot total **height**, a minimum setback of 1 foot for each 4 foot total **height**.

▼ University buildings may be six stories by Special Permit.

*Development Standards for TOD District are shown on Table 35.1 and are based on building type.

**In no case shall a site plan be approved in which Maximum Lot Coverage exceeds 80% or Minimum Open Space is less than 30%. (Because the definitions for Maximum Lot Coverage and Minimum Open Space both allow landscaped courts, open hardscaped areas and walkways utilized for public gathering, open space or conservation access when part of a comprehensive

development or redevelopment as part of the calculation, the sum total of Maximum Lot Coverage and Minimum Open Space may exceed 100%).

SECTION 37 – OPEN SPACE DISTRICT

37 OPEN SPACE DISTRICT REGULATIONS

37.1 PURPOSES

The Open Space (**OS**) district shall provide active or passive recreation areas or remain undeveloped in a natural state to protect an environmental resource.

37.2 PERMITTED USES

Permitted **uses** in this district shall be public parks, playground and playfields, walkways and trails beaches, boating and fishing facilities, natural resource education areas and required accessory parking and structures; inland and tidal wetlands, greenbelts along public roadways, public gardens and nurseries; watershed lands; and other open lands owned or maintained by any governmental agency or authority or private individual or group.

37.3 PROHIBITED USES

All uses not listed in Section 37.1 above are prohibited.

37.4 SUPPLEMENTAL SITE PLAN REQUIREMENTS

Any structure, parking facility or amenity to be constructed in this district shall be for the purpose of promoting recreational use or environmental protection. All plans and specifications shall be subject to Site Plan Review by the Planning and Zoning Commission and shall be subject to the following supplemental requirements:

1. Any recreational facilities must have the prior approval and endorsement of the Board of Park Commissioners.
2. Any structure facility or amenity placed in or within twenty-five (25) feet of a watercourse, body of water or wetland shall have the prior approval of the Inland Wetland Commission.
3. Setbacks and screening for recreational structures and play equipment shall be determined by the Planning and Zoning Commission.
4. All parking areas and internal roadways shall be a minimum of ten (10) feet from any adjoining private property line and be screened with fencing and rows of evergreen material planted no less than four (4) feet apart and at least five (5) feet high at the time of planting.
5. Walkways and paths shall be kept as far from residential properties as possible and appropriate measures shall be taken to buffer them from residential properties.
6. Final determination in regard to walkway location and appropriation buffering shall be at the discretion of the Planning and Zoning Commission.
7. Lighting and Signs. Lighting shall be directed on the lot and away from adjoining properties.
8. Directional and parking signs, historical markers or plaques, and community bulletin boards with information regarding use regulations and other pertinent information for the enjoyment of the facility and one sign facing each public roadway or at each designated entrance announcing the name and hours of operation of the facility may be erected.
9. Community bulletin boards and signs announcing the name of the facility may not exceed thirty-two (32) square feet and six (6) feet in total height and must be located so as not to impede pedestrian or vehicular access or visibility.
10. Size and location of all other enumerated signs shall be at the discretion of the Planning and Zoning Commission.

SECTION 38 – PUBLIC FACILITIES DISTRICT

38.1 PURPOSES

Public Facilities Districts shall provide uses and services supportive of public health, education and service needs of the neighborhood or city and any structure or facility constructed in this district and shall be subject to use and Site Plan Review by the Planning and Zoning Commission.

38.2 SPECIAL PERMIT USES

Uses in Public Facilities Districts are allowed only at the discretion of the Commission subject to the standards and procedures of Article 10 including a Public Hearing and Site Plan Review:

1. Public and private educational institutions and ancillary residential or recreational facilities.
2. Places of worship and associated parsonages, monasteries, convents, novitiates and cemeteries.
3. Religious, service and fraternal organizations.
4. Hospitals and public health treatment facilities (not including residential treatment centers).
5. Public or private utilities and substations.
6. Governmental offices or facilities.
7. Publicly-owned and/or controlled facility which is designed to meet the demonstrated housing needs of West Haven's elderly, disabled, and Veteran population to the satisfaction of the Planning and Zoning Commission and when located within .5 miles (a half mile) of a hospital and supporting commercial services, not to exceed 25 dwelling units per acre when involving residential use.

38.3 PROHIBITED USES

All uses not listed in Section 38.2 above are prohibited.

38.4 SUPPLEMENTAL SITE PLAN REQUIREMENTS

The Commission shall consider the following criteria prior to approving any use or site plan and shall be subject to the following supplemental requirements:

1. Effect of the proposed use on the street system, storm and sanitary sewers.
2. Adequacy of off-street parking.
3. Buffering from adjoining properties.
4. The location and screening of all structures shall be at the discretion of the Planning and Zoning Commission.
5. All parking spaces, walkways, and driveways shall be a minimum of five (5) feet from all adjoining properties.
6. The height limitations for the adjoining district shall prevail. Any deviation from this height requirement shall be at the discretion of the Planning and Zoning Commission.
7. Lighting shall be directed on the lot and away from adjoining properties.
8. Directional and parking signs, historical markers or plaques, kiosks, and community bulletin boards with information regarding use regulations and other pertinent information for the enjoyment of the facility and one sign facing each public roadway or at each designated entrance announcing the name and hours of operation of the facility may be erected.
9. Community bulletin boards and signs announcing the name of the facility may not exceed thirty-two (32) square feet and six (6) feet in total height and must be located so as not to impede pedestrian or vehicular access or visibility.

10. Size and location of all other enumerated signs shall be at the discretion of the Planning and Zoning Commission.

TABLE 39.1 SUMMARY TABLE OF USES IN RESIDENTIAL AND MIXED USE DISTRICTS

KEY	USE CATEGORY	RESIDENTIAL				MIXED USES					
		R-1	R-2	R-3	R-4	R-5	RPD	RCPD	SRR	WD	TOD
1.	RESIDENTIAL USES										
	<i>Single Family Dwellings:</i>										
	Detached	R	R	R	R	R	R	R	R	SP	R
	Attached	X	X	R	R	R	SP	R	R	SP	R
	<i>Accessory Apartments in Single Family Detached Dwelling</i>	SU	SU	X	X	X	X	X	X	X	X
	<i>Short-Term Rental</i>	SU	SU	X	X	X	X	X	X	X	X
	<i>Home Occupation</i>	SU	SU	SU	SU	SU	SU	SU	SU	SP	R
	<i>Cottage Food Operation</i>	R	R	R	R	R	R	R	R	R	
	<i>Two and three family dwellings</i>	X	X	R	R	R	R	R	R	SP	R
	<i>Multi-family dwellings</i>	X	X	X	R	R	R	SP	R	SP	R
2.	Child care center & Special Work Place daycare only	SP	SP	SP	SP	SP	SP	SP	X	SP	SP
	<i>Rooming House</i>	X	X	SU	SU	SU	X	X	X	X	X
	<i>Congregate Housing, Assisted Living, Managed Residential Community</i>	SP	SP	SP	SP	SP	SP	SP	SP	X	X
	INSTITUTIONAL & SUPPORTIVE USES										
	Nursing, rest or convalescent home	SP	SP	SP	SP	SP	SP	SP	X	X	X
	Elementary/Secondary School, Private or Public	R	R	R	R	R	R	R	X	X	R
	University or college, including related facility such as dormitory, sports complex, etc.	X	X	X	X	X	X	R	X	R	R
	Library, museum or cultural center	R	R	R	R	R	R	R	R	R	R
	Hospital or medical office providing in-patient treatment, but <i>not</i> animal hospital veterinary office or other facility for care or treatment of animals	X	X	X	SP	SP	X	X	X	SP	SP
	Park, ball field, tennis course, golf course, other open space recreational facility	R	R	R	R	R	R	R	R	R	R
	Open Space or Conservation Area	R	R	R	R	R	R	R	R	R	R
	Neighborhood Park - Less than 1 acre	R	R	R	R	R	R	R	R	R	R
	Municipal Fire or Police Stations	R	R	R	R	R	R	R	R	R	R
	Cemetery	X	X	X	SP	SP	X	X	X	X	X
	<i>Farms, minimum of 3 acres.</i>	R	R	R	R	R	R	R	X	X	X
3.	ACCESSORY USES										
	Detached Garage, <i>Storage</i> or <i>tool shed</i>	R	R	R	R	R	R	R	R	R	R
	Off-Street surface parking	R	R	R	R	R	R	R	R	R	R
	Multi-level structured <i>parking</i>	X	X	X	X	X	SP	SP	SP	R	R

KEY: R = PERMITTED AS-OF-RIGHT SU = SPECIAL USE EXCEPTION SP = SPECIAL PERMIT
A = ADMINISTRATIVE REVIEW & APPROVAL REQUIRED NA = NOT APPLICABLE X = NOT PERMITTED

TABLE 39.2 SUMMARY TABLE OF USES IN COMMERCIAL, MIXED USE, INDUSTRIAL & OTHER DISTRICTS

KEY	USE CATEGORY	Commercial		Mixed Use									Industrial		Other		
		NB	RB	RPD	RCP	CBD	CD	SCR	SRR	SDD	WD	TOD	LM	IPD	OS	PF	PRD
A.	USES AS PERMITTED IN RESIDENCE																
	DISTRICTS																
	<i>Single Family Dwellings:</i>																
	Detached	R	R	R	R	R	SP	X	R	R	SP	R	X	X	X	X	X
	Attached	SP	SP	SP	SP	R	SP	X	R	R	SP	R	X	X	X	X	X
	Dwellings Above Ground Floor Only	SP	R	X	X	R	X	X	R	R	X	X	X	X	X	X	X
	Accessory Apartments in Single Family Detached Dwelling	SU	SU	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	Short-Term Rental	SU	SU	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	Home Occupation	X	X	R	R	R	R	X	SU	SU	SP	R	X	X	X	X	X
	Two and three family dwellings	X	X	X	R	R	R	X	R	R	SP	R	X	X	X	X	X
	Multi-family dwellings	SP	SP	SP	SP	SP	SP	X	R	R	SP	R	X	X	X	SP	X
	Congregate Housing, Assisted Living	SP	SP	SP	SP	SP	SP	X	SP	SP	X	X	X	X	X	X	X
B.	TRANSIENT LODGING																
	Bed & Breakfast	X	X	X	SP	SP	X	SP	SP	SP	SP	SP	X	X	X	X	X
	Rooming, Boarding, Lodging House	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	Hotels, Motels, Boatels or Inns	X	R	X	SP	R	R	R	R	R	R	SP	X	X	X	X	R
C.	FOOD, DRINK & ENTERTAINMENT																
	Banquet Hall	SP	R	X	R	R	R	R	SP	SP	R	SP	X	X	X	X	R
	Convention Center	SP	SP	SP	SP	R	SP	SP	SP	SP	R	SP	X	X	X	X	R
	Liquor, Package Store, Grocery Beer	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X	X	X	X
	Nightclubs, Taverns, Cafes or Bars	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X	X	X	X
	Restaurant	R	R	R	R	R	R	R	R	R	R	R	R	R	X	X	R
	With Outdoor Seating ≤40% Total Seating	R	R	R	R	R	R	R	R	R	R	R	R	R	X	X	X
	With Drive-In or Drive-Thru Service	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X	X	X	X
D.	PERSONAL SERVICES																
	Bank or Credit Union	R	R	R	R	R	R	R	R	R	R	R	R	R	X	X	R
	Barber and Beauty Shops	R	R	R	R	R	R	R	R	R	R	R	X	X	X	X	X
	Child Care Facilities	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X	R
	Artisanal Craft Shops (e.g., pottery painting, woodworking)	R	R	R	R	R	R	R	R	R	R	R	X	X	X	X	X
	Flea Markets	SP	SP	SP	SP	X	SP	X	X	X	SP	X	SP	SP	X	X	X
	Funeral Parlors	R	R	SP	SP	X	SP	SP	X	X	X	X	X	X	X	X	X
	Laundry or Dry Cleaning Establishment	SP	SP	SP	SP	SP	SP	SP	X	X	SP	SP	SP	SP	X	X	X
	Spa (e.g., facials, therapeutic message)	SP	SP	SP	SP	SP	SP	SP	X	X	X	X	X	X	X	X	X
	Nail Salon *	SP	SP	X	X	SP	X	X	X	X	X	X	X	X	X	X	X
	Pawn or Swap Shop, Second hand, used, pre-owned goods dealer	X	SP	SP	SP	X	SP	SP	X	X	X	X	X	X	X	X	X
	Consignment Shop and Antique and Vintage Shops for Clothing, Furniture and Sporting Goods	SP	SP	SP	SP	SP	SP	SP	X	X	X	SP	X	X	X	X	X
	Pet Shop/Grooming Facility (non-boarding)	SP	SP	SP	SP	SP	SP	SP	SP	X	X	SP	X	X	X	X	X
	Gym, Exercise, or Recreation Facilities	SP	SP	X	SP	SP	X	X	X	X	SP	SP	X	X	X	X	X

TABLE 39.2 SUMMARY TABLE OF USES IN COMMERCIAL, MIXED USE, INDUSTRIAL & OTHER DISTRICTS

KEY	USE CATEGORY	Commercial		Mixed Use									Industrial		Other		
		NB	RB	RPD	RCP	CBD	CD	SCR	SRR	SDD	WD	TOD	LM	IPD	OS	PF	PRD
E.	COMMERCIAL																
	Neighborhood Shopping Area	X	R	X	R	R	R	R	R	R	R	X	X	X	X	X	X
	Regional Shopping Center	X	R	X	R	R	X	X	X	X	R	R	X	X	X	X	X
	Retail Store, Shop or Boutique	R	R	X	R	R	R	R	R	R	R	R	R	R	X	X	X
	Smoke Shops and Tobacco Stores	X	SP	X	X	X	X	X	X	X	X	X	SP	X	X	X	X
	Small Appliance, TV, Repair Shops, etc.	R	R	X	R	R	R	R	R	R	R	R	R	R	X	X	X
	Temporary Vending Stand or Cart	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
	Adult Oriented Establishment	X	X	X	X	X	X	X	X	X	X	X	SP*	SP*	X	X	X
	Home Improvement (e.g., Lawn care, Landscaping, roofing, siding company)	SP	SP	X	X	X	X	X	X	X	X	X	SP	SP	X	X	X
F.	EDUCATION																
	Public Elementary or Secondary School,	SP	SP	SP	SP	SP	SP	SP	X	SP	X	X	SP	X	X	SP	X
	University or College, Including Related Facility (dorm, Sports complex, etc.)	SP	SP	SP	SP	SP	SP	SP	X	SP	X	X	SP	SP	X	SP	R
	Trade School	X	SP	X	X	R	X	X	X	X	X	X	SP	SP	X	X	X
G.	GOVERNMENT																
	Government Office, Building, Public Facility	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	SP	X
	Municipal or Quasi-Municipal Facilities	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	SP	X
	Recreational Resources	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	R	SP	R	R
H.	HEALTH CARE																
	Animal Hospital, Veterinary Office, Other Facility for animal care and/or treatment	SP	SP	SP	SP	SP	SP	SP	X	X	SP	SP	SP	X	X	X	X
	Community, Health, Welfare Office	SP	SP	SP	SP	X	SP	X	X	X	SP	SP	SP	X	X	X	X
	Hospital or Medical Office with In-Patient Treatment (no residential treatment Center)	X	SP	X	X	X	X	X	X	X	X	SP	X	R	X	X	R
	Walk-In Medical Clinic	SP	SP	SP	SP	X	SP	X	SP	SP	SP	SP	X	R	X	X	R
	Medical Offices (Outpatient)	R	R	X	R	SP	R	R	R	R	R	R	X	R	X	X	R
	Medical Regional Operations Center	X	X	X	X	X	X	X	X	X	X	X	X	SP	X	X	X
	Nursing, Rest or Convalescent Home	X	SP	SP	SP	SP	SP	X	X	X	X	X	X	X	X	X	X
I.	OFFICE																
	Business or Professional (not Medical)	R	R	X	R	R	R	R	R	R	R	R	R	R	X	X	R
	General, Corporate or Headquarters	R	R	X	R	R	R	R	R	R	R	R	R	R	X	X	R
K.	PLACES OF ASSEMBLY																
	Private Club/Hall, or Similar Facility	X	X	SP	SP	SP	SP	SP	SP	SP	X	X	X	SP	X	X	X
	Theater	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	R	SP	SP	X
	Place of Worship	SP	SP	X	X	X	X	X	X	X	X	SP	X	X	X	X	X
L.	INSTITUTIONAL																
	Public or Private Utility Facility	R	R	R	R	R	R	R	R	R	R	R	R	R	X	X	R
	Substation	R	R	R	R	R	R	R	R	R	R	R	R	SP	X	X	R
	AMUSEMENTS																

TABLE 39.2 SUMMARY TABLE OF USES IN COMMERCIAL, MIXED USE, INDUSTRIAL & OTHER DISTRICTS

KEY	USE CATEGORY	Commercial		Mixed Use									Industrial		Other		
		NB	RB	RPD	RCP	CBD	CD	SCR	SRR	SDD	WD	TOD	LM	IPD	OS	PF	PRD
	Amusement Center,	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X
	Legalized Gaming Facility (not. lottery outlet)	X	SP	X	SP	SP	SP	SP	X	X	SP	SP	SP	SP	X	X	X
N.	Automotive																
	Auto Dealer – New Cars (Min. 5 Acres)	SP	SP	SP	SP	X	SP	X	X	X	X	X	SP	X	X	X	X
	Auto Dealer – Used Cars (Min. 2 Acres)	SP	SP	SP	SP	X	SP	X	X	X	X	X	SP	X	X	X	X
	Automobile or Truck Rental, including Sales and Service	SP	SP	X	X	X	X	X	X	X	X	X	SP	X	X	X	X
	Auto Parts Supply	SP	SP	SP	SP	X	SP	X	X	X	X	X	SP	X	X	X	X
	Vehicle Service, Repair, including Body Work	SP	SP	SP	SP	X	SP	X	X	X	X	X	SP	X	X	X	X
	Carwash	SP	SP	SP	SP	X	SP	X	X	X	X	X	SP	X	X	X	X
	Gas or Fuel station, incl. Convenience Store	SP	SP	SP	SP	X	SP	X	X	X	X	X	SP	X	X	X	X
	Motor Vehicle Junkyard	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
O.	Heavy Commercial																
	Building Materials or Lumber Yard	X	SP	X	X	X	X	X	X	X	X	X	R	SP	X	X	X
	Farm/Construction Equipment Sale & Service	X	SP	X	X	X	X	X	X	X	X	X	R	X	X	X	X
	Farm Supply Sale, Service	X	SP	X	X	X	X	X	X	X	X	X	R	X	X	X	X
	Plant Nursery	X	SP	X	X	X	X	X	X	X	X	R	R	X	X	X	X
P.	INDUSTRIAL																
	Industrial Offices	X	X	X	X	X	X	X	X	X	R	X	R	SP	X	X	R
	Marijuana Facilities (Dispensaries and Producers) & Cannabis Establishments	X	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X
	Retail sale only	X	SP	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	Manufacturer of Beer (Brewery, Microbrewery, Brew Pub)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	R	R	X	X	SP
	Farm Winery	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	Manufacturer or Retail Distributor of Spirits (Distillery)	X	SP	X	X	X	SP	X	X	X	X	SP	SP	SP	X	X	SP
	Commercial Kitchen	R	R	X	X	SP	X	X	X	X	X	R	R	R	X	X	X
	Light Manufacturing, processing or assembly of goods without vaporous, liquid, or solid discharge	X	X	X	X	X	X	X	X	X	R	SP	R	SP	X	X	R

TABLE OF USES IN COMMERCIAL, INDUSTRIAL, MIXED-USE & OTHER DISTRICTS

TABLE 39.2 SUMMARY TABLE OF USES IN COMMERCIAL, MIXED USE, INDUSTRIAL & OTHER DISTRICTS

KEY	USE CATEGORY	Commercial		Mixed Use									Industrial		Other		
		NB	RB	RPD	RCP	CBD	CD	SCR	SRR	SDD	WD	TOD	LM	IPD	OS	PF	PRD
	Manufacturing, processing or assembly of goods (not noxious, hazardous or dangerous)	X	X	X	X	X	X	X	X	X	R	SP	R	SP	X	X	R
	Manufacturing																
	With On-Site Inventory & Material Storage.	X	X	X	X	X	X	X	X	X	R	X	SP	SP	X	X	R
	Involving smelting, forging or plating of metal, rubber or similar materials.	X	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X
	Processing facility for animals or fish or their by-products.	X	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X
	Recycling Facility for reuse, bundling, reconstruction of materials such as paper, cans, bottles, bulk vegetation (leaves, wood, etc.).	X	X	X	X	X	X	X	X	X	X	X	SP	SP	X	X	X
	Recycling Processing Facility	X	X	X	X	X	X	X	X	X	X	X	SP	SP	X	X	X
	Research & Development Laboratories	X	X	X	SP	SP	SP	X	X	X	R	SP	R	SP	X	X	R
	Waste handling, processing or storage	X	X	X	X	X	X	X	X	X	X	X	SP	SP	X	X	X
Q.	STORAGE																
	Interior Storage																
	of Non-Hazardous Materials	R	R	X	R	SP	R	X	X	X	R	X	R	R	SP	SP	R
	of Hazardous Materials	X	SP	X	X	X	X	X	X	X	X	X	SP	SP	SP	SP	SP
	Self-Storage	X	SP	X	X	X	X	X	X	X	X	X	SP	SP	X	X	X
	Outside Storage									X							
	as Accessory Use only	SP	SP	X	SP	SP	SP	X	X	X	SP	X	R	SP	SP	SP	SP
	as Principal Use	X	X	X	X	X	X	X	X	X	X	X	SP	SP	X	X	X
	Recycling Facility	X	X	X	X	X	X	X	X	X	X	X	SP	SP	X	X	X
	Warehousing	X	X	X	X	X	X	X	X	X	X	X	SP	SP	X	X	R
R.	TRANSPORTATION																
	Bus, Train or other Mass Transit Station	X	R	X	X	X	R	X	X	X	SP	R	SP	SP	X	SP	R
	Tractor-Trailer Facility, service area or warehouse w. high volume truck operation	X	X	X	X	X	X	X	X	X	X	X	SP	SP	X	X	X
	Public Roadway	R	R	R	R	R	R	R	R	R	R	R	R	R	SP	R	R
S.	OTHER																
	Billboard subject to §43. Limitations	X	SP	X	X	X	X	X	X	X	X	X	SP	SP	X	X	X
	Common and /or joint Use Parking	SP	SP	SP	SP	SP	SP	SP	SP		SP	SP	SP	SP	SP	SP	SP

TABLE 39.2 SUMMARY TABLE OF USES IN COMMERCIAL, MIXED USE, INDUSTRIAL & OTHER DISTRICTS

KEY	USE CATEGORY	Commercial		Mixed Use									Industrial		Other		
		NB	RB	RPD	RCP	CBD	CD	SCR	SRR	SDD	WD	TOD	LM	IPD	OS	PF	PRD
	Inland or Tidal Wetland, Greenbelt, Public Garden or Nursery	SP	SP	SP	S P	SP	SP	SP	SP		SP	SP	SP	S P	SP	SP	S P

* **Adult Oriented Establishments** are subject to **Special Permit** approval of the **Planning and Zoning Commission** and the provisions of **Section 49.3** of these Regulations.

* **The distance between Nail Salons** shall be **1500 feet** from entrance door to entrance door.

KEY: **R** = PERMITTED AS-OF-RIGHT **SU** = SPECIAL USE EXCEPTION **SP** = SPECIAL PERMIT **SE** = SPECIAL EVENT PERMIT
NA = NOT APPLICABLE **X** = NOT PERMITTED

ARTICLE 3 – CITYWIDE USE REGULATIONS

SECTION 40 – GENERAL PURPOSE

40 GENERAL PURPOSE

40.1 Purpose.

It is the intent of this Article to provide supplementary regulations to establish additional controls, standards and requirements for certain specific types of land use. Because the matters presented in this Article relate to various principal **uses** which may be reflected in several other articles, they are set forth in detail in this Article and are intended to apply whenever the situation exists concerning these matters.

40.2 Conflict.

The requirements set forth in this Article supplement those in other Articles and it is intended that they shall be read in conjunction with requirements elsewhere in these Regulations. However, when it appears that a conflict may exist between various provisions that cannot be resolved within the confines of these regulations, those provisions which are more specific shall control the more general requirements.

41 – HOME OCCUPATIONS

41 HOME OCCUPATIONS

41.1 Definitions.

HOME OCCUPATION: Any use customarily conducted entirely within a **dwelling** or an **accessory building** to a **dwelling** which use is clearly incidental and secondary to the use of the **dwelling** for dwelling purposes and carried on by the residents of the premises employing not more than one person on the premises who is not a resident thereof. **Home occupations** may include, but need not be limited to: accountant, architect, artist, author, consultant, dressmaker, lawyer, professional office, or teacher, but does not include animal hospital, auto-repair, barber, beautician, massage therapist or masseuse, musician, restaurant, tavern, tearoom, or veterinarian.

41.2 Use Controls.

Home occupations are permitted as shown in **Table 39.1 Summary of Uses in Residential Districts** and **Table 39.2 Summary Table of Uses in Commercial, Mixed Use, Industrial and Other Districts**, subject to all the applicable **General Standards** of the district in which the **use** is located and the additional requirements below.

41.3 Conditions of Approval shall be limited within the following guidelines:

1. The applicant shall furnish annually an affidavit on a form furnished by the Planning and Development Department that the approved **use** has been maintained and is in accordance with all conditions of approval imposed by the **Board**.
2. **Use** for a **home occupation** may continue following sale, but within thirty (30) days of the sale the new owner must furnish an affidavit on a form furnished by the Planning and Development Department that the use has been maintained and is in accordance with conditions of approval imposed by the **Board**.
3. No construction or alteration of the **building** shall be permitted that alters the normal residential character of the **building**.
4. No **illuminated signs** shall be permitted, and the area of any **business sign(s)** on the premises shall not be greater than four (4) square feet.
5. No outside storage of materials or display of stock-in-trade.
6. Floor area exclusively for such **use** shall be equal to or less than 25 percent of the floor area of the dwelling unit.
7. A Special Use Exception shall be permitted only when a property has an **average lot width** of at least fifty (50) feet.
8. Unobstructed interior access between the residential the non-residential **uses** of the premises must be fully maintained, and no change in the design or character of the **structure**, including the free access to and from all parts of the **dwelling**, shall be permitted.
9. The use must not create nuisance, odor, noise, glare, vibration, or safety hazard noticeable off the premises.
10. A sale of articles on premises is allowed (i.e., sample are allowed, but no stock shall be maintained).
11. The use shall not generate pedestrian or automobile traffic other than that normally generated by a residence.
12. Nothing herein shall prevent the **Board** from establishing additional conditions or requirements stricter than these minimum standards.

42 – ACCESSORY APARTMENTS

42 ACCESSORY APARTMENTS

42.1 Definition.

ACCESSORY APARTMENT: A portion of a single-family dwelling within which exists additional separate cooking facilities. Such apartment is not a separate and distinct dwelling and must have freely accessible interior access to the principal **dwelling** unit. An **accessory apartment** shall not have more than one (1) bedroom or a floor area of more than 550 square feet and shall not be occupied by persons not related by blood, marriage or adoption to the occupants of the main **dwelling**.

42.2 Use Controls.

Accessory Apartments are a use allowed by Special Use Exception as shown in **Table 39.1 Summary of Uses in Residential Districts** and **Table 39.2 Summary Table of Uses in Commercial, Mixed Use, Industrial and Other Districts**, subject to all the applicable **General Standards** of the district in which the Use is located and the additional requirements below.

42.3 Conditions of Approval. After a public hearing and consideration of the impact of the request on the surrounding neighborhood an **Accessory Apartment** may be granted with the conditions listed below:

1. A **Special Use Exception** shall be permitted only when a property has an **average lot width** of at least fifty (50) feet.
2. Unobstructed interior access between the residential the non-residential **uses** of the premises must be fully maintained, and no change in the design or character of the **structure**, including the free access to and from all parts of the **dwelling**, shall be permitted.
3. No construction or alteration of the **building** shall be permitted that alters the normal residential character of the **building**.
4. No **illuminated signs** shall be permitted, and the area of any **business sign(s)** on the premises shall not be greater than four (4) square feet.
5. Nothing herein shall prevent the **Board** from establishing additional conditions or requirements stricter than these minimum standards.
6. The applicant shall furnish annually an affidavit on a form furnished by the Planning and Development Department that the approved **use** has been maintained and is in accordance with all conditions of approval imposed by the **Board**.
7. **Use** as an **accessory apartment** may continue following sale, but within thirty (30) days of the sale the new owner must furnish an affidavit on a form furnished by the Planning and Development Department that the uses has been maintained and is in accordance will conditions of approval imposed by the **Board**.

43 DAYCARE

43.1 Intent and Purpose

It is the intent of this section to regulate the care of children and/or senior citizens.

43.2 Daycare Defined.

DAYCARE: The term **daycare** includes any of the 4 (four) specifically defined day-care uses As defined by General Statutes Sec.17b-751f, and within Section 2 of these zoning regulations

43.3 Use Controls.

Daycare is permitted as shown in **Table 39.1 Summary of Uses in Residential Districts** and **Table 39.2 Summary Table of Uses in Commercial, Mixed Use, Industrial and Other Districts**, subject to all the applicable **General Standards** of the district in which the **use** is located and the additional requirements below.

43.4 Requirements.

1. **Family Child care Homes, Group Child Care Home** shall be permitted *as-of-right* in *single family dwelling, Single family attached, two family, three family and multifamily dwelling in all zones which permit residential uses, provided that the day care uses as an accessory to the principal residential use*
2. **Child Daycare Centers and Special Workplace Daycare** may be allowed by Special Permit by the Commission, provided it meets the standards of the State of Connecticut, the Building Official and the Commission after public hearing wherein a finding of suitability in accord with §43.5 below is made, as follows:
 - b. **Group child care Homes** in any Residence District except in an apartment **structure** containing four (4) or more units, or in CB, LM or SPD zoning districts.
 - c. **Child Daycare Centers** in any public or private school, house of worship, community center, social club or social hall in any district, or in any commercial district, in similar **structures** or storefronts.
 - d. **Special Workplace Daycare** limited to serving children of employees only as an ancillary at any work site. Nothing herein shall prohibit any employer from establishing Special Workplace Daycare in a **building** or other **structure** apart from the principal place of employment.

43.5 Finding of Suitability

Daycare uses shall only be granted upon the Commission making a finding of suitability pursuant to Connecticut General Statutes following a public hearing where testimony shall be taken based upon the following procedure and findings:

1. The owner of the property has consented to the **use**.
2. Adequate provisions are made for the physical safety of the clients.
3. Sufficient provision is made for the discharge and pick-up of clients.
4. The **use** does not create a nuisance or hazard to the area, including any disruption to normal traffic flows.
5. The City of West Haven Building, Fire, and Health Departments letters of compliance with conditions stating that all applicable codes are or can be met.
6. The **use** has the approval of the State of Connecticut.

7. Required outdoor space is or can be fenced and screened from adjoining properties.
8. A safe drop-off/pick-up point is established that will not interfere with the free flow of traffic.
9. Each non-resident employee shall be provided with an off-street **parking space**.
10. Signage for a Family *Daycare* or Group *Daycare* Home shall be limited to one (1) **sign** of two (2) square feet and subject to Article 6 Sign requirements.
11. All **Child Daycare Centers** and **Group Day Care Homes** shall be subject to the Connecticut Fire Safety Code irrespective of the number of children attending the facility.
12. That all the enumerated conditions can and will be met without harming the integrity of the neighborhood or the district regulations intent.

43.6 **Pre-Existing Daycare Uses.**

Child Daycare Centers and **Group Day Care Homes** in residential districts licensed by the State prior to the effective date of these regulations may continue to exist. However, license type changes shall be considered a new **use** and shall require a public hearing and the applicant shall be required to meet all pertinent regulations then in effect.

44 – AUTOMOTIVE USES

44 AUTOMOTIVE USES

44.1 Purpose and Intent.

It is the intent of this section to provide controls for the storage, sale, rental, service, parking and repair of **vehicles** on all public and private land. It is hereby found that regulation of **vehicles** is necessary to promote the public safety, health, and general welfare, including protection of property values.

44.2 Certificate of Approval of Location (CAL) and Special Permit Required.

No permit for construction of automotive **uses** shall be issued, nor shall any area be used for those purposes until the proposed location has been found suitable and a Certificate of Approval of Location (hereafter CAL) and a Special Permit approved by the Planning and Zoning Commission.

44.3 Automotive Use Types that Require a Certificate of Approval of Location (CAL).

The following **uses** shall require a CAL from the Planning and Zoning Commission:

1. New or Used **Vehicle** Dealerships.
2. Gasoline, Diesel or Other Filling Stations.
3. **Vehicle** Wash (i.e., Car and/or Truck Wash).
4. Limited or General **Vehicle** Repair.

44.4 Distance Restrictions from Specific Uses

None of the above **uses** shall be allowed if the premises are located within:

1. A radius of 200 feet of any **lot** used or reserved for the purpose of a house of worship, school library or playground.
2. A radius of 100 feet of any **lot** located within a Residential District.
3. Notwithstanding any other provision of these Regulations, the distance restrictions set forth in Subsection 44.4.1 and 44.4.2, above, shall not apply to a Gasoline, Diesel, or Other Filling Station having only a convenience store on the same lot.
4. A **Flood Hazard Area, Flood Plain** or **Floodway**.

No permit for the above stated uses shall be issued, nor shall any area, lot, or property shall be used for these uses until the Planning and Zoning Commission, following a Public Hearing, has granted approval. These uses shall be considered Special Permit uses and shall be required to meet all of the General and Specific Findings.

44.5 Site Plan Review Required for Automotive Uses.

All automotive uses shall to Section 75 Site Plan Review requirements.

44.6 Automotive Storage for New and Used **Vehicle** Dealers, Limited or General Repairers shall be subject to the provisions of this Section and Section 75 Site Plan Review.

Table 44.1: Area and Bulk Requirements for New and Used Vehicle Dealers

KEY	REQUIREMENT	STANDARD
A.	Minimum Lot Area	
	New Car Dealer Used Vehicle Dealer	5 Acres 2 Acres
B.	Minimum Lot Frontage	
	New Car Dealer Used Vehicle Dealer	500 Feet 200 Feet

C.	Minimum Lot Depth New Car Dealer Used Vehicle Dealer	500 Feet 200 Feet
D.	Landscape Buffers Minimum Front Yard Minimum Side and Rear Yards	5 Feet 15 Feet

45 – LIQUOR USES

45 LIQUOR USES

45.1 Definitions

ALCOHOLIC LIQUOR: The four varieties of liquid defined as alcoholic spirits, wine, **beer**, and every liquid (patented or not) containing alcohol, spirits, wine, or **beer** and capable of being consumed by human beings for beverage purposes.

BEER: Any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and hops in drinking water.

CLUB: Chartered organizations serving **alcoholic liquor** to members for on premises consumption.

CRAFT CAFÉ PERMIT: A Connecticut craft cafe permit as defined and regulated by Section 30-22d of the Connecticut General Statutes shall allow the retail sale of alcoholic liquor manufactured in this state to be consumed on the premises of such café.

MANUFACTURER PERMIT FOR SPIRITS, BEER, or FARM WINERY: A manufacturer permit for spirits, **beer**, or farm winery as defined in Section 30-16(a), 30-16(b), and 30-16(c) respectively of the Connecticut General Statutes as issued or to be issued from time to time by the Liquor Control Commission. Such permit shall allow the manufacturing, the storage, bottling and wholesale distribution and sale of spirits, **beer**, and wine manufactured or bottled on the premises as permissible by Connecticut General Statute 30-16 as amended from time to time. Such permits may also be referred to as "distilleries", "brewery, microbrewery, or brew pub", or "farm winery" respectively.

PACKAGE PERMIT: A package store permit, a package store beer permit, a grocery store beer permit, a druggist liquor permit, a druggist permit for beer only, or any combination of the same, as issued or to be issued from time to time by the Liquor Control Commission. In addition this term shall include any other permit which shall from time to time be authorized by the General Statutes of the State of Connecticut and issued by the Liquor Control Commission, which permit shall be for the purpose of permitting the sale of any type of **alcoholic liquor** in sealed containers at retail for consumption off the premises.

RESTAURANT PERMIT: Restaurant liquor, beer, and wine and beer permits as issued by the Liquor Control Commission. In addition the term **restaurant permit** shall include any additional type of permit that may be authorized by the State of Connecticut General Statutes and issued by the Liquor Control Commission, which permit shall be for the purpose of permitting the sale of any type of **alcoholic liquor** at retail for consumption on the premises of an establishment organized as and meeting all requirements of state and local statutes pertaining to restaurants.

SPECIAL LIQUOR PERMIT: A tavern permit, café, or craft café permit as issued or to be issued from time to time by the Liquor Control Commission. In addition, this term shall include any similar permit with the exception of those permits labeled **manufacturer**, **restaurant** or **club**, that shall be authorized by the State of Connecticut General Statutes and issued by the Liquor Control Commission, which permit shall be for the purpose of permitting the sale of any type of **alcoholic liquor** at retail for consumption on the premises.

45.2 General Provisions

1. No **building** or premises which prior to the effective date of these regulations, is not the site of a business where **alcoholic liquor** is sold at retail for consumption off or on the **premises** under a **package permit** or **special liquor permit** as issued by the Liquor Control Commission shall be used either in whole or in part for the sale of **alcoholic liquor** at retail for consumption off or on **premises** under a **package permit** or **special liquor permit** if any entrance to such **building** or **premises** shall be within fifteen hundred (1500) feet from any entrance to any other **building** or **premises** that is legally being used for the sale of **alcoholic liquor** at retail for consumption off or on the **premises** under a valid **package permit** or **special liquor permit**.
2. This Regulation shall permit any permittee using any **building** or **premises** for the sale of **alcoholic liquor** under a **package permit** or **special liquor permit** to move said place of business to any other **building** or **premises** within the fifteen hundred (1500) foot radius described above provided said other **building** or **premises** is within a five hundred (500) foot radius from the **building** or **premises** formerly occupied by said permittee for **alcoholic liquor** sale under a **package** or **special liquor permit**; provided that said location shall be in accordance with the Liquor Control Act of the State of Connecticut and the rules and regulations of the Liquor Control Commission.
3. In the event that the site of any **building** or **premises** shall be removed from such use for a public or semi-public use at condemnation proceedings the above limitation shall be increased to a radius of one thousand (1000) feet from the present site, such location to be in accordance with the Liquor Control Act of the State of Connecticut and the rules and regulations of the Liquor Control Commission.
4. In no event shall any **building** or **premises** located within one thousand (1000) feet of a public or private school, **child daycare center**, public library, playground, playfield, or house of worship be used for the sale of **alcoholic liquor** at retail under a **package permit** or a **special liquor permit**.
5. Any Permittee using any building or premises for the sale of **alcoholic liquor** at retail under a **package permit** or **special liquor permit** as a **non-conforming use** under the provisions of Section 81 Nonconforming Uses, Lots, or Structures shall be permitted to continue a **non-conforming use** when said **package permit** expires and application for renewal of the exact same type of permit is made; no change from one type of permit to another type of permit shall be permitted for such **non-conforming use**.
6. If the **use** of any **building** or **premises** for the sale of **alcoholic liquor** at retail under a **package permit** or **special liquor permit** as a **non-conforming use** actually ceases for more than thirty (30) days the **use** shall be determined abandoned.

45.3 SPIRITS, BEER, and WINE MANUFACTURER PROVISIONS

1. A premises that has obtained a **manufacturer permit** shall operate according to Section 30-16 as may be amended from time to time. A holder of such permit may also sell at retail for off premises consumption sealed bottles or other sealed containers of spirits, **beer**, or wine brewed or made on the premises, but no more

than as allowed by Sections 30-16(a), 30-16(b), and 30-16(c) per person, per day and shall comply with Section 30-91(d) of the Connecticut General Statutes.

2. In no event shall any **building** or **premises** located within one thousand (1000) feet of a public or private school, **child daycare center**, public library, playground, playfield, or house of worship be used for the sale of **alcoholic liquor** at retail solely under a **manufacturer permit** except for when such a permit is for a **farm winery** as per Section 30-16(c).
3. A holder of a **manufacturer permit** may have tasting rooms with food service, full service restaurants, food trucks, delivery services and/or retail sales, and may also be designed to hold events or provide entertainment to their guests provided that such other uses are also approved in accordance with the West Haven Zoning Regulations.
4. A holder of a **manufacturer permit** may combine such permit with a **restaurant permit** as defined in this section. The distance requirements of Sections 45.2.4 and 45.3.2 will not apply to a **building** or **premises** that holds both a **manufacturer** and a **restaurant permit**.
5. A **farm winery** permit may only be obtained at such locations where a farm may exist as allowable per Table 39.1. Where such a farm may exist per Table 39.1, the **farm winery** use will require a special permit in order to operate at such location.
6. A **manufacturer permit** may only be issued to those premises that have obtained a special permit as allowed by Table 39.2. In the event that a holder of a **manufacturer permit** where to combine additional **manufacturer permit(s)** at a premises where one of such permits is already held; such additional permits will also require a special permit as allowable by Table 39.2.

45.4 Scope

This Regulation shall affect all **buildings** or **premises, package permits, special liquor permits**, and **MANUFACTURER PERMITS** which may be used in the future as authorized by the Liquor Control Commission of the State of Connecticut.

46 – KEEPING OF ANIMALS

46 KEEPING OF ANIMALS

46.1 FARM ANIMALS

46.1.1 Purpose

The purpose of this Subsection is to regulate the keeping of farm animals in the City of West Haven in order to protect the health, safety, and public welfare of residents of the (community) city and to ensure their right of quiet and peaceful enjoyment of their property. These Requirements are in addition to the minimum lot area requirements for a farm. (see Table 39.1)

46.1.2 Scope

Farm animals include all those traditionally raised on farms or ranches such as but not limited to geese, ducks, turkeys, hogs, rabbits, cattle, sheep, goats, horses, ponies, donkeys, etc., whether for the residents pleasure or consumption, or for breeding or other commercial purposes. This shall not include animals listed above for which one (1) farm animal less than 100 pounds in weight is kept on property as a pet.

46.1.3 Health Hazard or Nuisance

A health hazard or nuisance shall include situations of rat harborage, noxious odors, excessive noise, animals running loose and any other situation or nuisance which might be mentioned in the health code, zoning regulation, local ordinance, state statutes or excepted legal interpretation.

46.1.4 Keeping of Farm animals

The keeping of one or more farm animals whether of one species or more than one species will be permitted in any district provided:

1. The animal or animals are housed overnight in a structure which is a minimum of 100 feet from any dwelling unit.
2. The animal or animals shall be kept a minimum distance of 25 feet from all adjoining property lines and that they shall be prevented from straying onto any street, roadway, or adjoining private property.
3. The premises or operation meet all applicable local and state health codes.
4. No nuisance is created or maintained.
5. Any manure, feces or animal droppings shall be kept in a covered watertight pit or chamber that shall be removed at least once weekly.

46.2 DOG KENNELS

46.2.1 A Dog Kennel may be established only in a commercial or industrial zone by Special Permit issued by the Planning and Zoning Commission under the following conditions:

1. The site shall contain at least two acres.

2. The Site Plan shall be approved by the West Haven Health Department prior to filing for the Special Permit.
3. No more than ten dogs may be permitted in a kennel, except for a period of six months after the birth of a litter.
4. A maintenance program shall be submitted with the application for a special permit which includes provisions for feeding, exercise of the dogs, and removal of fecal matter.
5. The location of any buildings housing dogs or dog runs shall be at least two hundred feet from any existing residential building.
6. The City of West Haven Animal Control Officers shall have the right to inspect and regulate the operation of the kennel.
7. In addition to the normally required items, the Site Plan shall show the location of all buildings housing dogs, exercise runs and fencing.
8. A dog kennel permit may be issued by the West Haven City Clerk for the following purposes:
 1. Show
 2. Sport
 3. Sale

46.2.2 Existing kennels which have not been granted Special Permits shall not be considered non-conforming uses and any discontinuance or sale of the premises on which such kennel is located shall be considered as abandonment of such use.

46.3 Keeping of Hens

1. No more than four (4) hens may be kept on any property no less than .25 acres and located in the following residence zoning districts as a non-commercial accessory use:
 - a. R-1 (Single Family Detached Residence)
 - b. R-2 (Single Family Detached Residence)
2. The hens shall be confined to a fenced enclosure of no more than 200 square feet in area, located in a rear yard. The fenced enclosure shall be at least twenty five (25) feet from any street line, at least ten (10) feet from any residential dwelling and at least ten (10) feet from any property line.
3. Any portion of the enclosure located closer than ten (10) feet to a property boundary or directly visible from a street line at any distance shall be screened by either a fence or a landscaped buffer of at least four feet in height.
4. A proper building shall be required for the hens. Any building used for this purpose shall be located at least ten (10) feet from any lot line. All such

buildings shall be constructed so as to prevent pests or predators access to it and the design (including potential heating sources) must be approved by West Haven Animal Control before Construction/Installation. All food products for the hens are to be kept in a watertight and pest proof container or structure. Animal waste is to be mixed in with yard clippings then bagged for pick up or added to compost container/pile kept on property so as to prevent offensive odors and the presence of pests and predators.

5. No hens may be kept inside any structure used for residential purposes.
6. No rooster shall be kept on any property.
7. The hens shall be prevented from straying onto any street, roadway, or adjoining private property.
8. The keeping of hens shall be conducted in a manner consistent with and in compliance with the Health Code of the City of West Haven.
9. A permit must be applied for with the West Haven Planning and Development Department. An inspection of the location and structure intended to house the hens must be conducted by West Haven Animal Control before any application can be approved. Animal Control will also have the right to inspect that the proper housing and health standards are being followed by any permittee. The permit will have to be renewed annually with the West Haven Planning and Development Department. Any failure to adhere to the guidelines may result in fines and/or revocation of the issued permit.
10. All hens must be of good health. Animal Control will then supply bands to place an identifying band on the leg of each hen.

47 – VACANT LOTS

47 VACANT LOTS

47.1 **Previously Approved Vacant Lots.** The Commissioner of Planning and Development may administratively approve development of previously approved vacant lots in subdivisions or re-subdivisions in accordance with the provisions of Section 8-26a of the Connecticut General Statutes as follows:

1. There has been no prior **merger** of the **lot** with an adjoining **lot**.
2. The applicant shall present materials that document the approved subdivision or re-subdivision to the satisfaction of the Commissioner of Planning and Development or a designee.
3. An A-2 survey of the proposed development at a scale of not less than 1 IN = 20 FT shall be submitted.
4. Scaled plans and elevations of the home or homes to be built are presented.
5. If the materials above are satisfactory the infill homes may be developed in accord with the setbacks in effect at the time of approval of the subdivision or re-subdivision.

47.2 **Administrative Approval Process for Vacant Lots.** The Commissioner of Planning and Development may administratively approve development of 1 or 2 existing vacant lots only in accordance with the alternate provisions that follow:

1. There has been no prior **merger** of the **lot** with an adjoining **lot**.
2. The **lot** is of the same size and general configuration as at least 75% of the **lots** on both sides of the street in the block in which the **lot** is located.
3. The proposed **front yard** setback conforms to the neighborhood development pattern.
4. **Side yard** setbacks are not less than:
 - a. 8 FT in one **side yard** and 12 FT in the other if no **garage** is provided in the **dwelling**.
 - b. 8 FT for each **side yard** if a **garage** is provided in the **dwelling** and the driveway is not less than 18 FT to the rear of the public sidewalk.
5. Sidewalks and curbs in accordance with City standard are provided.
6. The Commissioner may impose additional conditions or restrictions relative to the size, height or other construction characteristics to make the proposed construction conform to the existing neighborhood development pattern.

48 – TELECOMMUNICATIONS REGULATION

48 TELECOMMUNICATION REGULATION

48.1 Description and Purpose.

These regulations exist to protect neighborhoods, minimize conflict with adjacent uses and the surrounding area, and to assure the health and safety of the public. The City finds that these regulations are necessary to protect the ecological, scenic, historical and recreational values of the City and to ensure that adverse visual and operational effects will not contribute to blighting or deterioration of the surrounding neighborhood. The City recognizes that the Connecticut Siting Council has jurisdiction for certain facilities under Connecticut Law, but these regulations govern other telecommunication antennas and related equipment. More specifically, the purposes are:

- To accommodate the need for wireless communications antennas while regulating their location and number.
- To minimize adverse visual effects of wireless communications antennas and wireless site towers through proper design, siting and screening.
- To avoid potential damage to adjacent properties from antennas or wireless site towers through their proper siting, co-location, engineering and screening.
- To reduce the number of antennas or wireless site(s) needed in the future.

48.2 Definitions.

When used in this section words or phrases shall have the meaning defined below:

ALTERATIONS: The upgrade or change of any and all equipment or antennas associated with a telecommunications operation. Upgrades in equipment or advances in technology which have no visual impact and do not increase site and/or height are subject to Sec.48.13.

ANTENNA: A device used to collect or transmit telecommunications or radio signals. Examples include panels, microwave dishes and single pole devices known as whips. The following are excluded from the definition of antenna: satellite dishes for television use.

HEIGHT: The vertical distance measured from the ground level what is attached to the antenna or cabinet to the highest point of the structure. If the support structure is on a sloped grade, then the lowest grades shall be used in calculating the antenna height.

WIRELESS SITE: The equipment and structures involved in receiving or transmitting telecommunications or radio signals from a mobile radio communications source and transmitting those signals to another wireless site, another communications source or receiver, or to a central switching computer that connects the mobile unit with land-based telephone lines.

TOWER: A structure located on the ground or on the top of a building that is intended to support equipment used to transmit and/or receive telecommunications or radio signals. Examples of such structures include monopoles and lattice construction steel structures.

48.3 Site Selection Policies and guidelines:

Applicants should consider locating wireless sites based upon the following policy preferences:

1. In locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.
2. In locations which are found to be the least visually obtrusive.
3. In locations which are least disruptive to the public health, safety and welfare and consistent with the City's Plan of Conservation and Development.
4. In locations which have minimal impact upon residences.
5. In locations to establish opportunities for co-location of multiple carriers.
6. Installation on buildings or structures located on a historic register or within a historic district shall be discouraged.
7. For Residential Districts, the following additional guidelines shall apply:
Wireless telecommunications facilities that include towers are discouraged in single-family or two-family residential districts with the exception of placement on any property with an institutional use (e.g., church, park, library, municipal/government, hospital, school, utility) located in either of these two districts. In applying for a permit in any residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate nonresidential zone, along with meeting the other standards set in these regulations. The applicant must also demonstrate that the wireless telecommunications facility will not have a substantial impact on neighboring property values.
8. Installation is not permitted on or near city owned shorefronts, beaches, federally protected bird nesting shorefront sites and historic shorefronts.

48.4 Special Permit Required.

Except as provided in Section 48.13, all applications for wireless sites, towers, and antennas that are not exclusively within the jurisdiction of the Connecticut Siting Council shall require a special permit from the Planning and Zoning Commission. In reviewing these applications, the Commission

shall consider appropriate safeguards, including imposing setbacks and height limitations, protections for adjacent properties, controlling traffic, matching of colors, and requiring landscaping and screening.

The filing for a Special Permit shall include the following:

- 48.4.1 A map showing the extent of planned coverage within the City of West Haven, approved locations of the applicant's other wireless sites in the City; and the location and service area of the proposed wireless site.
- 48.4.2 A plan prepared with a certification by a qualified radio frequency (RF engineer) shall be filed and shall include the following information:
 - a. The location and size of any existing antennas.
 - b. The location and size of any utility cabinet or accessory structure.
 - c. If the proposed location is on a rooftop, a certification that the roof top is structurally capable of supporting the additional uses.
 - d. Certification of a Registered Connecticut Engineer that the proposed telecommunication facility is in compliance with all of the FCC regulations. A copy of the relevant FCC regulation is to be provided in support of the certification.
- 48.4.3 Site Justification Statement: A description of the narrowing process that eliminated other potential sites.

If a proposed antenna tower exceeds 125 feet in height or is within 20,000 feet of Tweed-New Haven Airport, proof is required that the applicant has filed a notice of proposed construction with the Federal Aviation Administration.
- 48.4.4 Tower Height: The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved.
- 48.4.5 Antenna Tower Safety: The antenna tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-E manual, as amended.
- 48.4.6 Site Soil Report: A soil report complying with Appendix 1: Geotechnical Investigations, ANSI/EIA-222-E manual standards, as amended, shall be submitted to verify the design specifications of the foundation for the tower and anchors for the guy wires, if used.
- 48.4.7 Fencing: The Commission may require a fence around the tower and other equipment.

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- 48.4.8 Landscaping: To lessen the visual impact of a wireless site upon area properties, ground landscaping shall be required to sufficiently screen the site.
- 48.4.9 Commercial advertising: Commercial advertising shall not be allowed on an antenna or antenna tower.
- 48.4.10 Signal lights or illumination: These are not permitted unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA) or the Connecticut Siting Council.
- 48.4.11 Visual Screening: Antennas added to an existing facility shall be screened so that the antennas are not visible from surrounding streets, unless the Commission finds that such screening will not be effective, impractical to accomplish, or that adequate screening already exists.
- 48.4.12 Additions to Existing Facilities: When antennas are added to existing facilities which are not visually screened from surrounding streets, the entire facility and antennas shall be screened if feasible so as to assure that all antennas are not visible from surrounding streets, unless the Commission finds that such screening will not be effective or that adequate screening already exists.
- 48.4.13 Additional General Review Standards for Special Permit Approval: Using technological evidence the applicant must demonstrate that the proposed location is necessary to satisfy its function in the company's grid system. Specific locations will be evaluated using the following criteria. All criteria should be considered by the Commission.
- Availability of suitable structures for antenna mounting.
 - Topography as it relates to line of sight transmission for optimum service efficiency.
 - Screening potential of existing vegetation, structures and topographic features.
 - Compatibility with adjacent land uses.
 - Least number of sites to cover desired area.
 - Greatest coverage consistent with physical requirements.
 - Opportunities to mitigate possible visual impact.
 - Preservation of view corridors, vistas.
 - Potential for preservation of pre-existing character of site.
 - Minimal impact on residential areas surrounding industrial zoned sites.

- Selection of sites which lend themselves to visual mitigation.
- Availability of road access.
- Visual screening of antennas.

- 48.4.14 The location of the cabinets and sheds shall comply with setback requirements of the underlying district.
- 48.4.15 No wireless telecommunications facility shall exceed a height equal to the linear distance to the nearest existing building (a Fall Zone).
- 48.4.16 Antennas shall be painted in a non-contrasting color and shall be designed to match background surfaces.
- 48.5 Equipment Shelters: The equipment shelter shall not exceed 360 square feet, unless good cause is shown to justify a larger size. The equipment shelter shall not exceed 12 ft in height.
- 48.6 Height: Maximum height for towers and antennas shall be 125 feet.
- 48.7 Antennas on Residential Buildings: For antennas located on a residential building, the maximum height shall be 20 feet above the existing building.
- 48.8 Rooftop Antenna Systems shall be reasonably screened as determined by the Commission.
- 48.9 Ancillary uses: All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited.
- 48.10 Joint use: To minimize the number of antenna or wireless site towers in the City in the future, the proposed support structure shall be suitable to accommodate other users, including other wireless communication companies and local police, fire and ambulance companies. Co-location of multiple carriers shall be an important City policy.
- 48.11 Certificate of Continued Use.
- The owner of the subject property shall submit to the Planning and Zoning Commission annually during the month of January an affidavit that the facility is in active use as a wireless site and the owner or operator shall certify that such use will continue for the coming calendar year.
- 48.12 Abandonment: A wireless site not in use for six (6) months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such six month period. Upon removal, the site shall be restored to its

previous appearance and, where appropriate, re-vegetated to blend with the surrounding area.

48.13 Wireless Site and Antenna Modifications.

The Commissioner of Planning and Development shall administratively review and approve or deny any application seeking modification of an existing wireless site that involves the co-location of new transmission equipment, the removal of transmission equipment, or the replacement or updating of transmission equipment, as long as such application does not result in a change in the height or physical dimensions of the wireless site. Such review shall include potential changes in noise and the need for screening. Any denial by the Commissioner may be appealed to the full Commission. The Commissioner may recommend any such application for further review by the Commission.

49 – MISCELLANEOUS PROVISIONS

49.1 Marijuana Facilities

A. Purpose. The intent of this section is to regulate the location of Marijuana Dispensaries, Producers and Cannabis Establishments. The primary purposes of these regulations are to provide access to State-approved Marijuana facilities while also preventing a concentration of these uses in any one area, to minimize any potential adverse impacts, and to protect and preserve the quality of West Haven's neighborhoods, commercial districts, property values and the quality of urban life through effective land use planning.

B. Definitions. For use in this section of the Regulations, definitions shall be those established in the Connecticut General Statutes in Sec 21a-408 (Palliative Use of Marijuana) and 21-420 (Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA)) as 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.

Cannabis 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 section 21a-420(47).

LICENSED DISPENSARY: A person who is licensed as a dispensary pursuant to section 21a-408h.

LICENSED PRODUCER: A person who is licensed as a producer pursuant to section 21a-408i.

C. Applicability. Marijuana Dispensaries, Production Facilities, and Cannabis Establishments as may be licensed by the State of Connecticut, shall be permitted only in the Light Manufacturing Zone (LM), and a Cannabis Retailer only shall be permitted in the Regional Business District (RB), (see section D. 2.1 of this regulation) subject to approval as a Special Permit use in accordance with Section 85 of these Regulations and Site Plan approval in accordance with Section 75 of these Regulations and the requirements of this Section.

D. Separation Requirements. Regulated uses identified in this Section shall be subject to the following separation restrictions:

1. No Marijuana Dispensary, Production Facility/Producer, or Cannabis Establishment shall be permitted on a site that is less than 800 feet from any

-
- site containing a church, school, daycare center, public building, public park or recreation area, or private recreation area.
2. No Marijuana Dispensary, Production Facility/Producer, or Cannabis Establishment shall be permitted on a site that is less than 800 feet from any residentially zoned land as defined in the City's Zoning Regulations. Notwithstanding the above, 800-foot distance requirement shall not apply to a Cannabis retailer (see section 2.1 below).
 3. No Cannabis retailer shall be permitted on a site that is less than 250 feet from any residentially zoned land, as defined in the City's Zoning Regulations
 4. No Marijuana Dispensary, Production Facility/Producer, or Cannabis Establishment shall be permitted within the same building, structure, or portion thereof that is used for residential purposes.
 5. No Marijuana Dispensary, Production Facility/Producer, or Cannabis Establishment shall be permitted within 1500 feet of another Marijuana Dispensary, Production Facility/Producer, or Cannabis Establishment.
 6. The above distances shall be measured from the nearest public entrance of the proposed establishment to the nearest public entrance of the existing uses set forth in (1) to (4) above. In the case of subparagraphs (2) and (2.1) above, the distance shall be measured from the nearest public entrance to the nearest residential zone lot line. All of the above distances shall be measured commencing from the nearest public entrance of the proposed establishment in a straight line to the nearest street right of way, then proceeding along said street right of way to a point perpendicular to the uses set forth in Section 49.1 (D)(1) through (5) inclusive, thence proceeding in a straight line to the nearest public entrance or residential zone lot line.
- E. Sign and exterior display requirements shall be as required by Connecticut State Statute, Sections 21a-421bb and 21a-421cc for such facilities.
- F. All vehicle parking for these uses must be on the proposed property and not on the street.

49.2 Cottage Food Operations

49.2.1 Purpose.

The intent of this section is to regulate the location of Cottage Food Operations within a dwelling unit as allowed by the Connecticut General Statutes, Sections 21a-62b to 21a-62 as may be amended from time to time.

49.2.2 Definitions.

COTTAGE FOOD OPERATION: Shall mean any person who produces cottage food products only in the home kitchen of such person's private residential dwelling and only for sale directly to the consumer as defined by Connecticut State Statute, Section 21a-62b.

HOME KITCHEN: means a kitchen designed and intended for use by the residents of a home but that is also used by a resident for the production of cottage food products and that may contain one or more stoves or ovens, which may be a double oven, designed for residential use. "Home kitchen" does not include commercial equipment typically used for large wholesale manufacturing.

PRIVATE RESIDENTIAL DWELLING: Shall have the same meaning as **dwelling unit** as defined in Section 2.2 of the West Haven zoning regulations. This definition shall exclude any rooming, boarding, group or communal residential setting within any structure or dwelling. The **private residential unit** shall only be occupied by one family.

49.2.3 General Requirements.

Any person engaging in a **cottage food operation** shall first obtain a permit to conduct such operation, and will be allowed as of right provided that the operation meets the standards as set forth in Section 49.2 of these regulations and Sections 21a-62b to 21a-62 of the Connecticut General Statutes. The form will be prescribed by the **Commissioner**. All **cottage food operations** must meet the following standards.

1. All **cottage food operations** shall take place solely within a **private residential dwelling** which must include the **home kitchen** and storage of ingredients and finished product may occur in a spare room or basement. At no time will any part of a **cottage food operation** be allowed to take place within an accessory structure.
2. An application for **cottage food operation** shall consist of an application, a detailed floor plan, and a list of the cottage foods to be produced.
3. All signs must conform to the residential sign standards as set forth in these regulations.

4. A **cottage food operation** may only be allowed within the **private residential dwelling** of the person conducting the operation.
5. Only those foods allowed per the Connecticut Department of Consumer Protection and as defined per Section 21a-62b.
6. Food products shall not be served for on premises consumption, nor shall any seating arrangements be made for customers at a location having a **cottage food operation**. This shall also apply to any accessory structures on the property.
7. All operations shall also be compliant with the Connecticut State Building Code.

49.3 Adult Oriented Establishments

49.3.1 Definitions

For the purpose of this regulation, the words and phrases used herein shall have the following meanings unless otherwise clearly or plainly required by context:

- (1) "Adult Oriented Establishment" shall include:
 - (a) Adult Cabaret
 - (b) Adult Bookstore, Adult Novelty Store, Adult Video Store
 - (c) Adult Motion Picture Theatre
 - (d) Any commercial establishment that *regularly features* adult entertainment.
- (2) "Adult Entertainment" means exhibition of motion pictures, displays, or live performances which are characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" as defined herein.
- (3) "Adult Bookstore, Adult Novelty Store, or Adult Video Store" means a commercial establishment which has a significant or substantial portion of its inventory (more than 25%), or derives a significant or substantial section of its sales and display space, to the sale or rental, for any form of consideration, if any one or more of the following:
 - (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides or other visual representations which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas";
 - (b) Instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

For purposes of this definition, "significant or substantial portion" means twenty-five percent (25%) or more of the term modified by such phrase.

- (4) "Adult Cabaret" means a nightclub, bar, juice bar, lounge, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are

- served, which regularly features live conduct characterized by an emphasis on any specified anatomical areas, as defined herein.
- (5) "Regularly features" means a consistent course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as part of the on-going business of the sexually oriented business.
- (6) "Adult Motion Picture Theatre" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, or "specified anatomical areas", and defined below, for observation by patrons therein.
- (7) "Adult Mini-Motion Picture Theatre" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities, or "specified anatomical areas", as defined below, for observation by patrons therein.
- (8) "Entertainer" means any person who provides entertainment within an adult oriented establishment as defined by this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or as an independent contractor.
- (9) "Minor" means a person under the age of eighteen (18) years
- (10) "Operator" means any person, or any proprietor, shareholder, general partner or limited partner who participates in the management or day-to-day operations and/or control of the establishment.
- (11) "Sexual Activity", as used in this regulation, is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art of photography publications which devote at least twenty-five percent (25%) of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical which reports or describes current events and which, from time to time publishes photographs of nude or semi-nude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or semi-nude persons, when describing cultures in which nudity or semi-nudity is indigenous to the population/
- (12) "Specified Anatomical Areas" means:
- (a) Less than completely and opaquely covered:
 - i. Human genitals, pubic region;
 - ii. Buttocks;
 - iii. Female breasts below a point immediately the top of the areola; and
 - (b) Human male genitals in a discernibly turgid state, even if completely opaquely covered.
- (13) "Specified Sexual Activities" means and includes any of the following:
- (a) Human genitals in a state of sexual stimulation or arousal;
- Sex acts, human masturbation of the clothed or unclothed genitals, sexual intercourse, or sodomy.

49.3.2 Location Requirements: Except as provided herein, no adult oriented establishment shall be permitted unless the following conditions exist:

- (1) The premises for which an application for an adult oriented establishment has been made is not located within the following distances of pre-existing uses and zones:
 - (a) 1,000 feet from any residential zone line boundary;
 - (b) 1,000 feet from any public, private, or parochial educational facilities including licensed day care facilities which serve persons age 17 or younger;
 - (c) 1,000 feet from a liquor or package store;
 - (d) 1,000 feet from a place of worship
 - (e) 1000 feet from other adult oriented establishment;
- (2) The above distance shall be measured from the nearest public entrance of the proposed establishment to the nearest public entrance of the existing uses set forth in (b) to (e) above. In the case of subsection (a) above, the distance shall be measured from the nearest public entrance to the nearest residential zone lot line. All of the above distances shall be measured commencing from the nearest public entrance of the proposed establishment in a straight line to the nearest street right of way, then proceeding along said street right of way to a point perpendicular to the uses set forth in Section 49.3.2(1)(a) through (e) inclusive, thence proceeding in a straight line to the nearest public entrance or residential zone lot line.
- (3) The proposed use must conform to the uses permitted in the underlying zone and to all other applicable zoning regulations. The submission of a complete application in accordance with the application form requirements shall be required.

49.3.3 Exterior Display: No adult oriented establishment shall be conducted in any manner so as to permit the observation of human genitals, sex acts, masturbation, sexual intercourse, or sodomy from a public right-of-way outside the establishment.

49.3.4 Severability:

- a) This Chapter and each section and provision of said chapter hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent of the City of West Haven Planning and Zoning Commission that if any provisions of said Chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid.
- b) No establishment will be allowed to engage in any activity that violates state law.

49.4 – ELECTRIC VEHICLE CHARGING STATIONS

Electric Vehicle Charging Stations shall be permitted as an accessory use subject to the following requirements:

49.4.1. DEFINITIONS

Electric Vehicle Charging Station (EVCS) A dedicated EV parking space in combination with EV battery charging equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle (EV) while parked.

Electric Vehicle includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

Level 1 EVCS Uses a common residential 120 volts (120V) AC outlet, providing and is intended for residential uses.

Level 2 EVCS. Uses a higher-rate AC charging through 240V (in residential applications) or 208V (in commercial applications) electrical service, and is common for home, workplace, and public charging.

Level 3 EVCS or Direct Current Fast Charging (DCFD) utilizes a separate utility transformer and higher power capacity, 40+ KW. These stations are expected to have intensive use and offer rapid charging along heavy traffic corridors.

49.4.2 PERMITTED USES

Electric Vehicle Charging Stations shall be permitted in accordance with the following requirements:

1. Level 1 and level 2 EVCS are permitted in all commercial and Mixed-Use districts, for public and/or private use as an accessory use subject to site plan review and with a maximum of (4) four EVCS. Five or more Level 1 or 2 EVCS, in a commercial or mixed-use district, are permitted subject to a Special Permit approval.
2. Level 1 and Level 2 EVCS are permitted in Residential districts as accessory use, provided the EVCS is not available to the general public and intended for residential use only.
3. Five or more Level 1, Level 2 EVCS, not available to the general public and intended for residential use only, are permitted subject to site plan review.
4. A maximum of (4) four Level 3 EVCS (DCFC) shall be permitted for public as a principal use, subject to Site Plan review, at locations within 1000' of an entry/exit ramp of Interstate 95 and located on the principal road of the entrance or exit.
5. Five or more Level 3 EVCS (DCFC) shall be permitted for public as principal use for public use subject to Special Permit approval at; (1) location within 1000' of an entry/exit ramp of Interstate 95 and located on the principal road of the entrance or exit, or (2) within properties fronting on Route 34.
6. Five or more Level 3 EVCS (DCFC) are exempt from Special permit public use, review as required by 49.4.1, if existing gasoline pumps are removed and replaced by EVCS, subject to Site Plan Review.

7. Notwithstanding the provisions of 49.4.5: paragraphs 1 through 6, Level 1 and Level 2 chargers shall be permitted, subject to Site Plan approval in multifamily residential uses, and not available to the general public.
8. Any parking lot containing more than 175 parking spaces may have display screens up to nine (9) feet on each side, not to exceed 2. If the setback from any adjoining street is more than 150' (feet).

49.4.3 New Construction

All new construction of commercial building or multiunit residential building with thirty or more parking spaces shall include Level 2 or Level 3 EVCS (DCFC) in a minimum of 10% of all parking spaces and designated on the approved site plans and/or special permit. The approval of the charging stations shall be considered accessory to the site plan and/or special permit approval of the overall development and not subject to any additional approvals which may be required per Section 49.4.1.

49.4.4. Design Criteria

The following criteria shall be applied to the location and design of all electric vehicle charging facilities.

1. Every Electric Vehicle Charging Station shall be installed in conformance with all current electrical and building codes.
2. Parking spaces for electric vehicles shall be appropriately located.
3. Charging stations shall be designed to blend into the surrounding landscape/architecture for compatibility with the character and use of the site, in terms of size, color and placement.
4. Minimum Parking Requirements: An electric vehicle charging space shall be located and compliant with all dimensional requirements of parking lots and spaces and shall be included within fulfillment of the minimum zoning requirements in Article 5, Section 60, provided that the spaces are able to accommodate all components of the charging stations.
5. Signage: Signage for advertising purposes may be permitted on a Level 3 EVCS (DCFC) subject to the requirements of Section 65.4.6.
6. Each charging station space shall be readily identified with posted with signage indicating the space is only for electric vehicle charging purposes and days and hours of operations.
7. Accessibility: Where Charging Station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment must be located to not interfere with accessibility requirements.
8. All charging stations shall be adequately protected from potential damage from vehicle impact by curbing, bollards, or other appropriate barriers.
9. The location of the charging stations shall not encroach on any designated fire lanes.
10. Maintenance: Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning, or other problems are encountered.

49.4.5 Electric Vehicle (EV) Charging Stations: The installation of any Level 1 or Level 2 Electric Vehicle (EV) Charging Station shall be limited to open parking structures only.

49.4.5.1: Where Level 1 or Level 2 Electric Vehicle (EV) Charging Stations are installed, such provisions shall be made as to the location within the open parking structures. Such provisions shall be made by installing the devices on grade level parking only, and installed by an exterior wall that has an openness percentage greater than 20 percent as defined in the CSBC Section 406.5.2 (Openings). The exterior wall shall be located opposite from any other structure type.

49.4.5.2: Where Level 1 and Level 2 Electric Vehicle (EV) Charging Stations are installed in accordance with section 49.4.4.1, the devices shall not be located within 20 feet from any means of egress.

49.4.5.3: Level 1 and Level 2 Electric Vehicle (EV) Charging Stations are prohibited from installation within all enclosed parking structures, and basement and underground parking structures.

49.4.5.4: The location and installation in accordance with Section 49.4.4.1 through 49.4.4.3, shall be permitted to be installed in certain locations were approved by the fire code official.

49.4.5.5: Level 3 Electric Vehicle (EV) Charging Stations shall be prohibited from all parking structures

	Level 1 & 2*	Level 3*
R-1	R	X
R-2	R	X
R-2	R	X
R-4	R	X
R-5	R	X
RPD	R	SP
RCPD	R	SP
SRR	R	SP
WD	R	SP
TOD	R	SP
SDD	R	SP

**Subject to the requirements of 49.4.2*

	Level 1 & 2*	Level 3*
NB	R	SP
RB	R	SP
RPD	R	SP
RCPD	R	SP
CBD	R	SP
CD	R	SP
SCR	R	SP
SRR	R	SP
WD	R	SP
T0D	R	SP
LM	R	SP
IPD	R	SP
OS	R	X
PF	R	SP
PRDD	R	SP

SECTION 49.5 SMOKE SHOP, TABACCO STORE

49.5.1 Purpose

The regulation of smoke shops and tobacco stores is necessary and in the interests of the public health, safety, and general welfare because there is the substantial likelihood of the establishment and operation of smoke shops and tobacco stores in the city of West Haven. The expansion of smoke shops and tobacco stores in the city would result in undesirable impacts to the community. Good zoning and planning practices address the negative impacts of smoke shops and tobacco stores while providing a reasonable number of locations and zones for such shops/ stores to locate within the city of West Haven.

Definition: Smoke Shop, Tobacco Store

A Smoke Shop or Tobacco Store is a retail establishment where 50% or more of the retail area is dedicated to the sale of tobacco and products containing tobacco or nicotine (including “e-cigarettes”). The sale of Cannabis and Marijuana and products derived therefrom shall be explicitly excluded from sale in Smoke Shops or Tobacco Stores unless licensed to do so by the State of Connecticut.

49.5.2 General Requirements

All applications for Smoke Shops and Tobacco Stores shall require a Special Permit from the Planning and Zoning commission only allowed within the RB (Regional Business) and LM (Light manufacturing) district as shown in Table 39.2.1 of the City of West Haven Zoning Regulations. The commission shall make all the findings required in this applicable section and the provision of the applicable zoning district with respect to each special permit use.

Findings:

- 1.No Smoke Shop or Tobacco store shall be located within 3,000, Feet radius of any other such store or any Medical Marijuana Dispensary, Adult Use Cannabis Retailer or Hybrid Retailer or within 1,000 feet of a public or non-public school, Family Day care home, Childcare facility, youth center, Community center, recreational facility, park Church or religious institution, hospital or other similar used where children regularly gather. Or residential district.
2. No smoking shall be permitted on the premises at any time.
3. Smoke shops and tobacco stores that are legally existing on the effective date of the ordinance codified in this chapter may continue to operate as legal non-conforming uses. However, any change or expansion of the nonconforming use shall require compliance with this change to the zoning regulations.
4. Any Change to ownership or interest of ownership shall require a public hearing and the applicant shall be required to meet all pertinent regulations then in effect to obtain approval.
5. All applications should be by Special Permit

49.5.3 Signage for smoke shops or tobacco stores shall meet all sign regulations for respective zoning district as prescribed in Article 6 section 65 of these regulations. In addition, the following regulations shall apply.

1. There shall be no illumination of a sign advertising tobacco or other products containing nicotine brand names at any time.
2. There shall be no signage that advertises tobacco or other products containing nicotine brand names or utilized graphic related to tobacco, other products contain nicotine or paraphernalia on the exterior of the building in which the store is located.
3. There shall be no display of tobacco, other products containing nicotine or paraphernalia within the facility which is clearly visible from the exterior of the facility.
4. There shall be no signage on the exterior of the facility which advertises the price of tobacco or other products containing nicotine.

45.5.4 Penalties

Pursuant to Section 8-12, including Section 8-12 (a), of the Connecticut General Statutes, the owner or agent of a building or premises where a violation of any provision of these regulations shall have been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation shall have been committed or shall exist, or the owner, agent, architect, builder, contractor, or any other person who shall commit, take part or assist in which any such violation shall exist, shall be fined one hundred dollars (\$100.00) by the **Zoning Enforcement Officer** for each day that such violations continues; each day that such violation continues shall be a separate offense, but if the offense be willful the person convicted thereof shall be fined two hundred and fifty (\$250) dollars for each day that such violation shall continue.

Any person having been served with an order to discontinue any such violation, fails to comply with such order within ten (10) days after such service or continues to violate any provision of the regulations named in such order shall also be subject to a civil penalty of two hundred and fifty dollars (\$250.00) per day for each day of such failure to comply, payable to the Treasurer of the City of West Haven.

Nothing herein shall prevent the further imposition of civil or criminal penalties as may otherwise be provided by Statute.

Section 49.6- 24 HOUR CONVENIENCE STORE

49.6.1 Purpose

The purpose of this subsection is to regulate 24-hour convenience stores in the City of West Haven to protect the health, safety, and public welfare of residents of the city. The Planning and Zoning Commission shall have exclusive jurisdiction over this matter involving the use of property for such uses permitted by Special Permit only. It is hereby recognized that such uses are an important part of an overall community but are of the type of use that would not normally be concentrated together within a single area. Instead, these uses are typically interspersed throughout the community, and therefore, should be regulated on a lot-by-lot basis to determine the suitability of the requested location for the proposed use.

Definition:

Convenience Store A retail store that is open long hours and SHALL SELL infant formula, diapers, first aid products, over-the-counter medications, staple groceries such as milk, coffee, eggs, cleaning products, etc. and various beverages.

49.6.2 Requirements No permits shall be issued without a Special Permit Granted by the Planning and Zoning Commission. The Special Permit shall be personal to the current owner, shall expire upon the transfer of title or possession of the property, and shall continue to exist only so long as the Grantee utilizes the property in the manner and under the conditions as contained in this grant of Special Permit. If the grantee does not comply with these regulation there Special Permit will be revoked. In making decisions on any application for Special Permit the Planning and Zoning Commission shall decide as to each of the following:

1. the impact of the proposed use on the surrounding neighborhood.
2. The impact of the proposed use on the health, safety, and welfare of the community, specifically the adjoining neighborhoods.
3. The impact of the proposed potential traffic to pe generated by the proposed use.

49.6.3 General Provisions:

1. 24 Hour convenience stores shall be within 500' of an interstate ramp.
2. No owner of any extended hours convenience store shall operate his, her or its business between the hours of 11:30 pm. and 5:00 am, or portion thereof, without a Special Permit approval by the Planning and Zoning Commission.
3. Every extended hour convenience store shall be equipped with security devices with at least two cameras that are capable of recording and retrieving an image to assist in offender identification and apprehension. One shall be positioned to record the main entrance and exit, and one shall record the parking area.

4. 24-hour convenience stores shall provide illumination within the parking area at an intensity of at least two (2) foot-candles per square foot at eighteen (18) inches above the surface.
5. Window signage shall allow a clear and unobstructed view from outside the building and a normal line of sight of the cash register and sales transaction area.
6. The extended hours convenience store shall not have window tinting that reduces exterior or interior view in the normal line of sight.
7. Height markers at the entrance of the extended hours convenience store which display height measures.
8. Every extended hour convenience store shall be equipped with a silence alarm to a central station alarm monitoring company and must show a contract annually to the department of Planning and Development.
9. Always provide at least two (2) employees on the premises after 10 pm and or always install for use by employees after 10:00 pm and before 5:30 am a secured safety enclosure for transparent polycarbonate or other appropriate material.
10. If an extended hours convenience store owner operates his, her business, without a license between the hours of 11:30 p.m. and 5:00 am. or any portion thereof, the West Haven Police Department, the Director of Health or the Director of Planning and Development has the authority to close the business and issue a citation for each violation of operating without a license.
11. Any change to ownership or interest of ownership shall require a public hearing and the applicant shall be required to meet all pertinent regulations then in effect to obtain approval.

49.6.4 Exclusion:

1. Gas service that doesn't include auto truck repair or body repair.
2. Hotels and Motels
3. Medical, Dental, Hospital, Nursing homes and Rehabilitation Centers

Penalties

49.6.5 Pursuant to Section 8-12, including Section 8-12 (a), of the Connecticut General Statutes, the owner or agent of a building or premises where a violation of any provision of these regulations shall have been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation shall have been committed or shall exist, or the owner, agent, architect, builder, contractor, or any other person who shall commit, take part or assist in which any such violation shall exist, shall be fined one hundred dollars (\$100.00) by the **Zoning Enforcement Officer** for each day that such violations continues; each day that such violation continues shall be a separate offense, but if the offense be willful the person convicted thereof shall be fined two hundred and fifty (\$250) dollars for each day that such violation shall continue.

Any person having been served with an order to discontinue any such violation, fails to comply with such order within ten (10) days after such service or continues to violate any provision of the regulations named in such order shall also be subject to a civil penalty of two hundred and fifty dollars (\$250.00) per day for each day of such failure to comply, payable to the Treasurer of the City of West Haven.

Nothing herein shall prevent the further imposition of civil or criminal penalties as may otherwise be provided by Statute.

ARTICLE 4 – CITYWIDE STANDARDS

SECTION 50 – PUBLIC WATER, SEWERS, SIDEWALKS AND CURBS

50 PUBLIC WATER, SEWERS, SIDEWALKS AND CURBS

50.1 **Purpose and Intent.** It is the purpose of this Section to provide for the equitable development of improvements to public water, sanitary sewers, storm sewers, sidewalks, curbs, and roadways. It is hereby found that the dense development of the City requires the extension of public water and sewer supplies wherever reasonably possible in order to protect the public health. It is also found that the dense development of the City also requires that development include adequate provision for extensions of road surfaces, including sidewalks and curbs to provide safe public thoroughfares.

50.2 **Effect.** These Regulations are intended to supplement and strengthen existing municipal Regulations as may be amended from time to time by the West Haven City Council. The specifications for all such improvements shall be guided by those ordinances, where applicable.

Nothing herein shall prohibit or restrict the City Council or other authorized body of the City of West Haven from levying any assessment or charge for any improvement required by this Section as may be permitted by State Statute.

50.3 **Requirements.** No **Certificate of Zoning Compliance** or other certificate or permit shall be issued by the Planning and Development Department unless the property:

1. has unrestricted access to a public **street** which is fully improved;
2. is serviced by public water, except in the case of a **single family dwelling** where no water is available within 400 feet from the boundary of the subject property when measured along a public **street** beginning at the point where the property borders the public **street** closest to the existing public water supply;
3. is serviced by sanitary sewers, except where no sanitary sewers are available. Sanitary sewers shall be deemed unavailable if an extension of the existing main of greater than 1,000 feet is required to service the property;
4. is connected to storm sewers or has other appropriate drainage facilities available to it so as to not cause drainage problems on other neighboring properties or the public **streets**;
5. has **sidewalks** and **curbs** constructed to municipal ordinance specification;

All improvements as required by this Section shall extend along the entire width of the property as same borders the public **street**;

No multi-family development or commercial or industrial development which is determined by the Commission to be such as to generate substantial need for water or sanitary sewage disposal shall be permitted without connection to both public water and sanitary sewer supplies. The Commission shall establish a policy by which said proposed projects will pay impact fees to be deposited into a fund for the improvements of utilities within the City (See also Section 75-Site Plan Review and Section 82-Nonconforming Uses, Lots, and Structures).

50.4 **Additional Requirements.** Nothing herein shall prevent the Commission from imposing additional requirements on any development as part of a Site Plan Review, Special Permit hearing or Subdivision application, if it determines that the same is necessary to protect health, safety and welfare.

50.5 **Variances for Public Water, Sewers, Sidewalks and Curbs.** No variance of any improvement required by this Section may be granted for any development or application which has been approved by the Commission with the representation that the improvement would be made. Any variance which waives any requirement of this Section that has not been obtained prior to the review of the application by the Commission shall automatically void any approval or permit issued by the Commission in reliance upon the prior representation, either direct or implied, that such improvement would be made, or that this Section would be complied with.

51. ADMINISTRATIVE WAIVER OF SIDEWALKS.

51.1 **Administrative Findings Required.** The Commissioner of Planning and Development (or his designee) shall have the authority to waive the requirement for sidewalks and/or curbs for construction to a non-multifamily residential dwelling, either for new construction or for the addition, repair or renovation of same provided each of the following findings is made for the proposed development if it is:

1. not in close proximity (one-quarter mile = 1310 Feet) to a public school or park, or a church or other place of public assembly;
2. in an existing neighborhood that is substantially developed without other sidewalks and such neighborhood is not likely to have sidewalks installed;
3. not part of a subdivision or potential subdivision for which sidewalks have been or could be required;
4. not located in an area demonstrating a strong need for sidewalks to add to pedestrian safety.
5. not on a primary pedestrian route to a public or private elementary or secondary school.

52. FENCES

52.1 **General Requirements.** As used in this subsection, **fences** shall include all non-retaining walls, hedges, berms or other barriers intended to provide privacy, security or separation of properties. In all **districts**, the following shall regulate the construction and/or use of **fences**:

- 1) The finished side, if any, of all **fences** shall be placed facing out from the property on which it is erected;
- 2) No **fence**, wall, hedge or barrier located within the **front yard** setback or within thirty (30) feet of a **street** shall be taller than four (4) feet.

52.2 **Use of Dangerous Fence Material.** No **fence** shall be electrified or constructed of or include barbed wire or similarly dangerous material in any **district**.

53. OUTSIDE STORAGE

53.1 **Definition.**

OUTSIDE STORAGE: Materials, supplies, goods or items that are placed in a non-enclosed **structure**.

53.2 **Where Permitted.** **Outside storage** as a **principal use** shall be permitted as follows:

- 53.2.1 **As-of Right** in **IPD** (Industrial Planned Development) and **PVD** (Planned Village District) districts, and
- 53.2.2 By **Special Use Exception** of the Planning & Zoning Commission in **RB** (Regional Business) and **LM** (Light Manufacturing) districts.
- 53.2.3 **Accessory Use Requires Site Plan Review. Outside storage** as an **accessory use** shall be subject to all of the conditions and requirements of Site Plan Review as the principal use.
- 53.3 **General Provisions**
1. **Site Plan Review - Outside storage** shall be permitted as an **accessory use** only, subject to all Site Plan Review conditions and requirements as the **principal use**.
 2. **Location Limited - Outside Storage** is permitted in the rear of a **lot** and not within any required **side yard** or **rear yard setback** and is subject to Site Plan Review.
 3. **Containment** - All **outside storage** shall be contained within a secured fence or other impervious barrier of not less than eight (8) feet that may be attached to but otherwise must be separate from all other **fences** or barriers located on the property.
 4. **Buffer** - A landscape buffer area of not less than fifteen (15) feet consisting of grass and shrubbery not less than six (6) feet in height shall be maintained between the property line and the **outside storage** area whenever the **outside storage** is:
 - a. within one hundred (100) feet from any residential district;
 - b. within fifty (50) feet of a public **street**;
 - c. within fifty (50) feet from the property line.
- 53.4 **Hazardous Materials Adjacent to Water Bodies or Flood Zones.** The indoor or **outside storage** of hazardous materials, explosive, corrosive, noxious, and/or toxic, shall be prohibited within **FIRM flood zones** (V), (A) and (B), **inland** or **tidal wetlands**, or within 50 feet of a **watercourse** as defined in Sections 2 and 13 of this Regulation.
54. **SWIMMING POOLS**
- 54.1 **Administrative Approval Required.** The Commissioner of Planning and Development shall approve any pool constructed or altered and used for swimming which shall cause the retention of water to a greater depth than twenty-four (24) inches.
- 54.2 **Location.** No pool shall be located within a front yard or within 6 feet of a **Side Yard** or **Rear Yard**.
- 54.3 **Safety Requirements.**
- a. Every swimming pool shall be adequately enclosed sufficient to make such body of water inaccessible to small children.
 - b. Enclosures must meet the State of Connecticut Building Code requirements.
 - c. Lights on any pool shall be arranged so that they are not a nuisance or an annoyance to the neighboring property. They shall be so designed as to be directed on the pool or the adjacent area and cast no lights or reflections onto abutting properties.
- 54.4 **Pool Waste Water Discharge.** In all instances where a public stormwater sewer is available pool waste water shall be discharged to the storm water sewer if sufficient capacity is available in the opinion of the Commissioner of Public Works.

55. TEMPORARY PERMITS

- 55.1 **Special Events.** Where same may be otherwise prohibited the Planning and Zoning Commission may permit a church, school, civic organization, social club, volunteer fire department, or other non-profit organization to hold a fair, carnival, circus, horse show, athletic meet, or similar special event for a period not exceeding seven (7) days in any calendar year, the projects of which are for the sole benefit of such organization, or for civic, religious or philanthropic purposes.
- 55.2 **Tag Sales.** Tag sales or garage sales shall be **permitted** by Administrative action by the Commissioner of Planning and Development for a period **not to exceed three (3) days** provided that such sales are conducted for not more than a total of five (5) days in any calendar year. In the review of any application for such sales, the Commissioner shall consider the **impact on street traffic** and provisions for **parking of vehicles**.

56. HANDICAPPED ACCOMMODATION

- 56.1 **Administrative Review and Approval.** The Commissioner of Planning and Development may administratively approve any facility accommodation, such as, but not limited to, handicap access ramps or parking within a required front or side yard.

57. SPECIAL CIRCUMSTANCE STANDARDS

- 57.1 **Building Height Limit Exemptions.** The **building height** limits of these regulations shall not apply to the erection of church spires, belfries, or other **structures** designed exclusively for ornamental purposes, or to flagstaffs, chimneys, flues, water tanks, standpipes, penthouses, bulkheads, stage towers or scenery lofts, provided same does not extend more than fifty percent (50%) above the allowable **structure** height. The erection of a parapet, wall, or cornice may be permitted to extend three (3) feet above the **building height** limit set by these regulations.
- 57.2 **Lot Adjacent to Railroad Right-Of-Way.** In all commercial and manufacturing districts, along such portion of a **rear lot line** contiguous with a railroad right-of-way, no **rear yard** shall be required; along such portion of a side **lot line** contiguous with a railroad right-of-way, no **side yard** shall be required.
- 57.3 **Projection into Public Right-Of-Way.** No application shall be reviewed by the Commission or the Commissioner of Planning and Development that requests any projection or construction into the public right-of-way (**street** or **sidewalk**, except for construction of utilities, **sidewalks**, **curbs** or other public improvements, without prior approval of such projection or construction by the City Council of the City of West Haven.
- 57.4 **Grade Separations.** No grade separation of over two (2) feet shall be permitted unless adequately protected in accordance with requirements set forth by the 58

BUILDING MAXIMUM HEIGHT EXEMPTIONS

- 58.1 The building height limits of these regulations shall not apply to the erection of church spires, belfries, or other structures designed exclusively for ornamental purposes, or to flagstaffs, chimneys, flues, water tanks, standpipes, penthouses, bulkheads, stage towers or scenery lofts, provided same does not extend more than fifty percent (50%) above the allowable structure height. The erection of a parapet, wall, or cornice may be permitted to

-
- extend three (3) feet above the building height limit set by these regulations. The maintenance of sight lines should be considered for the purposes of all the previously mentioned items.
- 58.2. Rooftops and terraces may be used for recreation as an accessory use by occupants or principal users of the building as an accessory use, in conformance with the following:
- 58.2.1 Such uses may include rooftop gardens and gathering places.
- 58.2.2 Roof tops and terraces may be used for active recreation as an accessory use by occupants or principal users of the building as an accessory use. Such uses shall include rooftop swimming pools, and other recreational uses.
- 58.2.3 Structures, including buildings which are accessory to the principle use and necessary for the roof top use (i.e., air handling units, structures with permanent electrical or plumbing), which exceed the height limits, may be permitted provided that their coverage does not exceed 25% of the area of the roof, provided sight lines are maintained.
- 58.2.4 Roof tops and terraces of an existing or proposed building for passive or active use which do not exceed the applicable height requirements shall be subject to Site Plan approval.
- 58.2.5 Roof tops and terraces of an existing or proposed building for passive or active use which exceed the applicable height requirements shall be subject to Special Permit approval.
- 58.3 Eating and Drinking Establishments Open air restaurants placed on the roof of roof of a building shall be subject to the issuance of a special permit and the requirements of Section 20.10.1. and the following requirements.
- 58.3.1 The Special Permit shall consider the potential impact on neighboring residences with regards to noise, lighting, sight lines, architectural design, and other potential adverse impacts as per the Planning and Zoning Commission.
- 58.3.2 All proposed enclosed structures required for Eating and Drinking Establishments on the roof of building shall not exceed 25% of the area of the roof, including buildings which are accessory to the principle use and necessary for the roof top use (i.e., air handling units, structures with permanent electrical or plumbing),
- 58.4 Permanent fixtures and amenities such as shrubs, inaccessible landscaped areas decorative water features, paved surfaces and other similar features will not be included as an accessory structure and shall not be included in the determination of the maximum permitted roof coverage of 25%, at the determination of the Planning and Zoning Commission.
- 58.5 A private roof top garden is to be considered a passive recreation component to the residents or users of the building.

58.6 All outdoor furniture, planters, decorative materials artworks, etc. shall be properly anchored against wind induced overturn, uplift, and sliding during weather events.

City Engineer.

ARTICLE 5: PARKING, LOADING AND ACCESS

SECTION 60 – PARKING AND ACCESS

60. PARKING AND ACCESS

60.1 PURPOSE AND INTENT

The purpose of this section is to establish standards for parking, loading and access for reasonable land use without adverse impact on abutting properties or the community as a whole. The requirements and standards are intended to provide reasonable vehicular access to property and adequate and functional loading facilities for all land uses and to protect the operational integrity and safety of public streets.

The intent of this section is to promote public health, safety and welfare by protecting the environment, promote the most appropriate use of land and good design of improvements, lessen congestion in the streets and overcrowding on the land, preserve the appearance, character and value of property, reduce noise and air pollution, improve traffic, access and parking along City streets, and provide for pedestrian and vehicular safety.

60.2 APPLICABILITY

The requirements of this section shall be followed whenever a **building** or **structure** is erected, converted, enlarged or structurally altered, or whenever a use of land, **building** or **structure** is established, expanded or changed.

These requirements shall not prohibit a **structure** occupied by a conforming **use** from being enlarged or structurally altered for the purpose of obeying an order to meet the minimum requirements of applicable, health, safety and fire regulations.

Once any required **parking** or **loading space** has been established, it shall not be discontinued if the result would be a reduction below the standards required by this Regulation. Any such discontinuance shall constitute a violation of this Regulation, and any existing building permit or certificate of occupancy issued in reliance upon meeting these standards shall become null and void.

1. **New Development** occurring after the effective date of this Zoning Ordinance shall comply with all parking, loading and access provisions of this section.
2. **Change in Legally Nonconforming Development.** Developments with legally non-conforming **parking** and **loading** areas on this code's effective date shall not increase **nonconformance** by reducing the number of **parking** or **loading spaces**.
3. **Parking Exemption.** If an existing **nonconforming** property has a building expansion or **change of use** occur such that there is an associated **parking** or **loading** requirement in this Code over what was required by this Code before the expansion or **change of use**:
 - a. **25 percent or more** – all required **parking** and **loading** shall be provided.
 - b. **Less than 25 percent** – only the number of **parking** or **loading spaces** required by the expansion or **change of use** shall be added.

60.3 REVIEW PROCESS

60.3.1 Plan Submission. In any case where three (3) or more residential **parking spaces** are required a plan shall be submitted to the City which shall be sufficient in scope and character as determined by the reviewing authority to conclude adherence with all relevant requirements.

60.3.2 Findings Required. In accord with §8-3(g), C.G.S. et seq., all site plans for more than 10 parking spaces shall be submitted to the Planning and Zoning Commission, which shall review and determine whether they comply with this Regulation. In so acting the location of improvements shown on said plan may be modified to comply with the intent of this Regulation. The Commission shall make the following findings pertaining to any parking area of more than fifty (50) spaces that such use:

- a. will not create or contribute to serious traffic congestion or unduly inhibit surface traffic and pedestrian flow;
- b. provides separate entrances and exits where appropriate;
- c. provides parking to the rear of the principal structure as much as possible;
- d. is adequately screened and landscaped;
- e. is lighted in a manner that does not create a nuisance or hazard to any adjoining property or public street;
- f. does not adversely affect the continuity of retail frontage;
- g. meets the traffic standards and recommendations of the Traffic Division of the Police Department.

60.3.3 Minor Site Plan. For up to 10 spaces a Site Plan Review shall be submitted to the Commissioner of Planning and Development or a designee to review and determine compliance with this Regulation.

60.3.4 Large Scale Development. For any development project involving construction or addition of more than 50,000 square feet floor area in one structure, or the addition of 200 or more parking spaces, a **TIS** (Traffic Impact Study) is required.

- a. **Traffic Impact Study (TIS).** The TIS shall show the amount and direction of traffic to be generated by the proposed development and shall estimate the effect of such traffic on the roadway capacity and safety.
- b. **Advisory Report Required.** No more than 30 days following the filing of the **TIS**, the Traffic Division of the Police Department shall issue an advisory report evaluating the TIS methodology and findings.

60.3.5 Overall Parking Plan. Any large scale, multi-building facility or organization that has parking in more than one location or parcel may provide an Overall Parking Plan. Administrative and Application Standards shall be adopted by the Commission prior to acceptance of Overall Parking Plan applications and at a minimum shall require a defined boundary showing the buildings and parking area(s) to be served, specify required and optional materials to be submitted by the applicant, an application review process and time schedule, and standards for approval or amendment of an Overall Parking Plan. Forms, Checklists, and Regulations may be created by the Commission to assist in the administration of this provision.

60.4 PERMITTED LOCATION OF SPACES

60.4.1 Parking spaces shall be provided either in garages or paved areas that conform to these provisions, not in required setback or yard areas except as herein allowed, and shall not encroach on the public right-of-way.

60.4.2 Side or Rear Yard Parking. *Parking spaces* may be located within a required **side** or **rear yard** setback provided that no such **parking space** shall extend within one foot of any **lot line**.

60.5 OFF-LOT PARKING

60.5.1 Where Allowed. *Parking spaces* shall be located on the same zoning lot as the **use** to which they are accessory in R-1 and R-2 zoning districts. In all other zoning districts off-street parking spaces may be located on a separate zoning lot whose entrance is within 300 feet walking distance of the principal entrance of the structure that the parking serves, provided that parking for the principal use is permitted in the zoning district in which the accessory off-street parking lot is located.

60.5.2 Parking Credits. To be credited to the quantity of **parking** or **loading spaces** required for such **structure** or **use**, any **parking** or **loading space** not located on the same **lot** as the **structure** or **use** to which it is assigned must be either:

1. Owned by or under *long-term lease* (minimum 5 years + 5 years renewable) to the owner of such *structure* or *use*, with appropriate deed restrictions and long-term leases recorded on the West Haven Land Records; or
2. Made available on a long-term basis by a public agency, with written certification as to such availability.

60.6 PROHIBITED LOCATIONS

1. **Within Driveway.** No **space** or within the driveway other travel portion of any parking lot or driveway shall be deemed to be a **parking space** except for a **single-family dwelling**;
2. Off-street **parking** is prohibited in a required front yard, in required **usable open space**, or in an unapproved **parking space**.
3. No **parking space** shall be permitted where exiting vehicles must be backed into or out to a public street, except for driveways serving a **one** or **two-family residence**. Vehicles may back out toward an alley when proper aisle widths are provided.
4. No **parking space** shall be used for commercial sales or servicing or dead storage of automobiles or automotive equipment.

60.7 FRONT YARD PARKING PERMITTED BY SPECIAL PERMIT

Parking spaces (whether enclosed or not) may be permitted to be located within a required **front yard** by special permit upon a finding based upon evidence that such **parking spaces**:

- 60.7.1** are necessary to the **use** with which they are connected, and
- 60.7.2** cannot be located practically elsewhere on the **lot**, and
- 60.7.3** location within a required **front yard** will not depreciate property values or cause vehicular or pedestrian traffic hazards or substantially decrease the open aspect of the street, and
- 60.7.4** are properly screened and arranged in accord with Regulation requirements.

60.8 JOINT AND COMMON USE OF OFF-STREET PARKING AND/OR LOADING

The Planning and Zoning Commission may approve joint or common **use** of off-street **parking spaces** located on separate and adjoining **lots** under separate ownership in any multi-family, commercial or mixed use district provided that the off-street **parking spaces** comply with all applicable Section 60 requirements and a legal instrument such as a lease (minimum 5 years, 5 years renewable), easement or other deed

restriction guaranteeing access to and **use** of such joint or common off-street **parking spaces** for each applicable separate use is filed on the West Haven Land Records.

The Commission must make a finding that the proposed joint use of parking or loading will meet the requirements of this Regulation for the tow or more **uses** involved at the time when such **uses** are in operation.

60.9 PUBLIC OR PRIVATE PARKING LOTS AND PARKING GARAGES

Before a Special Permit may be issued for a public or private parking lot or garage as a principal use in addition to meeting all other requirements set forth in Article 2, the Planning and Zoning Commission must determine that such use:

- 60.9.1 will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- 60.9.2 has adequate reservoir space at vehicular entrances to accommodate vehicles equivalent in to ten (10%) percent of the total number of spaces;
- 60.9.3 provides separate entrances and exits where appropriate;
- 60.9.4 does not adversely affect retail frontage continuity.
- 60.9.5 traffic and flow has been approved by the Traffic Authority.

60.10 ADDITIONAL RESIDENTIAL DISTRICT PARKING RESTRICTIONS

Parking of commercial vehicles, recreational vehicles, watercraft and off-road vehicles shall be restricted as follows:

- 60.10.1 Any vehicle regulated by this section which is stored outside shall be in mechanically and legally operable condition.
- 60.10.2. Vehicle Use. No recreational vehicle shall be used for living, sleeping or housekeeping purposes while stored.
- 60.10.3 Recreational vehicles, off-the-road motor vehicles, and watercraft of greater than 20 feet in length, shall be stored in the following manner.
 - 1. Inside a carport or **garage**, or
 - 2. Outside behind the face of the **principal building**, or
 - 3. Outside in the **front yard** at least 5 feet from the **front lot line** provided:
 - a. said **parking** is for **loading** and **loading** operations completed in 24 hours, or
 - b. if terrain prevents access without substantial damage to existing large trees or landscaping a **lot** shall be determined by the Commissioner of Planning and Development to have reasonable rear yard access.
- 60.10.4. **Watercraft** length shall not include any portion of any trailer used for transporting the watercraft that extends beyond the watercraft itself.
- 60.10.5 **Corner lots** shall be deemed to have reasonable **rear yard** access.
- 60.10.6 **Parking** on a **one** or **two family dwelling** site shall meet §60.7 requirements.
- 60.10.7 **Parking surface area** for accessory off-street parking for recreational vehicles, watercraft and off-the-road vehicles shall meet §60.8 requirements.
- 60.10.8 **Residential Restriction on Commercial Vehicles.** No more than two (2) commercial vehicles shall be parked at any one time on a residential zone lot. Commercial vehicles stored outside must be parked in an approved driveway or parking space. Such vehicles shall not exceed three-quarter (3/4) ton capacity and shall be used by an occupant of the **dwelling** for personal or business transportation. Commercial

vehicles engaged in lawful construction or service operations on the site are exempt from this requirement.

60.10.9 In no case shall any non-passenger **vehicle** or other commercial **vehicle** including construction equipment, other than **camp trailers**, campers, personal boats or commercial **vehicles** that do not exceed 3/4 ton load, as specified by the Connecticut Motor Vehicle Department, be parked or stored in any residential **district**, except as service **vehicles** on a temporary basis.

60.10.10 No commercial **vehicle** shall be parked or stored overnight, whether on public or private property, public **street** or other vehicular right-of-way in any **residential district**.

60.10.11 The regular transfer, loading, unloading, or other processing of materials, supplies, or goods on or off any permitted commercial **vehicle** within a **residential district** is prohibited.

60.11 UNREGISTERED VEHICLE STORAGE

60.11.1 **Residential Districts.** In no case shall there be more than either one (1) unregistered **vehicle** or one (1) registered motor **vehicle** not in condition for use on public highways on any zoning **lot**. Additionally, any such **vehicle** must be parked or stored within a fully enclosed **garage** or similar **structure**, or on a paved **parking** area located to the rear of the **principal structure**, but not within any yard **setback** areas.

60.11.2 In no case shall any unregistered motor **vehicle** or any registered motor **vehicle** not in condition for use on the public highways be permitted to be parked, or be stored on any public or private **street**, or public vehicular right-of-way.

a. One such **vehicle** may be temporally parked on a private driveway or private right-of-way for a period of time not exceeding twenty-four (24) hours.

b. **Commercial vehicles** shall not be permitted to be parked on a public street or right-of-way for more than four (4) hours in any residential district.

60.12 ACCESSORY OFF-STREET PARKING may be constructed for single and two family dwellings for passenger vehicles, recreational, off-the-road vehicles, and watercraft. Said accessory parking may be in addition to and on other than the access drive.

60.12.1 Requirements.

1. Dirt, woodchip or sod surfaces are prohibited.

2. Said accessory parking shall have an approved access thereto.

3. The surface for such storage area shall consist of either pavement, brick or concrete blocks, CA-10 gravel with curb or border of railroad ties or cement or other surface acceptable to the City Engineer.

4. To improve visibility for vehicles exiting from parking structures or parking lots that have an elevation below that of the adjacent right-of-way, the access drive shall be built to conform to the dimensions of Figure 60.5.

60.13 NUMBER OF PARKING SPACES

Off-street parking shall be provided in accord with Table 62.1.

60.13.1 In the case of a **use** not specifically mentioned, **parking** shall be provided according to the requirements for the **use** to which it is most related or similar as determined by the Commissioner of Planning and Development.

60.13.2 Where further refinement of Table 62.1 provisions is necessary, reference shall be made to **Trip Generation, Institute of Transportation Engineers**, in its latest edition, or the

Highway Capacity Manual (HCM), Transportation Research Board, American Association of State Highway Officials Manual, in its latest edition. To determine off-street parking requirements listed in Table 62.1 the following measurement units apply:

1. **Floor Area.** Where the unit to determine required off-street parking spaces is floor area the **gross floor area** in §2.2 Definitions shall be the basis.
2. **Seated Assembly.** In places of public assembly where attendees occupy benches or other similar seating each 2 feet of seating length shall be counted as 1 seat.
3. **Open Assembly** (no seats). 1 parking space shall be provided for each 4 persons fire capacity as determined by the standards of the Fire Marshall.
4. **Mixed Open and Assembly.** Where a place of public assembly has both fixed seats and open assembly areas, requirements shall be computed separately for each type and then added together to determine the total parking requirement.
5. **Fractional Parking Spaces.** When units of measurement result in fractional space requirements, any fraction less than .5 shall be disregarded, and any fraction over and including .5 shall require 1 full parking space.

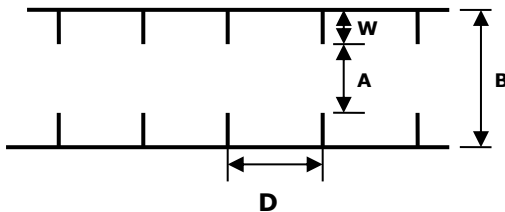


Figure 60.1 Parallel Parking Illustration.

60.14 RESIDENTIAL PARKING DESIGN.

60.14.1 Required parking spaces may be placed end to end.

60.14.2 Garage doors opening towards a public street shall be a minimum of 20 feet from the property line.

60.15 EMPLOYEE PARKING ADJUSTMENT

For long-term individually assigned employee parking spaces the minimum space width may be reduced to 8 feet.

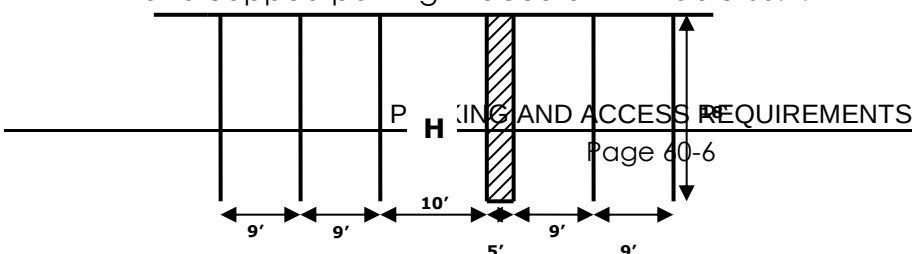
60.16 DEFERRED PARKING OPTION

A use requiring 50 or more parking spaces may request that up to 25 percent (25%) of the required parking be a reserve area to be completed at a later date. The applicant shall state the basis for the proposed parking reserve area, which may include experience at locations of similar size and character, and shall show on the site plan the parking spaces proposed to be deferred. All approved landscaping and drainage to serve the "Parking Reserve Area" shall be completed prior to issuance of a Certificate of Occupancy.

If in the sole opinion of the City conditions warrant the "Parking Reserve Area" shall be completed within a reasonable time, weather permitting.

60.17 HANDICAPPED PARKING

When Federal or Connecticut state law requires handicapped accessibility, all off-street parking lots except those serving one and two family dwellings shall provide handicapped parking in accord with Table 60.1.



Handicapped Accessible Space – 15' Width Including 5' Wide Access Aisle

Figure 60.2 Handicapped Parking Dimensions.

60.17.1 Definition.

HANDICAPPED PARKING SPACE: A parking space 15 feet wide including a 5 feet wide cross-hatched access aisle and 18 feet deep that serves handicapped persons.

60.17.2 Requirements and Quantity. Handicap parking spaces, including design and signs, must comply with the State of Connecticut Accessibility Code and American Disabilities Act (ADA), as amended. If the West Haven Zoning Regulation and State or ADA requirements differ, the more restrictive standard shall apply.

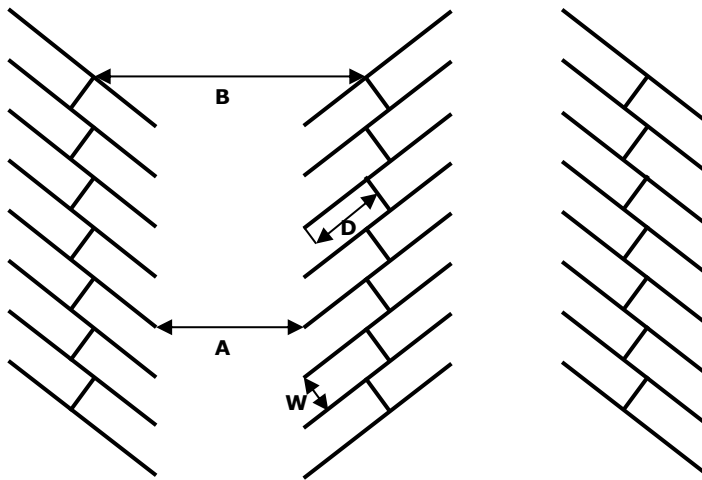
1. **Health Care Facilities.** 10% of the total parking spaces.
2. **Ambulatory Care Facilities.** 20% of the total parking spaces.
3. **Handicapped Van Provision.** For every six or fraction of six accessible parking spaces, at least one shall be a van accessible space 16 feet wide including an 8 foot wide cross hatched access aisle.

Any parking structure shall provide a minimum of 2 handicapped van spaces, which shall have a minimum vertical clearance of 8 feet, 2 inches.

4. **Handicapped Parking Space Slope.** No more than 2%.

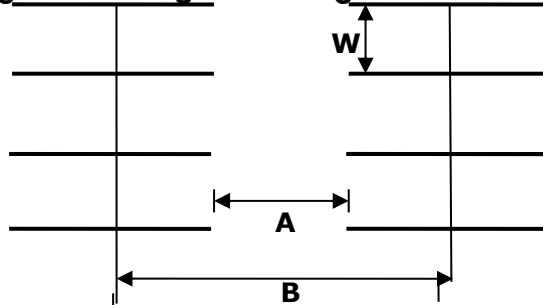
Table 60.1 QUANTITIES OF HANDICAP PARKING SPACES REQUIRED.

Number of	Total Number of Handicapped
Parking Spaces Required	Parking Spaces
≤25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-250	7
251-300	8
301-400	9
501-1000	2% of Total Number
over 1000	20 plus 1



KEY - **W** = Parking Space Width **D** = Parking Space Depth **B** = Parking Space Bay

Figure 60.3 Angled Parking Illustration.



KEY - **A** = Aisle Width **W** = Parking Space Width **B** = Parking Bay Width

Figure 60.4 Ninety (90°) Degree Parking Illustration.

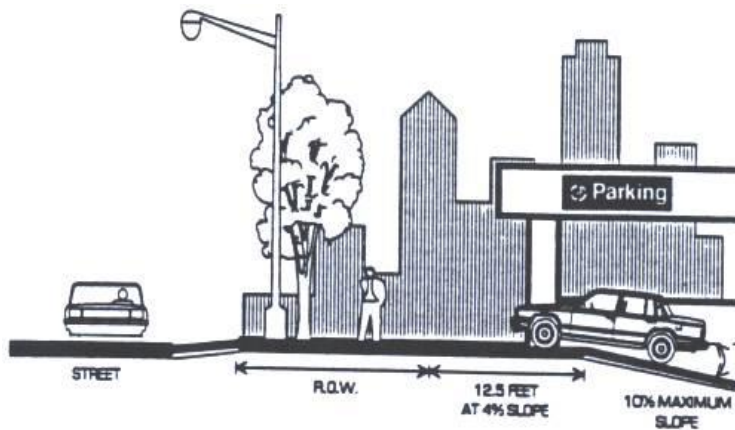


Figure 60.5 Access Drive Illustration.

60.18. ACCESS DRIVE REQUIREMENTS

All access drives are subject to the following standards:

- 60.18.1 **Approval.** All access drive locations shall have the written approval of the Police Department Traffic Division.
- 60.18.2 **Number.** No zoning lot shall have more than two (2) driveways per frontage unless the Police Department Traffic Division approves additional driveways.

- 60.18.3 **Access Drive Location.** To allow adequate vehicle stacking and turning capacity, access driveways shall be located a minimum distance from a street intersection based on its classification on the City Street Classification System Map, in its latest edition, as follows:
- a. **Major Arterial** – 120 feet
 - b. **Minor Arterial** – 80 feet
 - c. **Collector** – 50 feet
 - d. **Local** – 25 feet
- 60.18.4 **Width.** Access driveway width shall conform to Table 60.3 specifications.
- 60.18.5 **Slope.** Access driveways and internal roads shall slope no more than 10%.
- 60.18.6 **Landing.** A landing at the entrance of the driveway shall be no less than 25 feet in length and have a slope no greater than 4%.
- 60.18.7 **Sight Distance.** Site distance from drives shall be approved by the City Engineer.
- 60.18.8 **Waiver.** The Commissioner may waive the access drive standard if it is determined that site constraints require a lesser distance and poses no traffic or safety danger.

Table 60.2 Parking Space Dimensions.

Parking Angle	Space Width W	Space Depth D	Access Drive A	Parking Bay Width B
0 (Parallel)	8	22	12	28
30	9	19	16	54
11	9	18	18	49
90*	9	18	22	58

Notes: All dimensions are in feet.

Aisle widths are for 1-way aisles except for 90 degree parking, which must provide a 2-way aisle. Any proposed parking angle not shown in Table 60.4 is subject to approval by the City.

Table 60.3 Access Drive Width Standards.

Use Category	Minimum Width in Feet	
	One-Way	Two-Way
Dwelling Units		
Single-family	9.0	16.0
2-4	12.0	20.0
5 or more	12.0	22.0
Commercial & Industrial	12.0	22.0

60.19 PARKING SPACE AND LOT STANDARDS

All parking spaces and lots shall conform to the following standards:

- 60.19.1 **Standard Parking Space Size.** 9 feet in width and 18 feet in length.

- 60.19.2 **Parking Space Location Limit.** No parking space may be within thirty (30) feet of the public road access when measured along the interior drive.
- 60.19.3 **Designated Compact Car Space Size.** 8 feet width and 16 feet length.
- 60.19.4 **Compact Car Space Quantity.** Where 20 or more parking spaces are required, the applicant may request up to 25 percent of the total required parking spaces be clearly designated and reserved for compact cars, and compact cars may be included in modules designed for standard spaces.
- 60.19.5 **Parking Area Slope.** No more than 5%.
- 60.19.6 **Wheel Stops and Curbs.** In any zoning district, for any parking space (except parallel parking spaces), wheel stops or curbs shall be installed to prevent vehicles from getting any closer than 2 feet to the property line or further than 2 feet into any required perimeter screening strip.
- 60.19.7 **Terminal Island Requirement.** All rows of 4 or more parking spaces shall have a terminal island to protect vehicles, provide visibility, confine moving traffic to aisles and driveways, and provide landscaping space in accord with this Regulation.
- 60.19.8 **Landscaped Divider Strip Requirement.**
1. Off-street parking areas designed to provide four (4) or more double rows of abutting side-by-side spaces shall include a continuous landscaped divider strip centered on the dividing line between at least one-quarter (25%) of such rows of spaces.
 2. A divider strip shall have a width of not less than 5 feet, shall be surrounded by a raised curb or wheel stops to prevent any vehicular encroachment and shall be planted in accord with this Regulation.

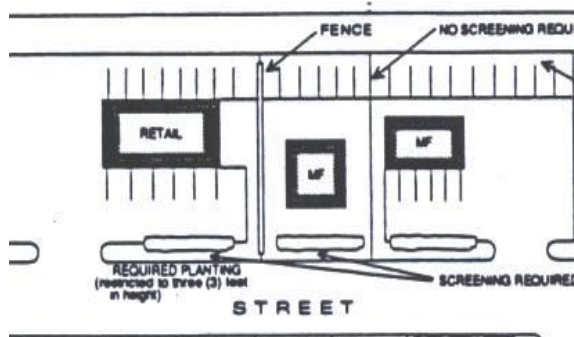


Figure 60.6 Required Screening Between Uses

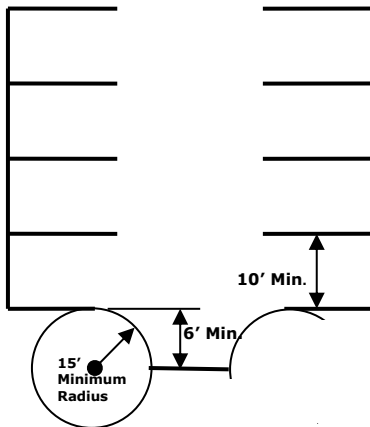


Figure 60.7 Dead-End Turnaround

3. **Dead-End Turnaround.** When the end of the access drive for ninety degree (90) parking is a permanent dead-end, a turnaround with a minimum radius 15 feet and a 6 feet minimum depth shall be provided. The City Engineer may approve a comparable turnaround design.

60.20 PAVING STANDARDS

All driveways or private roads which provide egress or ingress to a public street shall have a concrete apron, as required by City Ordinance. All access drives, parking spaces, off-street parking lots and loading areas shall be paved with a suitable form of hard surface, including oil-and-chip, Portland cement, asphalt or brick, or other City Engineer approved material, except where the Planning and Zoning Commission or Inland Wetlands Agency requires use of porous materials due to flooding or water run-off considerations to create a dust free environment that conforms to the following criteria:

- 60.20.1 **Pavement Design.** Material composing the pavement and soil underneath shall not be displaced by traffic movement in a manner that generates air pollution due to flying particles and causes damage, injury or nuisance to people and/ or vehicles that use the facility.
- 60.20.2 **Design and Construction.** Pavement design and construction of shall be such that the physical appearance, characteristics, performance and rigidity of the surface that comes into direct contact with vehicles does not change with varying weather conditions. Surface form and texture shall be conducive to safe traffic flow.
- 60.20.3 **Wear and Tear.** Notwithstanding normal wear and tear, the surface and appearance of the parking lot shall be maintained to perform as originally designed.
- 60.20.4 **Nonconforming Parking Areas, Driveways, and Access Drives** existing as of July 1, 2005 not improved with a surface specified herein shall not be required to be paved unless a new structure intended by a principal use is constructed or where improvement in excess of 25% per cent of the most recent assessed market value of the structure is undertaken.

60.21 LIGHTING STANDARDS

All exterior lighting shall be of such shielded and screened so that no light will shine or glare directly onto any public right-of-way or exceed .1 foot-candles onto any adjacent residential uses.

60.22 SUBSURFACE DRAINAGE CONNECTION

Subsurface drainage connection to an approved public storm sewer is required, satisfactory to the City Engineer and subject to the requirements below.

- 60.22.1 **Site Plan** shall show the proposed storm water management system including the location and size of all drainage structures, storm sewers, swales and swale sections, detention basins, outlet lines, and analyses of the effect of said improvements on the receiving outlet pipe and storm sewer and the associated swale and high water elevations for each storm event. All designs for storm water management systems must be done in accordance with the 2004 Connecticut Stormwater Quality Manual (latest edition). (Rev. 7/23/19. # ZR 19-026).
- 60.22.2 **Details required.** The site plan shall also show a typical detail of the connection method to the storm sewer and details for replacement and restoration of all paved and unpaved portions of the public right-of-way.
- 60.22.3 **Supplementary Materials.** Additional site specific information may be required by the City Engineer who shall also be responsible for inspection and approval of work required by this subsection.
- 60.22.4 **Storm Water Management Plan.** Any development with more than 10,000 square feet of impervious surface area shall prepare a stormwater management plan, which shall employ best management practices. Said plan shall be prepared by a registered professional engineer and include drainage calculations for existing and proposed conditions for 10, 25 and 100 year storm recurrence intervals. All storm water treatment systems and best management practices must be in accordance with the 2004 Connecticut Stormwater Quality Manual (latest edition). (Rev. 7/23/19. #ZR 19-026).

60.23 OFF-STREET PARKING SCREENING

- 60.23.1 **Intent.** This subsection is intended to improve the appearance of off-street vehicular use areas and property abutting public rights-of-way, thereby reducing conditions that lead to urban blight, promote the public health, safety, and general welfare by reducing noise and air pollution, light glare, soil erosion, and thermal heating of the environment; promote improved stormwater quality and increase soil and water retention, thereby helping to prevent flooding, improve pedestrian movement within paved areas and along public rights-of-way; protect and preserve the appearance, character and value of surrounding property; and preserve existing significant vegetation.
- 60.23.2 **Jurisdiction.** Any parking facility with 5 or more parking spaces or loading area established or improved after the passage of this Regulation that abuts a public or private right-of-way, a residential zoning district, or preexisting residential use shall be screened with a perimeter screening strip meeting the minimum standards in this section for those areas which meet the above qualifications. All parking areas with 10 or more parking spaces established or improved after the passage of this Regulation shall also screen traffic by means of interior separations.

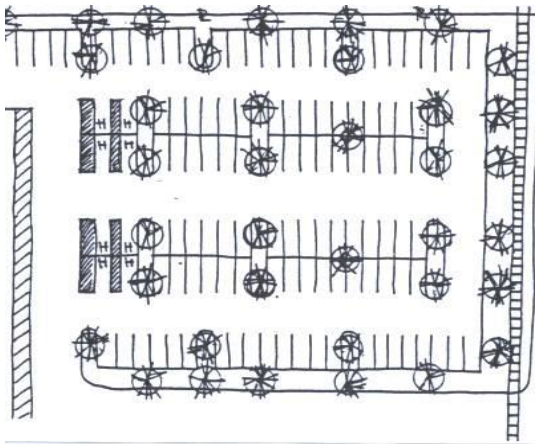
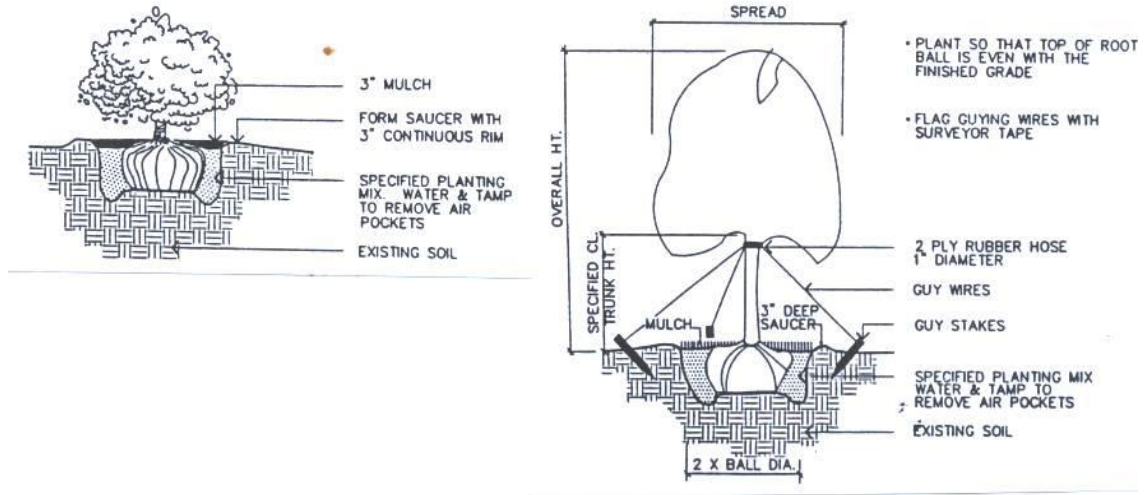


Figure 60.8 Screening Areas Illustration

60.24 LOCATION AND SIZE OF SCREENING AREAS.

- 60.24.1 **Perimeter Screening Strip Width.** The minimum perimeter screening strip width along a public or private automotive or pedestrian right-of-way is 10 feet. In all other areas, the minimum width is 5 feet. Internal separation between cars and traffic shall be installed in accord with §60 requirements that can be used, in part, to meet the requirement that at least 5% of the interior of off-street parking areas be landscaped.
- 60.24.2 **Perimeter Strip Planting.** Perimeter strips shall have at least 1 tree for every 50 linear feet planted at less than 50 feet intervals to achieve even row spacing. Where this ratio results in a fraction the fraction shall always be rounded up to the next highest number (e.g. 11.1 trees = 12 trees). Tree plantings shall begin within 20 feet of ends of adjoining parking rows. The maximum distance between trees shall be 60 feet.
- 60.24.3 **Landscape Islands.** In addition, within each row of 12 or more parking spaces, there shall be landscaped islands located so as to prevent more than 8 vehicles from being parked side-by-side in an abutting configuration. Such islands shall measure not less than 128 square feet, have a minimum dimension of 8 feet, and shall cover 100 percent of the drip area of trees within them.
- 60.24.4 **Protection of Material.** Curbing, anchored bumper blocks, or other durable materials as approved shall protect landscaped areas. Wood timbers that are not part of a structural retaining wall shall not be accepted to meet this requirement. Alternative barrier designs that provide improved infiltration or storage of stormwater are encouraged.
- 60.24.5 **Terminal Islands** shall be landscaped with at least 1 tree and ground cover or grass. A terminal island for a double row of parking spaces shall be landscaped with at least 2 trees and ground cover or grass.
- 60.24.6 **Divider strips** between rows of parking shall be landscaped with at least 1 tree for every 50 linear feet.
- 60.24.7 **Headlight Screening.** All parking screening shall be maintained to effectively function as a direct headlight screen to a height of 30 inches. There shall be a minimum of 1 shrub for every 5 linear feet. Where planting material is used for hedging or screening, at least 50% shall be evergreen, and of a size, quantity and spacing to achieve 50 % year-round opacity at planting time.

60.24.8 **Existing vegetation.** The City Tree Warden may grant written approval to use existing vegetation to satisfy tree planting requirements.



Tree

60.24.9 **Permitted Deciduous Trees.** Norway, Sugar and Red Maples, Oaks, Lindens, Ashes, Ginkgo (male only), Honey Locust (seedless and thornless), London Planes, Zelkovas, or other types with City approval. Small trees such as Crabapples, Hawthorns, Amelanchier, or Russian Oak, fruit trees, pine or evergreen trees may be permitted by the City in planting areas that would not interfere with traffic visibility.

60.24.10 **Alternate species or plans.** The Commissioner, who may be advised by the Tree Warden, may approve alternate tree species or planting plans that substantially conform to this section's intent.

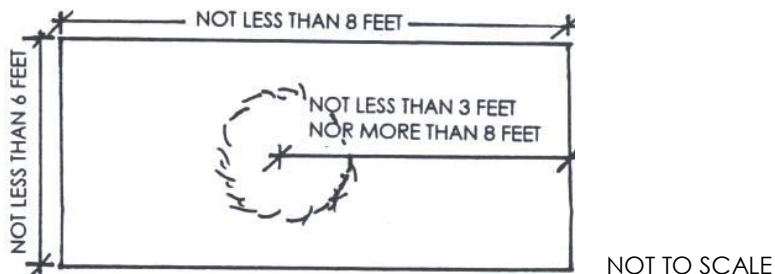


Figure 60.10 Minimum Planting Area

- 60.24.11 **Minimum planting area.** 6 feet by 8 feet. Trees shall be located behind bumper stops or integral curbing, no closer than 3 feet and no farther than 8 feet from the face of the bumper stop or curb.
- 60.24.12 **Ground cover.** Landscaped areas shall be covered with grass, or low vegetative ground cover not to exceed 18 inches in height, or if directly beneath shrubs or trees, organic mulch. Stone, sand, aggregate, or similar materials shall not be accepted to meet this requirement. Where grass or ground cover is required, it shall be planted and maintained to present a finished appearance within one growing season.
- 60.24.13 **Visibility Requirement.** No **building** or other **structure, sign, fence**, wall, hedge, shrubbery, or other vision obstruction more than three (3) feet high, as measured above mean curb level, shall be placed or allowed to grow within a 20 foot visibility triangle formed by two intersecting streets (see Figure 60.8).

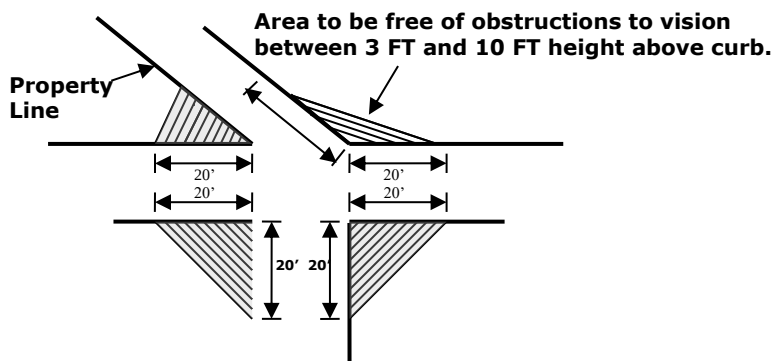


Figure 60.11 Visibility Triangle Illustration.

- 60.24.14 **Materials Maintenance.** All plant and tree growth in landscaped areas shall be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard. All plant areas must be maintained in a reasonably weed-free condition and free of undergrowth. All plantings must be fertilized and irrigated at such intervals as are necessary to promote optimum growth, and shall be maintained as living plant material and replaced within 90 days when any such foliage dies or become unhealthy.

Table 60.4 Screening Shrubs for Parking.

Species	Minimum Spacing *Requirements	Planting Height
Juniper	3 Feet	18"-24"
Compact Fitzer Juniper	3 Feet	18"-24"
Dense Yew	3 Feet	18"-24"
Hicks Yew	3 Feet	18"-24"
Holly Species	3 Feet	18"-24"
Euonymous Alatus Compactus	3 Feet	18"-24"
Spirea Species	3 Feet	18"-24"

*Measured from center to center at planting grade.

60.24.15 **Modifications.** Additional landscaping, screening, preservation of existing vegetation, or rearrangement of landscaping may be required as a condition of approval when development activity would damage existing natural systems or processes, to screen mechanical equipment and to prevent traffic hazards or other dangers to public safety. Flexibility in standards application may be allowed if modifications are consistent with the intent of this Section, if site topographic features create conditions so that strict application would result in less effective screening and landscaping than alternative landscape designs, existing buildings provide adequate screening, existing vegetation is located or spaced in such a manner that the addition of required landscaping would be detrimental to the plant material or create undesirable conditions, and the applicant provides a statement of justification identifying which site conditions warrant the requested modification and how it meets the Regulation intent.

60.24.16 **Artificial plants or trees** shall not be used.

60.25 COMMERCIAL OR INDUSTRIAL DISTRICT ABUTTING A RESIDENCE DISTRICT.

60.25.1 **Requirements.** Where Commercial or Industrial District property abuts a Residence District property, either directly or across a street or alley, the following requirements shall apply to the Commercial or Industrial District parking and loading areas.

60.25.2 A **landscape buffer** of at least 5 feet width shall be provided between the uses.

60.25.3 A **fence, wall or evergreen planting** at least 5 feet in height, designed to screen noise, odors, visibility and headlight glare, shall be located between the parking or loading area and the Residence District (except that such fence, wall or planting shall conform to the sight distance requirement in §60.24.13 above).

60.25.4 **Artificial Lighting** of a parking or loading area shall be so arranged that no direct rays fall within the Residence District.

60.26 DRIVE-THRU AND WALK-UP FACILITIES.

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

60.26.1 **Vehicle Reservoir or Standing Area.** The free flow of traffic and protection of pedestrian areas provisions in §60.20.6 above shall apply. Compliance with such provisions shall be assured by adequate design of the establishment, with particular attention to provision of an adequate vehicle reservoir or queue (standing area).

a. Each **queue lane** shall be clearly defined so as not to conflict or interfere with other traffic using the site, and shall have a **bypass lane** of 10 feet minimum width distinguished from the queuing lane by markings.

60.26.2 **ATM Requirements.** No walk-up ATM (automatic teller machine) or similar device provided for pedestrian use at a curbside, in a building facade, or in a lobby or vestibule visible from the street, shall be allowed in a structure facing a no parking area or posted bus stop, unless 4 legal on-street parking spaces, or a minimum of 2 off-street parking spaces within 100 feet walking distance of the installation on the same side of the street as the ATM installation, are available for customer use.

60.26.3 **Written ATM Approval Required.** All drive-thru or walk-up facilities shall be approved in writing by the Police Department Traffic Division. The Commission may adopt regulations to assure pedestrian and vehicular safety and free flow of traffic.

60.27 AUTOMOTIVE ESTABLISHMENTS.

Where requirements of State Statutes, the Department of Motor Vehicles, Zoning Board of Appeals or some other authority also apply, regardless of the district in which the use is located, the strictest of the requirements shall control.

60.27.1 General Standards.

a. §60.20.6 provisions for free flow of traffic and protection of pedestrian areas.

- b. Adequate area for vehicle storage and for parking of employee and customer vehicles shall be provided on private property.
- c. Facilities shall be so arranged that no servicing of any vehicle shall take place on any public street or sidewalk.
- d. No storage of any vehicle shall take place on any sidewalk.
- e. Adjacent residential uses shall be shielded from direct rays of light from the illumination of any off-street parking areas.

60.27.2 Gasoline Stations.

- a. All pump islands shall be located at least 13 feet from any street line.
- b. Sight distances shall not be obstructed by temporary or permanent signs, racks, displays or other materials or equipment.
- c. Servicing other than retail gasoline and oil sale, and minor services customarily incidental thereto, shall be conducted within a building.
- d. Convenience stores and takeout food kiosks within gasoline stations shall be considered a permitted **accessory use**.

60.27.3 Sale of New or Used Vehicles.

- a. Sale of new or used vehicles and any repair of vehicles shall conform to the standards of this subsection §60.22.

60.27.4. Car or Truck Wash Queuing (a/k/a Auto Laundries).

- a. A **queuing area** of at least 20% of the vehicular hourly capacity for waiting customer vehicles shall be provided outside the car/truck wash.

60.27.5 Repair and Limited repair of Vehicles.

- a. All repairs other than for minor emergencies and all servicing except customary outdoor services such as tire and chain work shall take place within a **building**.
- b. All vehicles inoperable by reason of collision shall be stored within a **building** or be screened as to be hidden from view from streets and surrounding properties.

60.28 RELIEF FROM STANDARDS.

Only the Planning and Zoning Commission shall have the power to lessen the requirements of this Regulation 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 such other standards will be adequate.

SECTION 61 – LOADING REGULATIONS

61. OFF-STREET LOADING REGULATIONS

Every commercial or industrial building having a gross floor space of 1,500 square feet shall have an area designated within the lot for off-street loading. In determining the adequacy of the loading area and the propriety of its location, the Commission shall be guided by the nature of the use, the anticipated vehicular and pedestrian traffic volume, and the type and frequency of vehicles expected to use the facility.

Where off-street **loading** has been established, loading shall thereafter take place in such space(s) in preference to any public street or sidewalk.

61.1 LOCATION

Loading spaces shall be segregated from pedestrian traffic and shall not be located to interfere with the flow of traffic within any parking area wherever possible.

61.2 NUMBER

Required off-street **loading spaces** are shown in **Table 62.1 Summary Table of Parking and Loading Requirements**.

61.3 LOADING SPACE SIZE

Each **loading space** shall be sufficient in size and arrangement to accommodate truck types that serve 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. A **Loading space** shall be not less than twelve (12) feet wide and twenty-five (25) feet long, exclusive of travel area needed to park the vehicle within the loading space.

61.4 DISTINCT USES

Where one establishment has two or more distinct **uses**, each **use** shall be measured separately to determine the quantity of spaces required.

61.5 CREDIT FOR LOADING SPACES

If not on the same lot as such **use** to which it is credited the loading space shall be in an area immediately adjacent to such **lot**.

61.6 LOADING SPACE ACCESS

All 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 Regulation requirements are met.

61.7 TRAFFIC FLOW; PEDESTRIAN AREA PROTECTION

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

61.7.2 **Backing Across Sidewalks.** 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.

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- 61.7.3 **Obstruction.** 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.
- 61.7.4 **Sight Distance** shall be adequate for pedestrians and vehicles.
- 61.7.5 **Access or Egress Driveways** shall cross a sidewalk only in such a way that the width of 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").
- 61.7.6 **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 shall be provided for 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.
- 61.8 CONSTRUCTION SPECIFICATIONS**
- 61.8.1 **DPW and Section 206 City Code Standards to be Used.** Construction Specifications for access driveways (such as line and grade materials) shall be determined by standards established by the Department of Public Works, and by Section 206 of the West Haven Code of Ordinances, and any amendments thereto. The number, location and length of access driveways shall be determined by City Engineer standards.

TABLE 62.1 SUMMARY TABLE OF PARKING AND LOADING REQUIREMENTS

KEY	USE CATEGORY	REQUIRED PARKING SPACES	REQUIRED LOADING SPACES
A.	SAME USES AS PERMITTED IN RESIDENCE DISTRICT <i>Single Family Dwellings</i> , Detached or Attached: <i>Two and three family dwellings</i> , <i>Multi-family dwellings</i>	1 Space per Studio and 1 Bedroom Dwelling Units. 2 spaces per 2 or more Bedroom Dwelling Units	NONE
	<i>Accessory Apartment</i>	1 Additional Space	
	<i>Short-Term Rental</i>	1 Additional Space	
	<i>Home Occupation</i>	2 Visitor Spaces	
	Congregate Housing, Assisted Living	1 Space per Bedroom	
B.	TRANSIENT LODGING Bed & Breakfast or Tourist Home	1 Space per Sleeping Room	B
	<i>Rooming, Boarding, Lodging House</i>	1 per 2 Beds	
	Hotels, Motels, Boatels or Inns	1 Space per Sleeping Room	
C.	FOOD, DRINK & ENTERTAINMENT NOTE: FOOD PREP AREA IS CONSIDERED A SEPARATE USE. Banquet Hall	1 Space per 3 Seats	A
	Convention Center	1 Space per 3 Seats	A
	Nightclubs, Taverns, Cafes or Bars **	1 Space per 3 Seats	A
	Restaurant **	1 Space per 3 Seats	A
	Liquor, Package Store, Grocery Beer	1 per 200 SF Sales or Service Area	A
D.	PERSONAL SERVICES Bank or Credit Union	1 per 200 SF	B
	Barber and Beauty Shops	1 per 200 SF	B
	Child Care Facilities	1 per Employee	B
	Craft Shops (i.e. potter, woodworking, tailor)	1 per 200 SF	B
	Flea Markets	1 per 200 SF	B
	Funeral Parlors	1 per 200 SF	B
	Laundry or Dry Cleaning Establishment	1 per 200 SF	A
	Massage Parlor	1 per 200 SF	B
	<i>Pawn or Swap Shop</i> , Second hand, used, pre-owned goods dealer, Consignment shop	1 per 200 SF	B
	Pet Shop/Grooming Facility (non-boarding)	1 per 200 SF	B
E.	COMMERCIAL Neighborhood Shopping Area	1 per 200 SF	A
	Regional Shopping Center	1 per 250 SF	A
	Retail Store, Shop or Boutique	1 per 200 SF	A
	Small Appliance, TV, Repair Shops, etc.	1 per 200 SF	B
	Temporary Vending Stand or Cart	Not Applicable	NONE
F.	EDUCATION Public or Private Elementary or Secondary School, University or College including related facility (dorm, sports complex, etc.) Trade School	1 per 3 seats in largest place of assembly or 1 per 20 Students, whichever is larger	A A
G.	GOVERNMENT Government Office, Building, Public Facility	1 per 200 SF	B
	Municipal or Quasi-Municipal Facilities	1 per 200 SF	B

	Public Park, Playground or Field, Walkway, Trail; Beach, Natural Resource Education Area; Boating or Fishing Facility; Required Parking & Structures	As Determined by P&Z Commission	B
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KEY	USE CATEGORY	REQUIRED PARKING SPACES	REQUIRED LOADING SPACES
H.	Health Care		
	Animal Hospital, Veterinary office, Other facility for animal care and/or treatment	1 per 150 SF	B
	Community, Health, Welfare Office	1 per 200 SF	B
	Hospital or Medical Office with In-Patient Treatment (no residential treatment center)	1 per 150 SF	A
	Walk-In Clinic	1 per 150 SF	B
	Medical Offices	1 per 150 SF	B
	Medical Regional Operations Center		
	Nursing, Rest or Convalescent Home	1 per 8 beds	B
I.	Office	1 per employee for the two largest shifts combined	A
	Business or Professional (not Medical)	1 per 200 SF	B
	General, Corporate or Headquarters	1 per 200 SF	B
K.	Places of Assembly		
	Private Club/Hall, Place of Worship or Similar Facility	1 Space per 3 Seats	A
	Theater	1 Space per 3 Seats	A
L.	Institutional		
	Public or Private Utility Facility		B
	Substation		B
M.	Amusements		
	Adult Bookstore or similar facilities	1 per 200 SF	B
	Amusement Center, incl. Bowling Alley billiard or pool hall, indoor golf, arcade or other commercial recreation facility	1 per 200 SF	B
	Legalized Gaming Facility (not. lottery outlet)	1 per 200 SF	B
N.	Automotive		
	Auto Dealer – New Cars (Min. 5 Acres)	1per 500 SF Showroom Area	A
	Auto Dealer – Used Cars (Min. 2 Acres)	Minimum 8 Spaces	A
	Auto Parts Supply	1 per 200 SF Sales or Service Area	A
	Vehicle Service, Repair, including Body Work	2 per Repair Bay	B
	Carwash	Minimum 6 Car Stacking Area	B
	Gas or Fuel station, incl. Convenience Store	Minimum 8 Spaces	B
	Motor Vehicle Junkyard	Minimum 8 Spaces	A
O.	Heavy Commercial		
	Building Materials or Lumber Yard		A
	Farm/Construction Equipment Sale & Service	1 per 500 SF Sales/Service Area	A

PARKING AND LOADING SUMMARY TABLE

	Farm Supply Sale, Service		A
	Plant Nursery		A
P.	Industrial		
	Industrial Offices	1 per 200 SF	B
	Light Manufacturing, processing or assembly of goods without vaporous, liquid, or solid discharge	1 per 500 SF	A
	Manufacturing, processing or assembly of goods (not noxious, hazardous or dangerous)	1 per 500 SF	A
	Manufacturing With On-Site Inventory & Material Storage	1 per 500 SF	A
	Manufacturing Involving smelting, forging or plating of metal, rubber or similar materials	1 per 500 SF	A
P.	INDUSTRIAL		
	Processing facility for animals or fish or their by-products.		
	Recycling Facility for reuse, bundling, reconstruction of materials such as paper, cans, bottles, bulk vegetation (leaves, wood, etc.).	1 per 500 SF	A
	Research & Development Laboratories		A
	Waste handling, processing or storage		A
Q.	STORAGE		
	Interior Storage of Non-Hazardous or Hazardous Materials	1 per 500 SF	A
	Outside Storage as Principal Use or Accessory Use	1 per 1000 SF	A
	Recycling Facility	1 per 1000 SF	A
	Warehousing	1 per 1000 SF	A
	Exterior Accessed Self-Storage Building	1 per 5 Units	C
	Interior Accessed Self-Storage Building	1 per 3000 SF (Net floor area) or 1 per 75 Units (Whichever is greater)	C
R.	TRANSPORTATION		
	Bus, Train or other Mass Transit Station		B
	Tractor-Trailer Facility, service area or warehouse with high volume truck operation	1 per Employee on Largest Shift	A
S.	OTHER		
	Billboard subject to §43. Limitations	None	NONE
	Common and/or Joint Use Parking	Not Applicable	NONE
	Inland or Tidal Wetland, Greenbelt, Public Garden or Nursery	Not Applicable	NONE
	Use not analogous to any use specifically mentioned in this table	As determined by P & Z Commission	

END

**** NOTE:** Parking Requirements for restaurants, nightclubs, taverns, cafés or bars that are part of a mixed-use building (residential/commercial) in the RB and RCPD Districts which are located within a quarter-mile walking distance of a university (1300 feet or less), and are located on a State road, shall be calculated at the same rate as retail space.

TABLE 62.2 LOADING REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL USES.

Key letter in first column refers to Loading Column of Table 60.1

Key Letter	General Description of Uses	Gross Floor Area (in Square Feet, SF)	Quantity of Loading Spaces
A*	Use which is primarily concerned with the handling of goods.	1,500 – 20,000	1
		20,001 – 50,000	2
		50,001 – 75,000	3
		each additional 50,000	1 additional

PARKING AND LOADING SUMMARY TABLE

B	Use which is <i>not</i> primarily concerned with the handling of goods.	1,500 – 75,000	1
		75,001 – 200,000	2
		200,001 – 350,000	3
		each additional 150,000	1 additional
C	Self-Storage Facility	10,000 – 50,000	1
		50,001 – 100,000	2
		100,001 (+)	2**

* NOTE: For Places of Assembly which are not primarily concerned with the handling of goods, such as Places of Worship, the loading Requirements would be as outlined under Key Letter "B" of Table 62.2.

** Plus 1 dock/ position per additional 100,000 SF of building floor area or fraction thereof.

ARTICLE 6: SIGNS AND BILLBOARDS

SECTION 65 – SIGNS

65.1 PURPOSE AND INTENT

It is the purpose and intent of this section to accommodate **signs** necessary for identification, direction and reasonable commercial promotion while avoiding signs of a character, size, location and number that would be detrimental to the public health, safety, property values and appearance of the city.

65.2 DEFINITIONS

NAMEPLATE or PLAQUE: A **sign** of one (1) square foot or less attached directly to the facade of the **structure** it identifies that directs attention to an occupant, **home occupation** or professional office conducted on the same **lot**.

SIGN: 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, 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: 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 on premises **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 (2) or more faces, the area of all such faces shall be included in determining the **sign area**, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the **sign area** shall be taken as the area of the larger of the two faces.

SIGN, ATTACHED: A **business sign** attached to a **building** that projects up to fifteen (15) inches from the face of the wall.

SIGN, BELT: A **sign** placed flat against the front wall of a **building**.

SIGN, BILLBOARD: A non-accessory advertising sign promoting a product or service or carrying a static message not related to the use of the property on which it is located.

SIGN, BUSINESS: A **sign** that 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: 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 OR MONUMENT: A free-standing **sign** resting directly upon the ground, but not exceeding six (6) feet in height nor exceeding seven (7) feet in length.

SIGN, HIGHWAY ORIENTED BUSINESS: A **pole sign** allowed by Special Permit that has a maximum height of thirty (30) feet from the crown of the limited access highway to which the **sign** is oriented to the top of the **sign**, and a maximum area of no more than 200 square feet, which shall be directed toward the highway, and is part of an approved **sign** program of an establishment located on a property directly abutting or located within 100 feet of a limited access highway. These signs shall be limited to the I-95 corridor and no other location adjacent to a limited access highway in the city.

SIGN, INDIRECTLY ILLUMINATED: 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, MONUMENT: see SIGN GROUND

SIGN, NON-ILLUMINATED: A **sign** that is not **illuminated** either **directly** or **indirectly**.

SIGN, POLE: A freestanding **sign** attached to the ground with a pole(s) or standard(s).

SIGN, PROMOTIONAL: A **sign** temporarily attached to or temporarily painted on the interior of a window or door announcing sales or special features.

65.3 APPLICATION REQUIREMENTS

A zoning signoff shall be secured before erecting a new sign or replacing, relocating, enlarging or structurally altering an existing **sign**.

Changing of movable parts of an approved or existing **sign** designed for such changes, or repainting or reposting of display matter shall not be deemed an alteration providing the size, shape and structural members of the **sign** remain unchanged.

The information shall be filled out on an application furnished by the Planning and Development Department and be accompanied by three (3) copies of a sketch of an **attached sign** and its relationship to the **structure**, and/or three (3) copies of a sketch of the **ground sign** (if any) and its location on the site, and any additional information deemed necessary by the Commissioner of Planning and Development.

- 65.3.1 A **sign** or canopy projecting onto the public right-of-way shall furnish a copy of the approval by the City Council to allow the **sign(s)** and/or canopy, along with the Certificate of Insurance regarding liability.

65.4 PROHIBITED SIGNS

- 65.4.1 Sandwich boards and portable **signs** are prohibited for all commercial uses.

- 65.4.2 No **sign** shall be posted, painted, or otherwise affixed to any rock, tree or utility pole or be painted or posted directly upon any exterior wall or fence in all commercial displays used and all districts except the RB (Regional Business) district.

- 65.4.3 **Promotional Signs** are prohibited in the CBD zone.

- 65.4.4 Flashing or similar type **signs** are prohibited, except for a time, temperature, or other public service.

- 65.4.5 No outdoor display shall be allowed in all commercial use and all districts except the RB (Regional Business) district. During community events, a Special Event permit may be issued in the CBD, SCR and SRR district.

- 65.4.6 EV (Electric Vehicle) charging /and displays shall not be allowed in all districts except for level three (direct current) in accordance with Section 49.4 EV Charging Stations are only permitted to have a 1 square foot display area.
- 65.4.7 **Signs** on the roof or mansard front of a residential structure or any other use or structure in a residential district.
- 65.4.8 **Billboards**, except as where specifically permitted by Special Permit.
- 65.4.9 Digitally enhanced electronic **advertising signs** with changing images are prohibited except where specifically permitted by Special Permit pursuant to Section 69.3.
- 65.4.10 Signs containing sexually explicit images or messages.

65.5 SIGNS EXEMPT FROM PERMIT PROCEDURES

Signs exempt from permit procedures if they comply with the regulations include:

- 65.5.1 Political campaign **signs**.
- 65.5.2 United States (or other nations), State of Connecticut or City of West Haven Flag.
- 65.5.3 Nameplates.
- 65.5.4 Temporary **signs** such as on-premises real estate, construction **signs**.
- 65.5.5 Directional, traffic and street **signs** erected by a governmental unit.
- 65.5.6 Traffic and directional **signs** located on a private property and have no corporate logo or other business identification.
- 65.5.7 Informational **signs** erected by private organizations with municipal approval within an established right-of-way.
- 65.5.8 Temporary **signs** announcing a campaign, fundraising drive or event sponsored by a civic, philanthropic, political, educational or religious organizations, provided such **sign** shall stand no longer than thirty (30) days.
- 65.5.9 String or festoon lights may be hung provided they do not infringe on a public right-of-way, do not create a nuisance and are removed after thirty (30) days.
- 65.5.10 Christmas lights installed by the City or a civic group.

65.6 TEMPORARY SIGNS

- 65.6.1 **Limits.** Temporary **Signs** including real estate, political campaign or construction **signs** may be erected in any residential zone provided they do not:
 - 1. impede pedestrian or vehicular traffic;
 - 2. obstruct vision on or off the premises;
 - 3. have no more than 8 square feet area and are not more than 8 feet high.
- 65.6.2 **Removal.** Temporary **Sign** removal shall occur within five (5) days of the event, as follows:
 - 1. political campaign **signs** related to a specific campaign – after the election;
 - 2. construction **signs** containing contractor information – after completion, which is defined as the issuance of a temporary or final certificate of occupancy (C of O).
 - 3. real estate **signs** advertising the sale or lease of the property – after the closing.

65.7. GENERAL REGULATIONS

- 65.7.1 **Sign Permit Review.** The Commissioner may modify or deny any such application that does not meet these requirements, including any **sign** which in the Commissioner's opinion pursuant to these requirements will create a safety or traffic hazard.

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- 65.7.2 Any **sign** approved as part of Site Plan Review shall be deemed to have complied with the requirements of this Section.
- 65.7.3 All **signs** must:
1. be located on the property;
 2. be parallel to the street in a residential district (except temporary **signs**);
 3. not be located on a roof or above the first story level;
 4. not block visibility, present a hazard or distraction;
 5. be securely anchored;
- 65.7.4 **Sign Area** shall be determined as follows:
1. Only one side of a **sign** perpendicular to the **street line** and the area surrounding the facade of a **building** which has attached letters or other markings constituting a **sign** shall be included.
 2. The **structure** supporting any **ground sign** shall not be included in the **sign area** provided that such **structure** is not constructed so as to attract attention or be part of the **sign**.
- 65.7.5 **Nameplates** and **attached signs** shall be attached directly to the building facade containing the use advertised and project from the facade no more than six (6) inches.
- 65.7.6 An **attached sign** must be positioned between the first and second building level to which it is attached and shall not be permitted to extend beyond the roofline.
- 65.7.7 **Grounds signs** located within ten (10) feet from the street line shall be at least ten (10) feet in height at its lowest level except for its supports to provide clear visibility to any vehicle entering or exiting the premises.
- 65.7.8 **Parking and other directional signs** are permitted on any premises in all districts provided they:
1. are no larger than two (2) square feet each, and
 2. do not create any safety hazards or obstructions, and
 3. do not deviate from any approved Site Plan configuration.
- 65.7.9 Any public address system or other audio means of advertising shall be at a sound level that cannot be heard beyond the property line (less than 45 DB).
- 65.7.10 No **sign** shall be flashing scrolling, shimmering or create a distraction for passing motor vehicles except for a time, temperature, or other public service devise employed as part of an otherwise non-flashing display.
- 65.7.11 No **sign**, canopy, permanent awning, or marquee shall be located within or hang over the street,
- 65.7.12 Any **sign** may be double faced and only one face shall be counted in determining conformity to **sign** area limits.
- 65.7.13 All dimensions for **signs** shall be based on measurements to the outside edge of the sign excluding any structure necessary to support the **sign**.
- 65.7.14 A **sign** composed of individual letters applied to the facing of a building shall include the surface area covered by the component letters and the spaces in between.
- 65.7.15 All electric signs should be turned off after business hours.
- 65.8 SIGN VARIANCES AND EXCEPTIONS** (section deleted August 27, 2013.)

SECTION 66 – RESIDENTIAL SIGN STANDARDS

66. RESIDENTIAL SIGN STANDARDS

Signs of the types and quantities listed are permitted in all residential districts (**R-1, R-2, R-3, R-4, R-5, and RPD**), subject to the size restrictions below.

66.1 Sign Standards.

1. The total **sign** area of all attached and ground **signs** on a parcel in a residential district shall not exceed twelve (12) square feet.
2. No **sign** in any residential district may be illuminated except by indirect lighting.
3. A **sign** shall have a maximum height no greater than six (6) feet in a residential district;
4. All residential district **signs** shall be non-animated and non-flashing and may be illuminated only by redirected, indirect, or diffused lighting so arranged that they do not glare into the street or adjoining property.
5. A **sign** shall be set back from the street line fifteen (15) feet in a residential district.

66.2 Residential Nameplates of not more than one (1) square foot shall be permitted on any property in all residential districts.

66.3 Professional Office Nameplates of no more than one (1) square foot each may be permitted to be attached to the principal facade of the building at its main entrance for each professional office permitted within any residential zone.

66.4 Attached Sign Limits. One attached **sign** on any conforming multi-family complex or Special Permit use, located between the first and second floor of such structure with a maximum **sign area** of twelve (12) square feet, may be permitted.

1. Where a multifamily complex or Special Permit structure fronts on more than one public street one attached **sign** per facing of up to six (6) square feet is permitted.

66.5 Ground Sign Limits. One ground **sign** of up to and including twelve (12) square feet situated parallel to the principal structure containing the name and address of the structure may also be permitted at a multi-family complex or Special Permit Use.

66.6 Permanent Real Estate Signs may include rental or management information on the **ground sign** which announces the name and address of a multi-unit apartment or condominium complex provided the area of all **signs** does not exceed twelve (12) square feet.

SECTION 67 – COMMERCIAL SIGN STANDARDS

67 COMMERCIAL SIGN STANDARDS

Signs of the types and quantities listed are permitted in all commercial districts (**NB, RB, CBD, SCR, RCPD, CD, SRR, TOD** and **WD**), subject to the size restrictions below.

67.1 Sign Area. Maximum **sign area** square footage of all permitted **signs** in any commercial district shall be two (2) square feet per running foot of the front or principal **structure** facade.

67.2 Sign Height. Business signs shall have a maximum height no greater than twenty (20) feet be set back from the street line five (5) feet in an RB (Regional Business) zone: i.e., along the Route 1 and Route 34 corridor. Monument or ground signs shall not exceed six (6) feet in height in the other commercially zoned districts.

67.3 Ground or Pole Signs. Only one **ground** or **pole sign** per structure per **lot** is permitted unless specifically authorized by the Planning and Zoning Commission.

1. When a **building** faces two public **streets**, the Commissioner may permit an additional **ground sign** for the entire **structure** or complex and/or an additional **attached sign** for each business totaling no more than half the size permitted on the main facade if it can be shown that the **sign**:
 - a. is necessary to conduct of the business,
 - b. will conform to and be compatible with the existing **signs** and building exterior,
 - c. will not be visually offensive.
2. Each side of a **ground sign** shall be the same size, but only one side shall be counted in total **sign area**.
3. **Pole signs** may only be allowed by Special Permit In the CBD zone.
4. Two (2) **attached signs** on a **structure** in place of one (1) **ground** or **pole sign** and one (1) **attached sign** may be permitted by the Commissioner provided it is shown:
 - a. that the latter arrangement is impractical,
 - b. that the **attached signs** do not detract from the structure's appearance, and
 - c. that the total **sign area** is not greater than normally permitted.

67.4 Business Sign Number Limit. Each business in a commercial district shall be limited to one (1) **attached sign** and one (1) **ground sign** and **Highway Oriented Business Signs** shall be limited to one (1) per parcel.

67.5 Ground Sign(s) in Neighborhood or Regional Shopping Centers may be permitted at each entrance from a different **street**, as follows:

1. One **ground or monument sign** at the main entrance with a maximum sign height of six (6) feet and a maximum length of seven (7) feet of **sign area** with the **shopping center** name and street address and its store businesses names.
2. **Ground or monument sign(s)** at additional entrance(s) may be permitted by Special Use Exception, but shall have no more than thirty-two (32) square feet **sign area** and be no more than six (6) feet high and shall be limited to the name and address of the **shopping center**.

67.6 Attached Business Sign in Neighborhood or Regional Shopping Centers. Each business **attached business sign** shall be limited to one (1) square foot for every running foot of the front façade.

67.7 Permanent Real Estate Signs .Rental or management information may be added to the **ground sign** of any commercial complex.

67.8 Promotional Signs are permitted provided same are not flashing or otherwise hazardous and are removed within 30 days.

67.9 Special Advertising Devices including, but not limited to, plaques, banners, pennants and streamers are permitted for a period of not more than thirty (30) days after the opening of a new business

REVIEW STANDARDS FOR POLE SIGN SPECIAL PERMIT

67.10.1 In addition to the required special permit findings the Planning and Zoning Commission shall make a written finding that:

1. A **ground sign** cannot be employed at the location due to vehicular or pedestrian safety or visibility considerations; and
2. The **sign** program for the location has been determined by the Planning and Zoning Commission to provide insufficient identity to the establishment; and
3. The predominant pattern of business **signs** in the immediate area (500 linear feet in both directions) includes **pole signs**.

67.11 REVIEW STANDARDS FOR HIGHWAY ORIENTED BUSINESS SIGN SPECIAL PERMIT

67.11.1 In addition to the required Special Permit findings the Planning and Zoning Commission shall make a written finding that the Special Permit requested:

1. will not have a negative effect on views of vistas of Downtown, the West River, or New Haven Harbor.
2. will not result in visual clutter from an undue concentration of on-premises or off-premises signs.
3. will be in keeping with the scale and massing of nearby structures, **signs**, and/or geographical features.
4. will not require substantial alteration of the existing tree canopy in the area of the highway oriented business **sign** or significant removal or trimming of trees to achieve a clear view of the **sign**.

67.12 SUPPLEMENTARY APPLICATION STANDARDS FOR HIGHWAY ORIENTED BUSINESS SIGN

67.12.1 A plan and section at a scale of 1 inch equals 40 feet (1"=40') or larger, prepared by a Connecticut licensed surveyor, showing the approaches to the **sign** location and the following shall be submitted

1. the ground elevation at the base of the **highway oriented business sign**; and
2. the highway elevation at the crown of the limited access highway in the travel direction at the point closest to the proposed **highway oriented business sign** location; and
3. the highway elevation at 1500 and 500 linear intervals from the point described immediately above; and
4. the location of any significant (8 inch caliper or larger) trees on the proposed **highway oriented business sign** site which are to be trimmed or removed.
5. the location any **advertising signs** or **highway oriented business signs** within 1500 feet of the proposed location.

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- 67.12.2 **Photo or Video May be Required.** If the Planning and Zoning Commission deems it necessary to adequately evaluate the proposal, photos and/or video showing the travel approach to the proposed location showing the following may be required:
1. a flag shall be posted showing the height to the bottom and top of the proposed **highway oriented business sign**.
 2. flags shall be staked at the limited access highway edge at the 1500 foot and 500 foot distances from the proposed **highway oriented business sign** location at the points delineated in section 67.12.1 above.

SECTION 68 – SIGNS PERMITTED IN INDUSTRIAL DISTRICTS

68. INDUSTRIAL SIGN STANDARDS

Signs of the types and quantities listed are permitted in all industrial districts (**LM** and **IPD**), subject to the size restrictions below.

- 68.1 Sign Area.** The maximum footage for all **signs** for every running foot of the front or principal facade of the **building** shall be:
1. In Light Industrial (**LM**) districts – two (2) square feet.
 2. In Industrial Development (**IPD**) districts – one (1) square foot, subject to design approval for consistency and compatibility throughout the district.
- 68.2 Sign Height.** A **business sign** in an industrial district shall have a maximum height no greater than twenty (20) feet.
- 68.3 Setback.** A business **sign** in an industrial district shall be set back from the street line ten (10) feet
- 68.4 Business Sign Limits.** Each business in an industrial district shall be permitted to have one (1) **attached sign** and one (1) **ground** or **pole sign** or two (2) **attached signs** with no **ground** or **pole sign**. Each **structure** shall be permitted to have only one **ground** or **pole sign**.
- 68.5 Permanent Real Estate Signs.** Rental or management information may be added to the **ground** or **pole sign** which announces the name and address of the **use**, provided the area of all **signs** does not exceed twenty-four (24) square feet.
- 68.6 Promotional Signs.** For factory or warehouse sales, such **signs** shall be permitted provided they are used for no more than thirty (30) days at a time and no more than four (4) times a year. Such **signs** shall be erected only on private property, and shall not block pedestrian or vehicular access or visibility or create any safety hazards. Flashing or similar type **signs** are strictly prohibited.
- 68.7 Highway Oriented Business Signs** in accord with the provisions of section 67.11 and 67.12 may be allowed by Special Permit.

SECTION 69 – ADVERTISING SIGNS

69. ADVERTISING SIGN STANDARDS

No **advertising sign** or **billboard** shall be constructed, rebuilt, replaced or increased except by Special Permit granted by the Planning and Zoning Commission. Nothing herein, however, shall require Commission permission to change the advertising on such **signs** on any billboard that currently exists pursuant to these regulations.

69.1 Locations Allowed. Advertising signs or billboards may be allowed by Special Permit in any Industrial District (LM, IPD) provided such **sign** or **billboard** lies within one hundred (100) feet from an interstate highway (Interstate 95).

69.2 DEFINITIONS

BILLBOARD: See SIGN, ADVERTISING

SIGN, ADVERTISING: A **sign** which directs attention to a business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises upon which **sign** is located, or to which is affixed, and which is sold, offered or conducted on such premises only incidentally if at all. **Advertising signs** are commonly, but not limited to, standardized steel structures that carry messages.

69.2.1 SIGN, DIGITAL ADVERTISING SIGN – A type of **Advertising Sign** illuminated by an LED digital face allowing periodically changing advertising messages.

69.3 STANDARDS AND CONTROLS

In granting a Special Permit, the following standards and controls for **advertising signs** shall be adhered to:

1. No **advertising sign** may be located on any **building** or other **structure**, except on a **structure** specifically and exclusively designed to hold such **sign**.
2. Only one **advertising sign structure** may be permitted on any single **lot**, however, such **lot** may contain other permitted **uses**.
3. No **advertising sign** shall be permitted on any **lot** having less than one hundred (100) feet of **street frontage**.
4. Where a **lot** has a frontage of up to one hundred and twenty-five (125) feet a single **advertising sign** shall not exceed a length of thirty (30) feet or have a **sign area** greater than three hundred sixty (360) square feet.
5. Where a **lot** has a frontage of more than one hundred and twenty-five (125) feet, an **advertising sign** maximum size may be increased to not more than sixty (60) feet in length with a **sign area** of no more than nine hundred (900) square feet.
6. The bottom edge of all **advertising signs** shall be located at least ten (10) feet from the ground.
7. An **advertising sign** oriented to a limited access highway shall be no higher than 35 feet above the crown of the Interstate highway in the travel direction at the point closest to the proposed **advertising sign** location.
8. An **advertising sign** shall not contain more than two (2) facings or more than two (2) **signs** per facing.
9. No **advertising sign** shall permit its light to be directed so as to illuminate any other property or create any distraction to traffic.
10. **Spacing**: Spacing between **Advertising Signs** located along Interstate I-95 shall be One Thousand (1,000) feet from any other **Advertising Sign** facing the same direction of traffic along the same side of Interstate I-95.

11. Distances: All distances for spacing of **Advertising signs** shall be measured along the center line of the street or highway between two vertical planes which are normal or perpendicular to and intersect the center line of the highway and which pass through the terminal of the measured distance.
12. **Digital Advertising Signs** are permitted subject to Special Permit on the conditions that the **Digital Advertising Sign** is primarily directed toward Interstate 95 and replaces an existing advertising sign in any zone facing I-95 and is not less than One Thousand (1,000) Feet from an existing or permitted **Digital Advertising Sign** on the same side of the highway facing the same direction of traffic.

69.4 ADVERTISING SIGN RECONSTRUCTION

Any **advertising sign** for which reconstruction or replacement other than the advertising material is required shall not be permitted to replace any structural member. In this instance the **advertising sign** shall be required to be removed unless it is to be reconstructed in conformance in accordance with Section 75 standards and controls.

TABLE 69.1 PROHIBITED, EXEMPT AND TEMPORARY SIGNS

SIGN CATEGORY
PROHIBITED SIGNS IN ALL DISTRICTS per Section 65.4.
Sign painted or posted directly on wall surface or a fence
Sign posted, painted or affixed to a rock, tree or utility pole
Flashing or similar sign, except time, temperature or public service device on otherwise non-flashing display.
Sandwich board, Portable Sign
PROHIBITED SIGNS IN RESIDENCE DISTRICT <u>ONLY</u>:
Roof or Mansard Sign
EXEMPT SIGNS per Section 65.5 standards
Campaign, fundraising or civic event by philanthropic, political, educational, or religious organization - Duration of sign posting less than 30 days.
Political sign
Construction or Real Estate sign
Directional, Traffic or Street sign
Federal, State or City flags
Nameplates
Permanent Real Estate signs, subject to size limits
String/festoon lights on private property
TEMPORARY SIGNS per Section 65.6
Including real estate, political and construction signs subject to §65.5 standards.

TABLE 69.2 RESIDENTIAL SIGNS					
SIGN CATEGORY	RESIDENTIAL				
	R-1	R-2	R-3	R-4	R-5
RESIDENTIAL DISTRICT SIGNS per Section 66. standards					
Attached Sign Located between 1st and 2nd floor of multi-family or Special Permit use – Maximum 12 SF sign area.	R	R	R	R	R
Ground sign Maximum 18 SF area per Section 66.5	R	R	R	R	R

USE NOTES: This summary schedule is for convenience in use of the Regulation.
In case of conflict, the regulation text shall prevail.
Terms in **boldface italic** are defined in Section 2 of this Regulation.

TABLE 69.3 COMMERCIAL, INDUSTRIAL AND ADVERTISING SIGNS

SIGN CATEGORY	COMMERCIAL					MIXED USE					INDUSTRIAL		
	NB	CD	RB	CBD	SCR	RPD	RCPD	SRR	TOD	WD	LM	IPD	PRD
COMMERCIAL DISTRICT: 2 SF per running FT of front or principal façade.	R	R	R	R	R	X	X	X	X	X	X	X	X
<i>Business Sign</i> Each Business - 1 <i>attached</i> , and 1 <i>ground sign</i> 2 SF per running foot of front/principal façade of structure.	R	R	R	R	R	X	X	X	X	X	X	X	X
Promotional Sign Temporarily attached, painted on window or door and not flashing or otherwise hazardous - 30 day time limit.	R	R	R	R	R	X	X	X	X	X	X	X	X
Pole Sign – 20 Feet Maximum Height	R	R	R	SP	R	R	R	R	R	R	R	R	R
Ground or Monument Sign – 6 Feet Maximum Height	R	R	R	R	R	R	R	R	R	R	R	R	R
<i>Highway Oriented Business Sign</i> per §68.7 limit	SP	X	SP	X	X	X	X	X	X	SP	SP	SP	SP
Special Advertising Device (plaque, banner, pennant, streamer) 30 day time limit after business opening.	R	R	R	R	R	X	X	X	X	X	X	X	X
<i>Neighborhood or Regional Shopping Center: Ground signs</i> at each entrance to a different street, subject to §68.6 limits.													
A. 1 <i>Ground or Monument Sign</i> at Main Entrance, 6 FT Height, 7 FT length limited to shopping center name, address, store business names.	R	R	R	R	R	X	X	X	X	X	X	X	X
	R		R	R	R	X	X	X	X	X	X	X	X

B. Ground sign at additional entrance – ≤32 SF area, ≤ 5 FT Height, limited to shopping center name and address.	R		R	R	R	X	X	X	X	X	X	X	X
C. Attached Business sign: 1 for each business – 1 SF for every running foot of façade.													
INDUSTRIAL DISTRICT: SF Limit per running FT front/principal façade: LM zone: 2 SF, ID & IP zones – 1 SF	R	R	R	R	R	R	R	R	R	R	R	R	R
Business limit: 1 <i>attached sign</i> , 1 <i>ground sign</i> or 2 <i>attached sign</i> , no <i>ground sign</i> .	R	R	R	R	R	R	R	R	R	R	R	R	R
Promotional Signs, per §68.6 limits	R	R	R	R	R	R	R	R	R	R	R	R	R
ADVERTISING SIGNS, per §69 standards													
<i>Lot frontage</i> ≤125 feet: 30 FT Maximum length, 360 SF Maximum area	X	X	SP	X	X	X	X	X	X	X	X	SP	SP
<i>Lot frontage</i> ≥125 feet: 60 FT Maximum length, 900 SF Maximum area	X	X	SP	X	X	X	X	X	X	X	X	SP	SP

KEY: **SP = Special Permit** X = **Not Permitted** R = **Permitted by Right**

USE NOTES: This summary schedule is for convenience in use of the Regulation.
In case of conflict, the regulation text shall prevail.
Terms in ***boldface italic*** are defined in Section 2 of this Regulation.

ARTICLE 7 – RESOURCE REGULATIONS

SECTION 70 – FLOODPLAIN MANAGEMENT

70. FLOODPLAIN MANAGEMENT

70.1 PURPOSE

The Floodplain Management Districts exist to minimize the public and private losses due to flood conditions by controlling the **uses**, methods of construction, alteration of natural waterways and barriers, topographical features of land and erection of flood barriers.

70.2 STATUTORY AUTHORITY

Section 7-148 of the Connecticut General Statutes, as amended.

70.3 FLOODPLAIN MANAGEMENT DISTRICT MAPS

The Floodplain Management District is an area of special flood hazard identified by the Federal Emergency Management Agency (FEMA), as shown in its Flood Insurance Study (FIS) for New Haven County, Connecticut dated July 8, 2013, accompanying Flood Insurance Rate Maps (FIRM), dated July 8, 2013 (Panels 09009C0437J, 09009C0439J, 09009C0443J, 0900C0551J, 09009C0552J) and December 17, 2010 (Panels 09009C0428H, 09009C0436H, 09009C0438H, 09009C0441H, 09009C0556H,) and other supporting data applicable to the City of West Haven and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A, AE and VE, including areas designated as a floodway on a FIRM, Zone VE are also identified as a coastal high hazard area. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are approximate (rounded up or down) and should be verified with BFEs published in the FIS for a specific location.

70.4 SUBJECT ACTIVITIES

No zoning, building or other permit shall be issued for a **building, use** or **structure** unless a Floodplain Development Permit has been issued in accordance with the provisions of the Floodplain Management Ordinance of the City of West Haven, Connecticut.

70.5 USES PERMITTED

Such **uses** as are allowed and in the same manner as the underlying zone shall be permitted in the Floodplain Management District, within the restrictions of the Floodplain Management Ordinance of the City of West Haven.

70.6 PERMIT PROCEDURES

Application for a Floodplain Development Permit shall be made to the Building Official, in accordance with the provisions of the West Haven Floodplain Management Ordinance.

70.7 WAIVERS

The West Haven Flood and Erosion Control Board (hereafter FECB) shall hear and decide appeals and requests for waivers from the requirements, in accordance with the standards of the West Haven Floodplain Management Ordinance.

70.8 ENFORCEMENT

The FECB or a designated agent thereof shall have the power to enforce this provision.

70.9 FEES

Each application submitted to the Board for a waiver shall be accompanied by a fee payable to the City of West Haven in accordance with Chapter 101, Section 101-1 Fees, of the Code of the City of West Haven Code of Ordinances.

70.10 DEFINITIONS

Unless specifically defined below, words or phrases used in this regulation shall be interpreted so as to give them the meaning they in common usage and to give this regulation its most reasonable application. As used in this Section, the following definitions shall control:

APPEAL: A request for a review of the interpretation of any provision of this regulation by the **Zoning Enforcement Officer** or a request for a **variance** of such interpretation.

AREAS OF SPECIAL FLOOD HAZARD: Those areas in the flood plain within the city subject to a one per cent or greater chance of flooding in any given year. Areas of Special Flood Hazard are determined utilizing the **base flood elevations (BFE)** provided on the flood profiles in the **Flood Insurance Study (FIS)** for the **city**.

BASE FLOOD: The flood having a one per cent chance of being equaled or exceeded in any given year. (100 year flood)

BASE FLOOD ELEVATION (BFE): The elevation of the crest of the **base flood** (100 year flood). The height in relation to **mean sea level** (NAVD 1988) expected to be reached by the waters of the **base flood** at pertinent points in the floodplains of coastal and riverine areas.

BASEMENT: That portion of a building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL: Any type of wall, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material which are not part of the structural support of the building and which are so designed as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by **flood** waters.

BUILDING: See "Structure".

COASTAL HIGH HAZARD AREA: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal High Hazard Areas are designated as Zone VE and Zone AE bounded by a line labeled "Limit of Moderate Wave Action (LiMWA)" on a Flood Insurance Rate Map (FIRM).

COST: As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure as established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service

equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters, labor, built-in appliances, demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems and detached structures such as garages, sheds and gazebos.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvement to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal system or water supply facilities.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A **manufactured home park or subdivision** for which the construction of facilities for servicing the lots on which the **manufactured homes** are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before January 17, 1979, the effective date of the floodplain management regulations adopted by the city.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to affixed (including the installation utilities, the construction of streets, and either final grading or the pouring of concrete pads.)

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The federal agency that administers the National Flood Insurance Program (NFIP).

FLOOD OR FLOODING: a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM): The official map of the city, on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the city.

FLOOD INSURANCE STUDY (FIS): The official report provided by **FEMA**. The report contains flood profiles, wave height analysis, water surface elevations, as well as the Flood Insurance Rate Map (FIRM),

FLOODPROOFING: Reference to any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to them or improve property, structures and their contents.

- FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- FLOOR:** The top surface of an enclosed area in a building (including basement) i.e. top of slab in concrete slab construction or top of wood flooring on wood frame construction. The term does not include the floor of a garage used solely for parking of vehicles.
- FUNCTIONALLY DEPENDENT FACILITY:** A facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and shipbuilding and repair facilities. The term does not include seafood processing facilities, long term storage, manufacture, sales or service facilities.
- HISTORIC STRUCTURE:** Any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirement for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states with approved programs.
- LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement).
- MANUFACTURED HOME:** A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes **camp trailers**, park trailers, travel trailers, **recreational vehicles** and similar transportable structures placed on a site 180 consecutive days or longer and intended to be improved property.
- MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel or parcels of land divided into two or more **manufactured home** lots for rent or sale.
- MARKET VALUE:** The market value of the structure shall be determined by the cost approach to value, the quantity survey method, the segregated cost method, or the square foot method prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the **damage** occurring.
- MEAN SEA LEVEL:** For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on the city's Flood Insurance Rate Map are referenced.
- NEW CONSTRUCTION:** Reference to structures for which the start of construction commenced on or after January 17, 1979, the effective date of the

floodplain management regulations, and includes any subsequent improvement to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A **manufactured home park or subdivision** for which the construction of facilities for servicing the lots on which the **manufactured homes** are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after January 17, 1979, the effective date of the floodplain management regulation adopted by the city.

RECREATIONAL VEHICLE: A vehicle which is; (a) built on a single chassis; (b) four hundred (400) square feet or less when measured to the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily nor for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

SAND DUNES: Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

START OF CONSTRUCTION: For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L.. 97 348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of structure (included a manufactured home) on a site, such as the pouring of slabs of footing, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundations or the erect of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 per cent of the market value of the structure before the damage occurred. "Substantial Damage" also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, taking place over a one year period, the cost of which equals or exceeds fifty per cent (50%) of the market value of the structure (as

determined by the cost approach to value, the quantity survey method, the segregated cost method or the square foot method) as determined at the beginning of such one year period before the "start of construction" of the improvement or repair, or if the structure has been damaged and is being restored, before the damage occurred. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. (For the purposes of this definition "substantial improvement" is considered to occur when the first alteration any wall, ceiling, floor or other structural part of the building commences, whether that alteration affects the external dimension of the structure.) The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

VARIANCE: A grant of relief to a person from the requirements of this regulation which permits construction in a manner otherwise prohibited by this regulation where specific enforcement would result in unnecessary hardship.

VIOLATION: Failure of a structure or other development to be fully compliant with the city's flood plain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods or various magnitudes and frequencies in the flood plains of coastal or riverine areas.

70.11 FLOOD HAZARD AREAS

Flood Hazard Areas include all areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut dated July 8, 2013, accompanying Flood Insurance Rate Maps (FIRM), dated July 8, 2013, and other supporting data applicable to the City of West Haven, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation, it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones, A, AE, and VE, including areas designated as a floodway on a FIRM. Zone VE are also identified as Coastal High Hazard Areas. Areas of special flood hazard are determined by utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Maps (FIRM) are only

approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

70.12 PERMIT REQUIRED

In any Flood Hazard Area, no land shall be filled or excavated and building or other structure shall be constructed, reconstructed, enlarged, moved or structurally altered until a site plan has been approved by the Commissioner of Planning and Development and a building permit issued by the Building Official in accordance with these regulations, the State Building Code and any other applicable city ordinances or state statutes and all applicable state and federal permits have been obtained. This requirement may also be placed on any property which is subject to periodic flooding and inundation but which is not listed on the official Flood Insurance Rate Map at the discretion of the Commissioner of Planning and Development after consultation with the City Engineer, the Inland Wetland Agency and any other appropriate city officials.

70.13 GENERAL STANDARDS FOR ALL FLOOD HAZARD AREAS

1. All new construction and substantial improvement shall be anchored to prevent floatation, collapse or lateral movement of the structure resulting in hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage, and be constructed with materials resistant to flood damage.
3. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located safely to prevent water from entering or accumulating within the components during conditions of flooding.
4. Adequate drainage shall be provided to reduce exposure to flood hazards.
5. All public utilities and facilities such as gas, storm and sanitary sewers, electrical and water systems both new and replacement are located and constructed to minimize or eliminate flood damage and infiltration.
6. On site waste disposal systems shall be located to avoid impairment of them or contamination from them during flooding.
7. The flood carrying capacity within altered or relocated water courses is to be maintained.
8. All manufactured homes shall be installed using methods and practices which minimize flood damage. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and the provision of reinforcement for piers more than six (6) feet above ground.
9. Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the city, encroachments resulting from filling, new construction or substantial improvements involving an increase in the footprint of the structure, are prohibited unless the applicant provides certification by a

registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practices that such encroachments shall not result in an (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

10. **Compensatory Storage.** The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100 year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the city.
11. **Aboveground Storage Tanks.** Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of a structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and a screw fill cap that does not allow for the infiltration of flood water.
12. **Portion of Structure in Flood Zone** If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirement of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
13. **Structures in Two Flood Zones.** If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)

70.14 FLOODWAY REQUIREMENTS

1. In "A" zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted

which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

2. Should data be requested and/or provided, the city shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.
3. A regulatory floodway has been established on the Flood Insurance Rate Map by reference. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectile and erosion potential, the following provisions shall apply:
 - a. No encroachments including fill, new construction, substantial improvements and other developments shall be permitted unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analysis performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 increase in flood levels during the occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of open design.
 - b. If provision (a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions general and specific standards.

70.15 SPECIFIC STANDARDS FOR “A” ZONES

The following provisions shall apply in all areas of special flood hazard AE or A zones where base flood elevation data has been provided in accordance with Sections 70.18 and 70.20 of these regulations

1. Residential – all new construction and substantial improvements of residential structures shall be the lowest floor (including basement) elevated to or above the base flood elevation.
2. Non-residential – all new construction and substantial improvements to non-residential structures are required to:
 - a. have the lowest floor (including basement) elevated above the base flood level or;
 - b. together with attendant utility facilities, be designed so that below the base flood level, the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Manufactured Homes –all manufactured homes (including “mobile” homes or recreational vehicles placed on a site for 180 consecutive days or longer) to be placed or substantially improved (including manufactured homes located outside of a manufactured home park or subdivision in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an

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- existing manufactured home park or subdivision, or in an existing manufacture home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood) shall be;
- a. elevated so that the lowest floor is above the base flood elevation; and
 - b. placed on a permanent foundation which is itself securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.
 - c. recreational vehicles shall either be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, or meet all the general standards of Section 70.13 and the elevation and anchoring standards of Section 70.15.3 a and b. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
4. Fully enclosed areas below the base flood elevation of elevated buildings. All new construction, substantial improvement, or repair to structures that have sustained substantial damage, whether residential or non-residential, that include fully enclosed areas formed by a foundation and other exterior walls below the base flood elevation (BFE) of an elevated building shall be designed to preclude finished living space and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect, or meet the following minimum criteria listed in sections a-g) below:
- a. Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. These hydraulic openings must be located on at least two different walls. Only the area (square footage) that lies below the BFE can be used in the calculation of net area of vents required. If the structure has more than one enclosed area, opening must be installed in the exterior walls of each enclosed area so that flood water can enter directly from the outside;
 - b. The bottom of all openings shall be no higher than one (1) foot above the finished grade adjacent to the outside of the foundation wall. At least one entire side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab of a crawlspace, must be set

- equal to the outside finished grade on at least one side of the building;
- c. The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of flood waters into and out of the enclosed area. Other coverings may be designed and certified by a registered professional engineer or approved the City Engineer;
 - d. The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation or partitioned into separate rooms;
 - e. All interior walls, floor and ceiling materials located below the BFE shall be unfinished and resistant to flood damage;

A registered professional engineer or architect shall review and/or develop structural design specifications and plans for construction and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provision of this section. Such certification shall be provided to the Commissioner of Planning and Development.

70.16 SPECIFIC STANDARDS FOR “V” ZONES

Located within the areas of special hazard established in Section 70.11 are areas designated as coastal High Hazard areas (Zones VE). Since these areas have special flood hazards associated with high velocity waters, including hurricane wave wash, the following provisions apply:

- 1. The use of fill for structural support is prohibited
- 2. All new construction or substantial improvement shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.
- 3. Man made alteration of sand dunes which would increase potential flood damage is prohibited.
- 4. All new construction and substantial improvements shall be securely anchored on pilings or columns which are themselves anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water

loading values which equal or exceed 100 year mean recurrence interval (one percent annual chance of floods and winds).

5. All new construction and substantial improvements shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water.
6. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for construction and shall certify that the design specifications and methods of construction are in accordance with acceptable standards of practice for meeting any provisions contained in subsections (4) and (5) above.
7. Non-supporting breakaway wall, lattice work or mesh screening may be allowed below the base flood elevation provided it is not part of the structural support of the building and is designed so as to break away , under abnormally high tides or wave action, without damage to the structural integrity of the building on which it is to be used and provided the following design specifications are met;
 - a. Design safe loading resistance of each wall shall not be less than 10 nor more than 20 pounds per square foot; or
 - b. If more than 20 pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would result from a water load event, and the elevated portion of the building and supporting foundation system shall not be subject to the effects of wind and water loads acting simultaneously on all building components during the base flood event. Maximum wind and water loading values to be used in this determination shall each have one percent (1%) chance of being equaled or exceeded in any given year (100 year mean recurrence interval).
 - c. If breakaway wall, lattice work or screening are utilized the resulting enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.
 - d. Prior to construction, plans for any structures that will have breakaway wall, lattice work, or screening must be submitted to the Commissioner of Planning and Development for approval.
8. Any alteration, repair, reconstruction, or improvement to a structure shall not enclose the space below the lowest first floor except with breakaway wall, lattice work, or screening as provided for in subsection (7) above.
9. Manufactured Homes – all manufactured homes (including “mobile” homes and recreational vehicles) to be newly placed, undergoing a

substantial improvement or repaired as a result of sustained substantial damage, shall be elevated so that the bottom of the lowest horizontal structural member is at or above the base flood elevation. The manufactured home must also meet all the construction standards for V Zones as per subsections (1) through (8) above. This includes manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing manufactured home park in which a manufactured home has incurred substantial damage as a result of a flood. All manufactured homes shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. All manufactured homes shall be installed using methods and practices that minimize flood damage. Adequate access and drainage shall be provided.

10. Recreational vehicles placed on sites with Zone VE shall either be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, or meet all the general standards of Section 70.13, the V Zone construction requirements of Section 70.16. A recreational vehicle is ready for highway use if it on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

70.17 SPECIFIC STANDARDS, UNNUMBERED "A" ZONES

The Commissioner of Planning and Development shall obtain, review and reasonably utilize any base flood elevation and floodway data available from Federal, State or other source, including data developed pursuant to Section 70.19 (4) of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone "A" on the city FIRM meet the standards of Section 70.14 and 70.15.

70.18 PERMIT PROCEDURES

A. ADMINISTRATIVE DUTIES OF THE COMMISSIONER OF PLANNING AND DEVELOPMENT

In the administration of these regulations, the Commissioner of Planning and Development shall perform the following duties, among others:

1. Notify adjacent communities and the Department of Environmental Protection, Inland Water Resources Division prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

2. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
3. Record the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with subsections 70.15 (1), 70.15 (2) and 70.16 (5).
4. Obtain and maintain all certifications required under these regulations.
5. Make the necessary interpretation, where needed, as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in the article.
6. Maintain all records pertaining to the provisions of these regulations.
7. Review all permit applications to determine whether the proposed development and building sites will be reasonably safe from flooding.
8. Review all permit applications to assure that the permit requirements of this regulation have been satisfied.
9. Review all permit applications to assure that all necessary Federal and State permits have been received and require that copies of such permits be provided and maintained on file with the permit application.

B. APPLICATION REQUIREMENTS

An application for a building permit or permission to fill or remove natural resources from a site in a designated flood hazard area or an area subjected to periodic flooding or inundation which is not in conjunction with a permanent construction plan, shall be made to the Commissioner of Planning and Development on forms furnished by him. A site plan drawn to a scale on not more than one(1) inch equals 100 feet signed and sealed by a registered professional engineer and/or land surveyor licensed to practice in the State of Connecticut shall be submitted in triplicate. The information to be contained on the site plan and application shall include but not be limited to:

1. Lot location, address and relationship to the flood hazard boundary
2. Lot dimensions and area
3. Existing and proposed contours at two foot intervals
4. Existing and proposed structure and yard dimensions
5. Finished floor elevation of the lowest floor (including basement of the proposed structure in relation to mean sea level)
6. Elevation in relation to mean sea level to which any non-residential structure has been flood proofed
7. Elevation of existing road(s) abutting the property in relation to mean sea level.
8. Road, walkways, and entrances(s) to the street(s) serving the property

9. Off-street parking
10. Proposed drainage
11. Location of utilities
12. Method of sewage disposal
13. Landscaping
14. Location and amount of fill to be removed or added
15. Certification from a registered professional engineer that the non-residential flood proofed structure meets the criteria set forth in these regulations
16. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development
17. Any additional documentation necessary to review the application
18. A statement as to whether the proposed alteration to an existing structure meets the criteria of the substantial improvement definition.
19. A statement as to whether there will be dry access to the structure during the 100-year storm event.
20. Certification as to floodway heights, as required by subsection 70.14.3
21. Certification as to breakaway walls and the design criteria stated in subsections 70.16.7 a and b
22. Certification as to the structural anchoring provision of subsections 70.14.4 and 70.14.5

Upon completion of the applicable portion of construction, the applicant shall provide the Commissioner of Planning and Development with verification of the as-built lowest floor elevation, defined as follows:

- a. In the "A" zone: the top of the lowest floor (including basement)
- b. In the "V" zone: the lowest point of the lowest supporting horizontal member (excluding pilings or columns)

Upon completion of flood proofed structures, the applicant shall provide the Commissioner of Planning and Development with the elevation to which the flood proofing is effective.

70.19 STANDARDS FOR SUBDIVISION PROPOSALS

In all flood hazard areas the following requirements shall apply:

1. All subdivision proposals shall be consistent with the need to minimize flood damage
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas electrical and water systems located and constructed to minimize flood damage.
3. All Subdivision proposals shall provide adequate drainage to reduce exposure to flood hazards; and
4. Base flood elevation data shall be provided for all subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) which are five(5) acres or fifty (50) lots, whichever occurs first, and are located in an "A" zone.

70.20 VARIANCE PROCEDURES

1. The Flood Hazard Appeals Board, as established by the City of West Haven shall hear and decide appeals and requests for variances from the requirement of this regulation.
2. The Flood Hazard Appeals Board shall hear and decide appeals when it is alleged there is an error in any map requirement, decision, or determination made by the Commissioner of Planning and Development in the enforcement or administration of this regulation.
3. Any person aggrieved by the decision of the Flood Hazard Appeals Board or any taxpayer may appeal such decision to the Superior Court.
4. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
5. In passing upon such application, the Flood Hazard Appeals Board shall consider all technical evaluation and all relevant factors and standards specified in other section of these regulations and:
 - a. The danger that materials may be swept onto other lands to the injury of others
 - b. The danger to life and property due to flooding or erosion damage
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner
 - d. The importance of the services provided by the proposed facility to the City of West Haven
 - e. The necessity to the facility of a waterfront location, where applicable
 - f. The availability of alternative locations not subject to flooding for the proposed use
 - g. The compatibility of the proposed use with existing and anticipated developments
 - h. The relationship of the proposed use to the comprehensive plan and flood management program for the area
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public facilities and facilities such as sewer, gas, electrical, water system, streets and bridges.
 - l. Generally, variances may be issued for new construction and substantial improvement to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level providing items(a) through (k) above have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variances increases.

6. Upon consideration of the factors listed above and purposes of this regulation, the Flood Hazard Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation.
7. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
8. Conditions of Variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard to afford relief
 - b. Variances shall only be issued upon:
 - (1) a showing of good and sufficient cause
 - (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - (3) a determination that the granting of a variance will not result in increased flood heights or additional threats to public safety
 - c. Any applicant to whom a variance is granted shall be given written notice of the number of feet below the base flood elevation that the lowest floor level will be allowed to be built, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - d. The Commissioner of Planning and Development shall maintain the records of all appeals, action and report any variances to the Federal Emergency Management Agency upon request.

70.21 ABROGATION AND GREATER RESTRICTIONS

This regulation is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this regulation and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

70.22 INTERPRETATION

In the interpretation and application of this regulation, all provisions shall be:

1. considered as minimum requirements
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under state statutes.

70.23 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this regulation is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be freed from flooding or flood damages. This regulation shall not create any liability on the part of the City of West

Haven or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made hereunder.

SECTION 71 – COASTAL AREA MANAGEMENT

71. COASTAL AREA MANAGEMENT

71.1 PURPOSE

Review and approval of a **Coastal Site Plan** under this Section is intended to fulfill the requirements of Sections 22a-105 through 22a-109 C.G.S., commonly known as the Connecticut Coastal Management Act (hereafter CCMA). The purposes of Coastal Area Management for the land within the City of West Haven Coastal Area Management overlay district (hereafter CAM) as delineated on the City of West Haven Zoning Map are as follows:

- to ensure that activities satisfy all lawful requirements of the CCMA; and
- that potential adverse impacts of proposed activities on both coastal resources and future water-dependent development activities are acceptable; and
- to implement land use policies effectively; and
- protect and responsibly manage the coastal resources of West Haven; and
- to effectively plan for necessary capital improvements to insure the continued protection of the City's coastal resources; and
- to plan for and implement improvements and enhancements to the City's parks and open space network that balance public use and preservation of coastal resources.
- To give preference and highest priority to water dependent uses on waterfront sites.

71.2 DEFINITIONS

The terms defined below are specialized and solely found in this Section. Terms used more widely are found in Section 2. Definitions

71.2.1 COASTAL HAZARD AREA: Those land areas inundated during coastal storm events or subject to erosion induced by such events, including flood hazard areas as defined and determined by the National Flood Insurance Act, as amended, and all erosion hazard areas as determined by the State.

71.2.2 COASTAL RESOURCES: The coastal waters of the state, their natural resources, related marine and wildlife habitat and adjacent shorelands, both developed and undeveloped, that together form an integrated terrestrial and estuarine ecosystem, as defined in the CCMA. Coastal resources include the following:

- A. Coastal bluffs and escarpments
- B. Rocky shorefronts
- C. Beaches and dunes
- D. Intertidal flats
- E. Tidal wetlands
- F. Freshwater wetlands and watercourses
- G. Estuarine embayments
- H. Coastal hazard areas
- I. Developed shorefront
- J. Island
- K. Nearshore waters
- L. Offshore waters
- M. Shorelands
- N. Shellfish concentration areas

- 71.2.3 **COASTAL SITE PLAN:** The following site plans, plans and applications or projected located fully or partially within the coastal boundary and landward of the mean high water mark submitted to the Planning and Zoning Commission shall be subject to the Section 71 Coastal Area Management requirements:
1. Site Plans;
 2. Subdivision or Resubdivision Plans;
 3. Applications for a Special Permit;
 4. Proposed municipal project referred in accordance with Section 8-24 C.G.S.
- 71.2.4 **SHORELINE AND EROSION CONTROL STRUCTURE:** Any structure the purpose or effect of which is to control flooding or erosion from tidal, coastal or navigable waters and includes breakwaters, bulkheads, groins, jetties, revetments, riprap, seawalls and the placement of concrete, rocks or other significant barriers to the flow of flood waters or the movements of sediments along the shoreline, per Section 22a-109(c) C.G.S. The term shall not include any addition, reconstruction or, change or adjustment to any walled and roofed building which is necessary to comply with the requirements of the Code of Federal Regulations, Title 44, part 50, and any municipal regulation adopted there under.
- 71.2.5 **WATER-DEPENDENT USES:** Those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland, including, but not limited to: marinas, recreational and commercial fishing and boating facilities, shipyards and boat building facilities, finfish and shellfish processing plants, waterfront dock and port facilities, water-based recreational uses, navigation aids, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or process water which cannot reasonably be located at an inland site and uses which provide general public access to marine or tidal waters.

71.3 **GENERAL**

The use of land, buildings and other structures within the CAM shall be established and conducted in conformity with the underlying zoning classification, subject to the additional requirements of this Section. Accordingly, such residential and non-residential uses shall be permitted as are permitted and in the same manner as permitted in the underlying zone, provided the coastal site plan review determines that the potential adverse impacts of the proposed use on both the coastal resources and future water dependent activities are acceptable within the meaning of the CCMA, as amended.

- 71.3.1 **Certificate of Zoning Compliance.** An application shall not be approved by the Zoning Enforcement Officer or issued until a determination is made that such **use** or **structure** has been reviewed and approved in accordance with the CCMA, as amended, or is a **use** exempt from such review as provided for below.

71.4 **APPLICABILITY**

Pursuant to CGS Section 22a-105, applications for activities or projects are subject to **Coastal Site Plan Review (CSPR)** requirements of this Section if:

- 71.4.1 The **site** is located fully or partially within the Coastal Boundary as defined by CGS Section 22a-94 and as delineated on the "Coastal Area Management Map of the City of West Haven, Connecticut" as adopted and effective August 1, 2004; and

71.4.2 The **application** is for a **certificate of zoning compliance**, a **special permit**, **special use exception**, a **variance**, **site plan review**, **subdivision** or **re-subdivision** approval, or referral of a proposed municipal project to the Planning and Zoning Commission in accordance with Section 8-24 of the CGS; and

71.4.3 The **activities** or **uses** not specifically listed in Section 71.5 as exempt require an application.

71.5 EXEMPTIONS

Pursuant to CGS Section 22a-109(b), the following activities, whether permitted as a matter of right, or subject to the site plan review process as a consequence of being subject to approval of a site plan or granting of a special permit or special use exception by the Planning and Zoning Commission, or granting of a variance from these Zoning Regulations by the Zoning Board of Appeals, shall be exempt from coastal site plan review requirements. At the request of the Applicant a written certificate of zoning compliance shall be issued subject to a fee in accordance with Section 101-1 Schedule of Fees of the West Haven City Code of Ordinances.

71.5.1 **Shoreline Flood and Erosion Control Structures** are **not** exempt.

71.5.2 Gardening, grazing and the harvesting of crops are not subject to the provisions of the Connecticut Coastal Management Act (CCMA).

The following activities are exempt:

71.5.3 **Exemption.** Minor exterior modifications that do not substantially alter the existing height, bulk, or façade of the building or structure nor in any other way degrade visual quality as defined in CGS Section 22a-93 (15) (f) shall be exempt.

71.5.4 Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources, except those activities that meet the definition of a shoreline flood and erosion control structure.

71.5.5 Minor additions to or modification of existing **buildings** or detached accessory **buildings**, such as garages and utility sheds meeting the following criteria:

71.5.5.1 the addition is not located in or within fifty feet (50 feet) of the following coastal resources as defined by CGS Section 22a-93 : **tidal wetlands, beaches and dunes, coastal bluffs and escarpments or coastal waters;**

71.5.5.2 the area of the addition shall not exceed twenty percent (20%) of the **gross floor area** of the existing **building**.

71.5.6 Construction of new or modification of existing **structures** incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, decks, swimming pools, tennis courts, docks, and detached accessory buildings, **except:**

71.5.6.1 where access along a public beach may be affected, or

71.5.6.2 where the proposed construction or modification is in or within fifty feet (50 feet) of the following coastal resources as defined by CGS Section 22a-93: tidal wetlands, beaches and dunes, coastal bluffs and escarpment, or coastal waters.

71.5.7 Construction of new or modifications of existing on-premise structures including fences, walls provided they do not meet the definition of **shoreline flood and erosion control structure**, pedestrian walks and terraces, decks, underground utilities, essential

electric, gas, telephone, water, and sewer service lines, septic systems, and other services, signs, and such other minor structures **except**:

71.5.7.1 when any work or associated activities will occur within fifty feet (50 feet) of tidal wetlands, beaches and dunes, coastal bluffs and escarpments, or coastal waters, as defined by CGS Section 22a-93.

71.5.7.2 where access along a public beach may be affected; or within a designated **coastal hazard area**.

71.5.8 Construction of an individual single family residential **structure** except when such **structure** is located on an island not connected to the mainland by an existing road, bridge, or causeway (i.e., on an island without motor vehicle access) or except when such **structure** is in or within one hundred feet (100 feet) of the following coastal resources as defined in CGS Section 22a-93: **tidal wetlands, beaches and dunes, coastal bluffs** and **escarpments**, or **coastal waters**.

71.5.9 Interior modifications to buildings that do not result in a change in **use** of the **building** or property.

71.5.10 Minor changes in use of a **building, structure**, or property except those changes occurring on property adjacent to or abutting coastal waters.

71.6 COASTAL SITE PLAN REVIEW APPLICATION REQUIREMENTS

71.6.1 A **Coastal Site Plan Review (CSPR)** application shall include **Plans** and a **Narrative** with the following information pursuant to Sections 22a-105 and 22a-106 of the Connecticut General Statutes, which shall be submitted to the Commission or Board on a form prescribed by the Commission or Board:

1. Plans:

- showing the location and spatial relationship of **coastal resources** (see Section 71.2.1) on and contiguous to the site, and
- depicting location of the high tide line and mean high water, if applicable, A-zone and V-zone FEMA flood designations, a sediment and erosion control plan, grading plan, stormwater management plan and identification of endangered and/or threatened species on-site
- All Stormwater Management Plans must be in accordance with the 2004 Connecticut Stormwater Quality Manual (latest edition). (Rev. 7/23/19. #ZR 19-026).

2. Narrative:

- **describing** the entire project with appropriate plans, indicating project location, design, timing, and methods of construction; and
- **describing** the proposed methods to mitigate (minimize, not compensate) adverse effects on coastal resources and future water-dependent development activities.
- **evaluating** the potential beneficial and adverse impacts of the project on coastal resources and future **water-dependent** development activities, and
- **demonstrating** that the adverse impacts of the proposed activity, which shall be described and shown, is acceptable, and that such activity is consistent with the coastal policies of Section 22a-92 of the Connecticut General Statutes, and
- **assessing** the suitability of the project for the proposed location, and
- **assessing** the resources capability to accommodate the proposed use.

71.6.2 **Additional Materials may be Required.** The reviewing Commission or Board may require any additional supporting facts or documentation that it finds necessary to assist in a fair evaluation of the proposal.

71.7 HEARING AND NOTICE

In accordance with Section 22a-105 through 22a-109 of the General Statutes, hearing notification requirements, time limits for making a decision and decision publication and notification requirements for coastal site plans shall be the same as that set forth in the General Statutes for the type of permit or approval being requested. Pursuant to Section 22a-109(e) of the General Statutes the reviewing Commission/Board may at its discretion hold a public hearing on any application for Coastal Site Plan approval. Public hearings shall conform to Section 8-7d of the General Statutes, as amended.

71.8 CRITERIA FOR REVIEW

In addition to determining compliance with any other applicable standards, requirements or criteria set forth by these Regulations, the Commission shall review coastal site plans for compliance with the following criteria established in Section 22a-106 of the Connecticut General Statutes:

- 71.8.1 Consistency of the proposed activity with the applicable coastal policies in Section 22a-92 of the Connecticut General Statutes;
- 71.8.2 The acceptability of potential adverse impacts of the proposed activity on coastal resources, as defined in section 22a-93(15) of the Connecticut General Statutes;
- 71.8.3 The acceptability of potential adverse impacts of the proposed activity on future water dependent development opportunities, as defined in Section 22a-93(17) of the Connecticut General Statutes; and
- 71.8.4 The adequacy of any measures taken to mitigate the adverse impacts of the proposed activity on coastal resources and future water dependent development opportunities;
- 71.8.5 The suitable mitigation of any environmental impacts to the coastal resources and the ecosystem and habitats of Long Island Sound are suitably mitigated using best available technology;
- 71.8.6 The siting of structures and uses serve to protect and harmonize with significant waterfront resources and unique characteristics of the site;
- 71.8.7 The mitigation of direct loss of significant natural resources or scenic values of the harbor area is mitigated;
- 71.8.8 Public views to and along the water are maintained and enhanced wherever possible through careful design and siting of structures; and
- 71.8.9 Except where public safety would be at risk or where public access would unreasonably conflict with a **water-dependent use** or the preservation or enhancement of significant waterfront resources, public access is promoted and appropriate public amenities are provided;
- 71.8.10 Where two or more lots are combined to form one building lot, the Commission may, in its discretion, increase the width of the required view lane;
- 71.8.11 For those situations in which the particular juxtaposition of the lot, water and public road would make providing a view lane serve no useful purpose for passersby on the public road or nearby residence(s), or in which the lot is of such a size that the

distance from the public way to the water is so great that no appreciable view of the water would be provided, the Commission, in its discretion, may waive the view lane requirements of this section.

71.9 COMMISSION OR BOARD ACTION

71.9.1 Action Required. The Commission or Board shall approve, modify, condition or deny the coastal site plan for the proposed activity on the basis of the criteria listed in CGS Section 22a-106 of the Connecticut General Statutes to ensure that the proposed activity is consistent with coastal policies in General Statutes and that the potential adverse impacts of the proposed activity on both coastal resources and future water dependent development opportunities are acceptable.

71.9.2 Written Findings Required. Pursuant to Section 22a-106 of the General Statutes the Commission shall state in writing the findings and reasons for its action with respect to any coastal site plan approved, conditioned, modified or denied. Further, in approving any coastal site plan, the Commission shall make a written finding that:

71.9.2.1 the proposed activity as approved is consistent with the coastal policies in Section 22a-92 of the General Statutes,

71.9.2.2 the proposed activity incorporates as conditions or modifications all reasonable measures which would mitigate potential adverse impacts of the proposed activity on coastal resources and future water dependent development activities, and

71.9.2.3 the potential adverse impacts of the proposed activity on coastal resources and future water-dependent development opportunities, with any conditions or modifications imposed by the Commission, are acceptable.

71.10 NOTIFICATION AND PUBLICATON OF DECISION

A copy of the decision shall be sent by certified mail to the applicant within fifteen (15) days after such decision is rendered. A notice of decision shall be published in a newspaper having a general circulation in West Haven not more than fifteen (15) days after such decision is rendered.

71.11 FEE

Each application for coastal site plan or certificate of zoning compliance review shall be accompanied by a fee, payable to the City of West Haven, Connecticut, in accordance with the schedule of fees as established by Section 101-1 of the City Code.

71.12 VIOLATIONS

In accordance with Section 22a-108 of the General Statutes, any activity undertaken within the Coastal Boundary without the required coastal site plan review and approval, shall be considered a public nuisance and shall be subject to enforcement remedies authorized in that Section.

71.13 COMPLETION OF COASTAL SITE PLAN

All site plans approved under this section shall be completed within the standard timeframes required for completion of a Site Plan approved under Section 75 of these Regulations.

SECTION 72 – INLAND WETLANDS AND WATERCOURSES

72. INLAND WETLANDS AND WATERCOURSES

72.1 APPLICABILITY

In reviewing any application for a subdivision, Site Plan Review, Special Permit or Exception or Building Permit, the Commissioner of Planning and Development or other appropriate official shall determine whether such application falls within the special requirements for Flood Hazard zones or Coastal Area Management as provided by Sections 70 or 71 herein above, or within the Inland Wetlands and Watercourses Regulations as provided by State Statute, City Ordinance and this Section.

72.2 PROCESS.

In the event that such application falls within the jurisdiction of the Inland Wetlands and Watercourses Regulations, the applicant shall seek simultaneous approval from the Wetlands Agency of the City of West Haven, or its successor.

72.3 TIME LIMITS.

In the event that the Inland Wetlands Agency exercises jurisdiction over any proposed construction or development, then the Planning and Zoning Commission and/or Commissioner of Planning and Development shall not approve any application until such time as the Wetlands Agency has acted, or the statutory time in which it is to act has expired, whichever shall first occur.

SECTION 73 –RESOURCE REMOVAL, FILLING AND GRADING

73.1 GENERAL PROVISIONS

In no district shall it be permitted to change the contour of any lot, plot or parcel of land by adding, removing or regrading 500 cubic yards or more of loam, topsoil, sand, gravel, clay stone or other material or increase or decrease 25% of the lot area by a depth of two feet or more, without first obtaining approval from the West Haven Planning & Zoning Commission. When any activity of filling, excavating or regrading involves 500 cubic yards or more or an increase or decrease of 25% of the lot area by a depth of two feet or more, a special permit from the Commission and any other applicable federal, state or local agencies shall be required prior to initiating the activity. Any activity involving less than 500 cubic yards but not more than 20 cubic yards of fill, excavation or regrading shall be approved by the Commission of Planning & Development in consultation with the City Engineer or other appropriate city officials. In no event shall any activity of excavation, filling or regrading of any quantity take place without approval if it affects the adjoining properties.

73.2 ADMINISTRATIVE WAIVER.

The Commissioner of Planning and Development may at his discretion after consultation with the City Engineer, Building Official or other appropriate city officials, waive this requirement if:

- 73.2.1 The change in contour is a result of a building, structural improvement, public improvement or utilities project provided sufficient information, and
- 73.2.2 Documentation is furnished as part of the building permit application and site plan review process and it is deemed that the change in contour will have no significant detrimental effect on the adjoining properties, sensitive environmental features or any public or private roadways.

73.3 SPECIAL PERMIT REQUIRED

The Commission may grant a Special Permit for any grading, filling or removal operations on a lot, plot or parcel or any portion thereof, provided it meets the conditions specified herein and is not in violation of any ordinance, statute or regulation of the State of Connecticut and/or the City of West Haven and is judged to be environmentally sound and beneficial to the citizens of West Haven.

- 73.3.1 **Application.** Before any Special Permit may be granted, a written application shall be submitted to the Commission by the property owner or authorized agent on forms provided by the Commission, together with maps and plans prepared by an engineer or surveyor licensed to practice in the State of Connecticut as prescribed by the State Board of Registration, showing the following:
 - a) The boundaries and dimensions of the property where the filling, grading or excavation is proposed and the area to be graded, filled or excavated.
 - b) Existing contours in the area to be excavated, graded or filled and the proposed contours after completion of the grading, filling or excavation, which contours shall be prepared from an actual field survey based on bench marks noted and described on the map and drawn to a scale of not less than 100 feet to the inch with a contour interval not to exceed 2 feet;
 - c) Existing and proposed drainage of the area and drainage easements or flowage rights;

- d) Surrounding streets and property lines and their elevations in regard to mean sea level;
- e) Existing and proposed structures on the premises and the finished floor elevation of the lowest floor level (basement);
- f) Proposed truck access to the fill or excavation area and disposal site particularly in relation to schools, playgrounds, and residential neighborhoods and;
- g) Contours of affected portions of adjoining properties not to exceed 5 foot intervals.

The Commission may hold a joint session with any other government commission or agency which must issue any permits for this work.

73.4 ADDITIONAL INFORMATION

The Commission may require submission of additional information on soil conditions, location and depth of rock ledge, ground water conditions, and other such information as is deemed necessary to make a reasonable review of the application.

73.5 FINDINGS REQUIRED

The Commission may grant a Special Permit for a limited time period, provided it makes written findings that:

- 73.5.1 Such excavation or removal, filling or grading will not result in the creation of any sharp declivities, pits, depressions, soil erosion, or fertility problems, depressed land values, or create any drainage or sewer problems or other conditions which would impair the use of the property and adjoining properties in accordance with the Zoning Regulations, and
- 73.5.2 Such excavation or removal, filling or grading will be in harmony with the general purpose and intent of the Zoning Regulations, and
- 73.5.3 The completed work shall not impair the future use of the property in accordance with the Zoning Regulations of the City of West Haven, and
- 73.5.4 The slopes and banks will not impair development and safe use of the property or adjacent property.

73.6 MANDATORY CONDITIONS OF APPROVAL

A Special Permit may be granted *only* upon the following conditions:

- 73.6.1 Screening, sifting, washing, crushing, or other processing shall not be conducted on the premises unless measures are taken to mitigate the adverse effects on noise, dust, dirt and traffic on adjoining residential districts;
- 73.6.2 No building shall be erected on the premises except as temporary shelter for machinery or for a field office;
- 73.6.3 Proper drainage shall be provided to prevent the collection and stagnation of water;
- 73.6.4 No sharp declivities, pits or depressions or soil erosion problem shall be created, and no slopes or banks created that will exceed one (1) foot of vertical rise to two (2) feet of horizontal distance;
- 73.6.5 Topsoil removed shall be stockpiled on the premises and shall be spread over the excavated area and exposed rock surfaces to a minimum depth of four (4) inches in accordance with the approved contour plan;

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- 73.6.6 When grading, fill or excavation and removal operations have been completed the area shall be suitably landscaped and/or paved according to approved plans;
 - 73.6.7 During the time of operation barricades or fences for the protection of the public, shall be erected as required by the Commission;
 - 73.6.8 Truck access to the site shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties;
 - 73.6.9. The completed work shall not impair the future use of the property in accordance with the Zoning Regulations of the City of West Haven and that slopes and banks will not impair development and safe use of the property;
 - 73.6.10 The premises shall be excavated or filled and graded in conformity with the plan as approved;
 - 73.6.11 No drain-off of water or diversion of any watercourse with consequent flooding takes place shifting water, drainage, or flooding conditions from the premises to another;
 - 73.6.12 That the applicant shall file with the Commission a performance bond in such amount as the Commission shall deem sufficient to insure the faithful performance of the work to be undertaken pursuant to the conditions and approval, which shall be approved by the Corporation Counsel as to form and deposited with the Comptroller. No excavation or removal or grading or filling operation shall begin until such bond is accepted by the Commission.

73.7 EXTENSION OF PERMIT

All site plans approved under this section shall be completed within the standard timeframes required for completion of a Site Plan approved under Section 75 of these Regulations. The Commission may renew a permit at the time of expiration if the owner of the property or his authorized agent files with the Commission a report of an engineer or surveyor licensed to practice in the State of Connecticut certifying that the excavation already completed conforms to the approved plans.

73.8 PERIODIC REPORTS

As an additional condition for granting of a Special Permit, the Commission may require the applicant to submit periodic reports of progress of the filling, grading, excavation or removal, including contours and cross sections, prepared and certified by an engineer or a land surveyor licensed to practice in the State of Connecticut. At any time, the Commission finds that the excavation or removal is not being conducted or cannot be conducted in accordance with plans as approved, the Commission may order the applicant to cease operations and revoke the permit.

SECTION 74: SOIL EROSION AND SEDIMENT CONTROL

74.1 AUTHORITY

The SESC Regulations have been prepared and are adopted in accordance with the provisions of Public Act 83-388, entitled "An Act Concerning Soil Erosion and Sediment Control", and Sections 8-2 and 8-25 of the Connecticut General Statutes, as amended. All Soil Erosion and Sediment Control (SESC) Plans must be in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control (2002 or latest edition). (Rev. 7/23/19. #ZR 19-026).

74.2 PURPOSES

The purpose of soil erosion and sediment control is to:

- minimize land form change that occurs as a result of development; to preserve the nature of a site;
- sustain aesthetic, recreational and fish and wildlife habitat and values;
- maintain the capability of soil to support vegetation;
- reduce sediment entering water bodies and sewers; and
- conserve and protect the water, land, air, and other environmental resources of the City.

74.3 DEFINITIONS

- 74.3.1 **Definition of Terms.** Certain words, terms, and phrases used in these SESC Regulations shall have the meanings presented in this section. All words used in the present tense include the future tense, and the word "used" shall be deemed to include "designed, intended, or arranged to be used". Words not defined in this Section shall be as defined in the most current edition of Merriam-Webster's Collegiate Dictionary, 11th or latest edition.
- 74.3.2 **AGRICULTURAL ACTIVITIES:** Cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including livestock, or the operation, management, conservation, improvement, or maintenance of a farm and its buildings, tools, and equipment.
- 74.3.3 **APPROVAL:** A signed, written document constituting a finding by the Planning and Zoning Commission that a **Soil Erosion and Sediment Control (SESC) Plan** complies with the applicable requirements of these SESC Regulations.
- 74.3.4 **COMMISSION:** The Planning and Zoning Commission of West Haven, Connecticut, or its designated agent (hereinafter Commission).
- 74.3.5 **COUNTY SOIL AND WATER CONSERVATION DISTRICT:** The New Haven County Soil and Water Conservation District established under section 22a-315(a) of the General Statutes of the State of Connecticut.
- 74.3.6 **DATE OF RECEIPT:** The day of the next regularly scheduled meeting of the Commission immediately following the day of submission of an Application to the Commission, provided such meeting is no earlier than three (3) business days after submission, or thirty-five (35) calendar days after such submission, whichever is sooner (Sec. 8-7d, C.G.S.).
- 74.3.7 **DAYS:** As required by Section 1-21(b) of the Connecticut General Statute all times specified in the SESC Regulations are in workdays.
- 74.3.8 **DEVELOPMENT:** Includes, but shall not be limited to, any construction or grading activities to improved or unimproved real property.

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- 74.3.9 **DISTURBED AREA:** An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- 74.3.10 **EROSION:** The detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- 74.3.11 **FORESTRY:** An on-going commercial forestry operation
- 74.3.12 **GRADING:** Any excavating, grubbing, filling (including hydraulic fill), removal, or stock-piling of earth materials or any combination thereof including the land in its excavated or filled condition.
- 74.3.13 **INSPECTION:** The periodic review of sediment and erosion control measures required by the approved SESC Plan.
- 74.3.14 **SEDIMENT:** Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- 74.3.15 **SOIL:** Any unconsolidated mineral or organic material of any origin.
- 74.3.16 **SOIL EROSION AND SEDIMENT CONTROL (SESC) PLAN:** A clear delineation of specific measures that minimize or eliminate soil erosion and sedimentation resulting from development. Such plan shall include, but is not limited to, an application form, a narrative, and a map or maps. The narrative shall describe the project, the schedule of major activities on the land, the application of conservation practices, design criteria, construction details and the maintenance program for any erosion and sediment control facilities that are installed. The map(s) shall show topography, cleared and graded areas, proposed area alterations map(s) and the location of and detailed information concerning erosion and sediment measures and facilities.

74.4 ACTIVITIES REQUIRING APPROVED SESC PLAN

- 74.4.1 **Approval or Exemption Required.** No SESC permit shall be issued for a building, use or structure unless the building, use or structure is exempted in accord with the provisions of section 4 of these SESC Regulations, or has been reviewed and approved in writing by the Commission in accordance with the provisions of the SESC Regulations.
- 74.4.2 **When Plan is Required.** A SESC Plan shall be submitted with any application for development when:
1. The site of such development is one-half acre or more, unless exempted in Section 74.5 of these regulations, or when in the course of development:
 - a. More than 30% of the total lot area will be re-graded by more than two (2) feet; or
 - b. More than 800 cubic yards of soil and rock will be moved, removed or added.
- All SESC Plans must be in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control (2002 or latest edition). (Rev. 7/23/19. #ZR 19-026).

74.5 EXEMPTIONS

- 74.5.1 **Defined Agricultural Activities Exempt.** The following agricultural activities are exempt from these SESC Regulations:
1. Cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including livestock; or
 2. Operation, maintenance, conservation, improvement, or management of a farm and its buildings, tools, and equipment.

- 74.5.2 **Single Family Dwelling Exempt.** Construction of a single family detached dwelling that is not part of a subdivision or larger development of land shall be exempt, provided that there is no grading or excavation on the lot more than four (4) feet beyond the perimeter of the dwelling itself. It is the intent of these Regulations **not** to allow a fragmented parcel-by-parcel development of a subdivision without required erosion and sediment control provisions.
- 74.5.3 **Existing Activities Exempt.** Any regulated activity legally existing as of the effective date of these SESC Regulations shall be exempt and permitted to continue within any time limits previously established provided that no new or additional regulated activity requiring Approval under these Regulations is conducted after the effective date without such Approval. If originally approved time limits expire before completion (not including any extensions of such time limits), approval shall be required for remaining work unless such extensions were approved prior to the effective date of these Regulations.
- 74.5.4 **Determination of Exempt Activities.** The Commission or a designated agent thereof shall have the power to determine if an activity is exempt from the SESC Regulations. Such determination shall be in writing and a file of exemptions shall be maintained.
- 74.5.5 **Written Determination of Exemption.** For the convenience of an applicant, lender, seller, buyer, or other interested party, a written determination of exempt activity may be requested. Such written request shall be accompanied by a fee payable to the City of West Haven in accord with § 101-1 of the Code of Ordinances.

74.6 SESC PLAN REQUIREMENTS

- 74.6.1 **SESC Plan.** When any person intends to conduct an activity that is not specifically exempted in these regulations a Soil Erosion and Sediment Control Plan (herein after "SESC Plan") shall be filed. The SESC Plan shall include an application form, a narrative, and a map, as described below.
- 74.6.2 **Application Form.** The application for SESC Plan review shall be on a form provided by the Commission. The Commission may prescribe such forms, contents, and rules as it deems necessary for the filing of SESC Plans and other matters not specified in the SESC Regulations. All Application Forms shall include the following information:
- **The applicant's name, address and telephone number; and**
 - **The owner's name (if applicant is not property owner), home and business address, phone number(s) and written consent to the proposed activity set forth in the application; and**
 - **Applicant's legal interest in the land (i.e., owner, option holder); and**
 - **The geographical location of the property (or properties) to be affected by the proposed activity [Tax Assessor's Map and Parcel number(s)].**
 - **Certification that the applicant is familiar with all the information provided in the Application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;**
 - **Authorization for Commission members and agents (i.e., City Engineer, Building Official) to inspect the property at reasonable times both before and after a finding has been issued.**
- 74.6.3 **Narrative.** The narrative shall describe provisions to adequately control erosion and sedimentation and reduce the danger from storm water runoff both on and off site during and after construction based on the best available practices. Such principles,

methods and practices necessary for approval are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002 or latest edition). Alternative principles, methods and practices may be used with prior Commission approval, if recommended by the City Engineer. Emphasis shall be placed on prevention of erosion and vegetative or non-structural control measures. The narrative may be included on the site plan map(s), and shall describe the development, including the schedule for grading and construction activities, with:

- **Start and completion dates; and**
- **Sequence of grading and construction activities; and**
- **Phasing of project, if applicable; and**
- **Sequence for installation and/or application of SESC measures; and**
- **Sequence for final stabilization of the project site.**
- **Proposed SESC measure & storm water management facility construction details.**
- **The installation and/or application procedures for proposed SESC measures and storm water management facilities.**
- **The operations and daily maintenance program for proposed SESC measures and storm water management facilities.**
- **The individual responsible for monitoring control measures, with office address and telephone number(s) for 24 hour a day contact.**
- **Provisions for contingency plans if unforeseen erosion or sedimentation problems arise, including emergency situations caused by storms.**
- **Any features of the site which may be particularly vulnerable to erosion, such as ridge tops, swales, and soil types and control measures specific to these features shall be noted (soil types may be found in the soil survey of New Haven County).**

74.6.4 **Map.** A Map or Maps shall be filed to accompany the application required in the SESC Regulations. No Map shall be deemed complete unless it shall be in such form and contain such information as the Commission deems necessary for a fair and full determination of the issues. The Commission may require map preparation by a Connecticut licensed engineer. A site visit and field report may be deemed necessary. The Map(s) shall include, at a minimum, the following information:

- **A site plan map(s). The suggested scale of the map is 1 inch = 40 feet with 1 foot contour intervals, but may be more or less detailed to meet specific site needs.**
- **A north arrow, street names, scale, date prepared, and name of preparer.**
- **Location of the proposed development and adjacent properties, including all buildings within 25 feet of the property line.**
- **Existing and proposed topography showing 1 foot contours, including flood zones, wetlands, watercourses, water bodies, and soil types if pertinent.**
- **Existing site vegetation and natural resources including major trees and proposed changes.**
- **Existing structures on the project site, including but not limited to paving, fencing, buildings, and archaeological sites.**
- **Proposed alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines.**
- **Location of and design details for all proposed SESC measures and storm water management facilities over the period of construction.**

- **Proposed SESC measure and storm water management facility construction details.**

74.6.5 **A-2 Survey May Be Required.** The Commission may require a Type A-2 survey.

74.6.6 **Additional Information May Be Required.** Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent shall be included in the **SESC Plan**.

74.6.7 **Information Binding.** All information submitted for review in the **SESC Plan** shall be considered factual, or in the case of an anticipated activity, binding. A failure of the applicant or any agents thereof to provide correct information or to conduct development activities within the levels anticipated in the approved SESC Plan shall be sufficient grounds for the revocation of any approval under the SESC Regulations and/or for penalties to be imposed. Each day of violation or deception shall be considered as a separate offense.

74.7 **CLASSIFICATION AND FILING FEE**

Each SESC Plan application submitted to the Commission for Approval shall be accompanied by a fee payable to the City of West Haven in accord with Section 101-1 of the Code of Ordinances.

74.7.1 **Staff may determine filing fee.** Based upon the anticipated level of disturbance as determined from a preliminary staff review of submitted materials. A SESC Plan application shall be classified as:

Class A (Minimal Impact); or

Class B (Significant Impact); or

Class C (Significant Public Effect, Public Hearing Required).

74.7.2 **Appeal.** An Applicant may appeal the classification to the Commission, which shall make a final determination of Application Class as it may deem appropriate upon a review of the submitted materials, and may adjust the fee in accord with Schedule of Fees of Section 17-22 of the Code of Ordinances.

74.7.3 **Changes Require Filing of Plan Amendment.** Any and all proposed substantive changes in the development activity relevant to the approved SESC Plan shall be submitted to the Commission as Amendments to the Plan. The City Engineer shall review proposed changes to the approved SESC Plan and return comments to the Commission within fifteen (15) days of receipt of the referral. Amendments shall be approved or denied by the Commission in writing within thirty-five (35) days of the receipt of the Amendments unless a public hearing has been scheduled. Substantive changes shall not commence until written notification of approval is received from the Commission.

74.8 **MINIMUM ACCEPTABLE CONTROL STANDARDS**

74.8.1 **Minimum Standards for Individual Control Measures.** The Connecticut Guidelines for Soil Erosion and Sediment Control (2002 or latest edition) shall be the standard. The Commission may grant exceptions when requested by the applicant, if the City Engineer presents and recommends technically sound reasons. SESC Plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.

74.8.2 **Determination of Peak Flow Rates and Volumes of Runoff.** The appropriate method from the Connecticut Guidelines for Soil Erosion and Sediment Control (2002 or latest edition) shall be used unless an alternative method is approved by the Commission, following the favorable recommendation of the City Engineer.

74.9 ISSUANCE OF FINDING

74.9.1 **Issuance of Finding Required.** The Commission shall make a finding of Approval if the SESC Plan as filed, or with conditions of approval it may impose, complies with the requirements and objectives of these SESC Regulations, or Denial if the development proposal does not comply with these SESC Regulations. A finding of approval, approval with conditions, or denial shall be made in writing within thirty five (35) days of the date of Commission receipt of the completed SESC Plan, unless a public hearing has been scheduled.

74.9.2 **Extension of Time Limit for Approval Not Implied.** Nothing in these regulations shall be construed as extending the time limits for the approval of any application under the Connecticut General Statutes or any other applicable legislation.

74.9.3 **Referral to County Soil and Water Conservation District.** Following receipt of an SESC Plan application it may be referred to the County Soil and Water Conservation District for review, which may make recommendations concerning such plan provided such review shall be completed within fifteen (15) days of Plan receipt.

74.9.4 **Referral to City Engineer.** Following Application receipt a SESC Plan may be referred to the City Engineer, who may return comments on the plan to the Commission within fifteen (15) days of its receipt. Such comments shall be advisory only.

74.9.5 **Optional Referrals.** The Commission may forward a copy of the development proposal to any other commission or review agency or consultant for review and comment.

74.9.6 **Commission may Require Public Hearing** at its discretion, to be held in accordance with the provisions of Sec. 8-7d C.G.S.

74.10 CONDITIONS OF PLAN APPROVAL

74.10.1 **Standard and Optional Conditions of Approval.** The Commission may establish such conditions of approval as binding requirements for an SESC Plan as it deems necessary to fulfill the purposes of these Regulations. In addition the following conditions shall apply to all approved SESC Plans.

74.10.2 **Performance Sureties.** The Commission may require a performance bond with sureties or other binding financial instrument in an amount and in a form approved by the Commission as a condition of approval of the Plan, and may cover corrective measures, if required. The bond and sureties shall be conditioned on compliance with all provisions of these Regulations and conditions of approval of the Plan.

74.10.3 **Public Liability Insurance Certification.** The applicant may be required to certify that he/she has public insurance against liability which might result from the proposed operation or use covering any and all damages which might occur within one (1) year of completion of such operations, in an amount to be determined by the Commission commensurate with projected operation and the potential for damage on or off site.

74.10.4 **City Held Harmless.** The Applicant shall hold the City of West Haven harmless from damages arising out of the regulated activities.

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- 74.10.5 **Start of Work.** Site development shall not begin unless the SESC Plan is approved and those control measures and facilities in the SESC Plan scheduled for installation prior to site development are installed and functional.
- 74.10.6 **Contractors to be Informed.** The Approved SESC Plan soil erosion and sediment control measures and facilities shall be installed as scheduled and all contractors shall be made aware of the requirements of the approved SESC Plan and shall work in accordance with its provisions.
- 74.10.7 **Control Measures and Facilities Required to be Maintained** in effective condition to ensure compliance with the approved SESC Plan.

74.11 INSPECTION

- 74.11.1 **Site Inspection May Be Required for Approved SESC Plan.** Site inspections may be made by the Commission during development to ensure compliance with the approved SESC Plan. A site inspector shall determine that control measures and facilities are properly performed or installed and maintained throughout the construction period. The applicant or an agent thereof, shall have the approved SESC Plan document readily available at the job site and shall make the document available for inspection upon request.
- 74.11.2 **Reports Required in Five Working Days.** Written staff reports of inspections shall be submitted to the Commission within five (5) working days of such inspection.
- 74.11.3 **Applicant Report.** The Commission may require the applicant to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the approved SESC Plan and are being operated and maintained.
- 74.11.4 **Additional Control Measures.** If, upon inspection of the site, the site inspector determines that the control measures in place are not adequate to control erosion, additional measures may be required to be installed within a reasonable time limit as determined by the inspector. Any such request for additional control measures shall be made in writing and shall be brought to the attention of the Commission within five (5) working days of the inspection.

74.12 ENFORCEMENT

- 74.12.1 **Delegation of Enforcement.** The Commission or a designated agent (i.e., Zoning Enforcement Officer or City Plan Department or City Engineer staff) shall have the power to enforce these Regulations.
- 74.12.2 **New Plan May Be Required.** If an approved plan as implemented is determined to not properly control soil erosion and sediment generation submission of a new SESC Plan for review may be required.
- 74.12.3 **Violation if Plan Not Filed.** Any person engaged in development activities who fails to file a SESC Plan in accordance with these SESC Regulations, or who conducts a development activity except in accordance with provisions of an approved SESC Plan shall be deemed in violation of these SESC Regulations.
- 74.12.4 **Violation Penalties.** Any person who commits, takes part in, or assists in any violation of any provisions of these SESC Regulations shall be subject to all applicable penalties. The State of Connecticut Superior Court in any action brought by the Commission, the City of West Haven, or any person, shall have jurisdiction to restrain a continuing

violation of these SESC Regulations or to issue orders directing that the violation be corrected or removed.

74.12.5 **Written Orders for Violations.** Should any person be found to be in violation of these SESC Regulations, a written Order may be issued by certified mail to that person to correct the facility or condition causing the violation. Within ten (10) days of its decision, the Commission shall notify the person of an opportunity to be heard and show cause why the Order should not remain in effect at the next regularly scheduled Commission meeting.

74.12.6 **Administrative Hearing for Violations.** Within ten (10) days of the completion of the administrative hearing the Commission shall notify the person by certified mail that the original Order remains in effect, has been revised, or has been withdrawn. All notices of Orders, administrative hearings, and final decisions of the Commission shall be published in a daily newspaper having a substantial general circulation in the municipality. The original Order is in effect upon issuance and remains in effect until the Commission affirms, revises or withdraws the Order.

74.13 DURATION AND EXTENSION OF APPROVAL

All erosion and sediment control plans approved under this section shall be completed within the standard timeframes required for completion of a Site Plan approved under Section 75 of these Regulations. (Rev. 7/23/19. #ZR 19-025).

74.14 APPEALS

Any applicant aggrieved by the decision may take an appeal in accordance with any applicable provisions of the Connecticut General Statutes.

74.15 OTHER PERMITS AND LICENSES

Nothing in these SESC Regulations shall obviate any requirement for the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, the State of Connecticut or any political subdivision thereof. The obtaining of such assents, permits, or licenses is solely the responsibility of the applicant.

74.16 FEES

Each SESC Plan submitted to the Commission for Approval shall be accompanied by a fee payable to the City of West Haven in accord with Section 101-1 of the Code of Ordinances of the City of West Haven.

ARTICLE 8-SITE PLAN REVIEW**SECTION 75 – SITE PLAN REVIEW****75. GENERAL PROVISIONS****75.1 INTENT**

It is the intent of this section to provide basic requirements to accurately illustrate all proposed development in West Haven. Submission of basic development plans -----+allows the Commissioner and/or the Planning and Zoning Commission (hereafter P&Z) to accurately review proposed development to insure its compliance with applicable zoning, area and bulk requirements. The intent is:

- To insure the adequate provision of site improvements, landscaping, screening, lighting and similar requirements.
- Establish a basis of understanding between the City and the property owner as to what is expected of the property owner in order to comply with these regulations.
- To permit proper record keeping that will provide a basis for later review in the event of non-approved construction.

75.2 SUBMISSION OF PLANS

75.2.1 Application. Site Plan Review and approval by the P&Z is required before any zoning permit may be issued for any building or use, or enlargement in size or other alteration or change in use of any building including accessory structures. A certificate of zoning compliance (CZC) shall not be granted unless all construction and development conforms to plans approved by the Commissioner or P&Z as required herein.

An application and site or plot plan for construction, reconstruction, or enlargement of any building or structure shall be filed prior to issuance of any building permit that:

1. Depicts the property boundaries and the location of all structures.
1. Includes proposed dimensions of all buildings, structures, yards and setbacks.
2. Contains a detailed depiction of all proposed drainage, curbs and sidewalks, landscaping, lighting, signs, parking and proposed traffic flows, unless waived in writing by the Commissioner or P&Z.

A complete site plan as set forth in this section shall be required for all new construction including additions or enlargements, except as section 75.5.1 provides.

75.2.2 Waiver. The Commissioner may waive the requirement for a full site plan as set forth below provided a plot plan depicting such information as deemed sufficient is submitted. However, in the event a plot plan is accepted for any new residential development (not additions or enlargements) no certificate(s) of occupancy shall be issued until a certified "As-Built" A-2 Survey prepared by a licensed land surveyor is submitted depicting the property and improvements as built.

75.2.3 Plot Plan Alternate. If a certified copy of the Warranty Deed or other certificate of conveyance is included in the application the Commissioner may permit the filing of a plot plan in lieu of a site plan in the following instances:

- a. Construction of single, two or three-family residential dwellings;
- b. Addition or enlargement to single, two or three family homes;
- c. Creation of a Residential Special Use Exception;
- d. Issuance of a temporary permit for a non-permanent structure;.
- e. Change from a commercial or industrial use to another use where no change in building dimensions is proposed;
- f. The repair or renovation of a conforming use where no enlargement, expansion, or increase in number of units is requested.

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- 75.2.4 **Application.** Each Site Plan Approval application shall be submitted to the Commissioner on a P&Z prescribed form, accompanied by a Site Plan. The number of copies may be determined by the Commissioner from time to time, and the fee shall be as specified in Section 101-1 of the West Haven Code of Ordinances.
- 75.2.5 **Acceptance of Plans.** Site plans shall be submitted to the Commissioner together with a site plan checklist to be completed by the applicant. The Commissioner shall review the completeness of the submission in conformance of this Section. The Commissioner shall notify the applicant in writing when plans are not complete and list the deficiencies to be cured before acceptance. Plans rejected in writing with a deficiencies list shall be deemed not to have been submitted.
- 75.2.6 **Review by Others.** Copies of appropriate sheets of accepted plans shall be forwarded to relevant City commissions, departments and agencies such as, but not necessarily limited to, the Sewer Commission, Building Official, City Engineer, Inland Wetlands Agency, Traffic Authority and Fire Department as the Commissioner may determine.
- 75.2.7 **Review of the Commission.** The Commissioner shall have site plans available to the P&Z at its first meeting immediately following acceptance. However, no formal review of such plans shall occur until all comments and recommendations of outside agencies are received or until the P&Z is required by State Statute. At such time as the Commission makes a formal review of the site plan, the applicant may appear before the P&Z to present its proposal and answer Commission questions.
- 75.2.8 **Planning & Zoning Commission Action.** The P&Z shall approve, modify or disapprove the Site Plans within 65 days of the date of application acceptance, unless a time extension is applied for or accepted by the applicant and granted by the Commission. Failure to act within such time period shall be deemed approval.
- 75.2.9 **Disapproval** shall include the Commission's written findings on any Site Plan element found contrary to either the regulations provisions or intent. In the event that the Commission modifies a Site Plan the approval shall automatically be contingent upon submission of revised Final Plans pursuant to Commission requirements.
- 75.2.10 **Surety.** In approving any Site Plan the P&Z may require as a condition of approval that the applicant post sufficient surety in order to assure satisfactory completion of and full compliance with all proposed site improvements shown on the approved Final Plan and other approved documents. Whenever the cost of the proposed site work as shown on the site plan is estimated by the City Engineer to be greater than \$25,000 a Performance Bond shall be mandatory to insure completion of all specified site work.
- 75.2.11 **Lapse of Approval.** Site improvements for any approved site plan (Final Site Plan) must be completed within 5 years of the effective date of approval. Upon submission of a timely request, the Commission may grant one or more extensions with a maximum of 10 years for completion of site improvements. (Rev. 7/23/19. #ZR 19-025).
- 75.2.12 **Start of Construction** shall be deemed to have commenced when all necessary permits are obtained, the site cleared, and a foundation completed.
- 75.2.13 **Modifications to Approved Final Plan.** Application for modifications or changes to an approved Site Plan (Final Plan) shall be made to the Commissioner in the same

manner as the original application. All modifications to an approved Final Plan shall constitute a new application and require the full procedure outlined above.

- 75.2.14 **Project Completion Certificate (PCO).** No Project Completion Certificate may be issued until the applicant submits an "As Built" Plan prepared by an engineer registered in the State of Connecticut that certifies in writing that the site work has been completed in accordance with the approved site plan and a survey conforming to A-2 standards certified by a registered land surveyor depicting all improvements thereon has been submitted on mylar.
- 75.2.15 **Conditional Project Completion Certificate.** When the site work cannot reasonably be completed because of inclement weather or other pertinent reason, at the discretion of the Commissioner a Conditional Project Completion Certificate may be issued, which shall expire not more than 180 days hence.
- 75.2.16 **Conditional Certificate Surety.** When a Conditional Project Completion Certificate is issued, satisfactory surety shall be posted with the City in an amount deemed sufficient by the City to complete the site work. Upon written applicant request and certification of satisfactory completion of site work the P&Z or its designee shall release the surety.

75.3 CONTENTS OF SITE PLANS

- 75.3.1 **Site Plan Drawing Components.** Site Plans shall show boundaries, buildings, wetlands, parking, landscaping, lighting, and site improvements. Incomplete site plans may be submitted for Planning and Development Department informal review, however, site plans shall not be considered officially submitted until complete fully detailed site plans are submitted that shall include at least the following:
- An A-2 Survey** layout of boundaries and all existing and proposed improvements at a scale of 1" = 40' or larger;
 - Landscaping Plans** presenting in detail the landscaping treatments, screening, buffers and open space proposals, along the quantities to be provided;
 - Engineering Plans** presenting the detail designs and information supporting all the engineering of proposed improvements;
 - Traffic and Parking Plans** presenting in detail the proposed parking areas, number and configuration of spaces, striping, internal traffic patterns and controls, curb cuts and all dimensions of same;
 - Contour Plans** presenting existing and proposed site grades and elevations.
 - Signs and Lighting** presenting the proposed and existing outside lighting scheme and all exterior signs;
 - Wetland Boundaries** presenting the location of any inland or tidal wetlands, Special Flood Hazard, Coastal Area Management boundary, or watercourse.
- 75.3.2 **Site Plan Narrative Required.** For all uses requiring Site Plan Approval an application shall contain the following information:
- Narrative** A written description of the Scope and Nature of the Project that includes construction start and stop dates.
 - Timetable for Development.** The projected start date and project duration.
 - Title Block.** Name, location and Owner of the Proposed Development.
 - Site Plan Data.** Northpoint, Scale, Date and Seal.
 - Location Information.** Key map, address, zone, and ownership of abutting properties, and distance to nearest street intersection.

- f. **Zoning Table.** Required and provided area, bulk and parking requirements of the applicable zoning district.
- g. **Signs.** Table of Sign Requirements, Signs Proposed, sketch of each sign.
- h. **Site Plan Details.** Survey information, easements, size and location information of existing and proposed building(s), building and spot elevations, on-site traffic flow and location of catch basins and other drainage information.
- i. **Elevation Sketch.** Scaled sketches of all building elevations.
- j. **Erosion Control** Plan in accord with Section 74.
- k. **Parking and Loading Plan** in accordance with Sections 60 and 61.
- l. **Utilities.** Location, size and connection details both on and off site.
- m. **Grading, Contours, Topographic and Environmental Information.** Existing and proposed contours at 2 foot intervals, location of water bodies or significant topographic or natural features, location and amount of fill to be removed or added, and CAM and FEMA designation.
- n. **Lighting.** Lighting fixtures location and details.
- o. **Landscaping.** Species, quantity, size and height of proposed plantings.
- p. **Other Information and Amenity** descriptions as required by the P&Z.

75.4. SITE PLAN OBJECTIVES

In reviewing a Site Plan Application, the P&Z shall take into consideration:

- The public health, safety and welfare of the public in general and the immediate neighborhood in particular.
- That all area and bulk requirements are met, except as may have been varied by the Zoning Board of Appeals or may be modified by these regulations.
- Enforcement of the specific requirements of these regulations.
- Compliance with design criteria to meet general standards as set forth herein.

75.5 GENERAL STANDARDS

In conjunction with other municipal agencies and departments, the Commission may prescribe reasonable condition and safeguards to insure the accomplishment of the following standards:

- 75.5.1 **City Plan of Conservation and Development.** The proposed site plan shall generally conform to the intent of the City Plan of Conservation and Development which shall, however, not take precedence over specific provisions of the Zoning Regulations.
- 75.5.2 **Public Safety.** All buildings, structures, uses, equipment, or material shall be readily accessible for fire and police protection.
- 75.5.3 **Traffic Access.** Proposed traffic circulation shall not create traffic hazards and be adequate in width, grade, alignment and visibility; adequate in distance from street corners, places of public assembly and other access ways.
- 75.5.4 **Circulation and Traffic.** Adequate off-street parking and loading spaces shall be provided to prevent on-street traffic congestion; all parking spaces, maneuvering areas, entrances and exits are suitably identified; interior circulation is adequately designed to provide safe and convenient access to all structures, uses and/or parking spaces; parking areas are provided with suitable bumper guards, guard rails, islands, crosswalks, speed bumps and similar safety devices when deemed necessary by the Commission to adequately protect life and property; and provision is made for safe pedestrian movement within and adjacent to the property by the installation of sidewalks.

- 75.5.5 **Landscaping and Screening.** Existing trees shall be preserved to the maximum extent possible and parking and service areas suitably screened during all seasons of the year from view of adjacent residential districts and public rights-of-way.
- 75.5.6 **Lighting.** Outside lighting shall provide safety to pedestrian and vehicular traffic and glare from installation of outdoor lights and illuminated signs properly shielded from the view of adjacent property and public rights-of-way.
- 75.5.7 **Public Health.** All utility systems are suitable located, available and of adequate capacity, appropriately designed, and properly installed to serve the proposed uses to prevent creating air, water, or land pollution, and to preserve and enhance the environmental quality of the surrounding neighborhood.
- 75.5.8 **Environmental Features.** The development of the site will preserve sensitive environmental features such as steep slopes, wetland, and large rock outcroppings, preserve scenic views of historically significant features, and keep the maximum amount of land either landscaped or in its natural state.
- 75.5.9 **Neighborhood Character.** The location, size, design and scale of any proposed use, building or structure, as well as the nature and intensity of operations involved in or conducted in connection therewith will seek to enhance the area or surrounding neighborhood either by incorporating those factors of design that are in harmony with a positive existing neighborhood character or provides a prototype for rehabilitation of a blighted area or neighborhood.

75.6 SPECIFIC DESIGN STANDARDS

In addition to base information, all site plans shall conform to the following specific design standards.

- 75.6.1 **Landscaping.** All proposed landscaping plans shall show the location, common name, proposed quantities and size at the time of planting.
- a. **Existing Trees.**
 - 1. An attempt shall be made to save as many existing trees as possible.
 - 2. On heavily wooded parcels, trees over 8" diameter must be shown.
 - b. **Front Yards.** All front yards shall be landscaped with shrubs to soften the effect the building(s) creates at ground level.
 - c. **Parking Lot Trees.** All parking lots of 50 car spaces or more shall include:
 - 1. One tree for every 10 parking spaces or fraction thereof.
 - 2. Trees shall be at least 3-3 ½ inches in diameter and 6 feet height at the time of planting.
 - 3. Trees shall be placed or protected so as to avoid damage by automobiles by the placement of a curbed green area of not less than four (4) feet in width or diameter.
 - 4. Trees used in parking lots shall be Thornless Honey Locust, Pine, Oak or other similar fast growing varieties, or existing trees where appropriately located.
 - 5. Shade trees planted shall be spaced 50 feet on center around the perimeter of the lot, except that such distance may be increased for lanes of ingress and egress, and provided further that there shall be shade trees planted between parking aisles spaced 60 feet on center.
- 75.6.2 **Buffer Areas** shall meet the following standards:
- a. Headlight glare in all instances shall be screened when a commercial or industrial building is adjacent to a residential use.

- b. Such buffer shall be evergreen screening and/or wooden or similar fencing depending upon the nature of the property and use and the characteristics of the adjacent property.
- c. Evergreen buffers shall be planted sufficiently close when planted to effectively screen automobile headlights [no more than four (4) feet apart and at least five (5) feet tall].

75.6.3 **Maintenance Insurance.** The developer must guarantee all plantings for two (2) years from approval of final landscaping. The guarantee may be in the form of a surety bond and may be part of the performance bond required at the time of Site Plan Approval. At the end of the two-year period, the bond shall be released. Plant maintenance is required in perpetuity and shall be the responsibility of each new owner upon property transfer in accordance with site plan approval.

75.6.4 **Drainage**

- a. Designs shall be approved by a professional All designs must be done in accordance with the 2004 Connecticut Stormwater Quality Manual (latest edition). This manual provides guidance on site planning, source control, and stormwater treatment practices.
- b. Developers must provide calculations for existing and proposed total Directly Connected Impervious Area (DCIA) within the development.
 - i. For development or redevelopment of sites that are currently developed with DCIA of **forty percent or more**, retain on-site half the water quality volume for the site. In cases where this entire amount cannot be retained, the developer shall retain runoff volume to the maximum extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice. In cases where the runoff reduction requirement cannot be met, the developer shall submit a report detailing factors limiting the capability of achieving the goal. The report shall include: the measures taken to maximize runoff reduction practices on the site; the reasons why those practices constitute the maximum extent achievable; the alternative retention volume; and a description of the measures used to provide additional stormwater treatment above the alternative volume up to the water quality volume. In the case of linear redevelopment projects (e.g. roadway reconstruction or widening) for the developed portion of the right of way: (1) for projects that may be unable to comply with the full retention standard, alternate retention and treatment provisions may also be applied as specified above, or (2) for projects that will not increase DCIA within a given watershed, the developer shall implement the additional stormwater treatment measures referenced above, but will not be required to retain half the water quality volume.
 - ii. For all new development or redevelopment of site with **less than forty percent DCIA**, retain the water quality volume for the site. If there are site constraints that would prevent retention of this volume on-site (e.g.

brownfields, capped landfills, bedrock, elevated groundwater, etc.), documentation must be submitted, for the City's review and written approval, which: explains the site limitations; provides a description of the runoff reduction practices implemented; provides an explanation of why this constitutes the maximum extent achievable; offers an alternative retention volume; and provides a description of the measures used to provide additional stormwater treatment for sediment, floatable and nutrients above the alternate volume up to the water quality volume. Any such treatment shall otherwise be designed, installed and maintained consistent with the 2004 Connecticut Stormwater Quality Manual (latest edition). In the case of linear projects that do not involve impervious surfaces (e.g. electrical transmission rights-of-way or natural gas pipelines), retention of the water quality volume is not required as long as the post-development runoff characteristics do not differ significantly from pre-development conditions.

- c. Site inspections may be made by the commission during development to ensure compliance with the approved drainage design plan. A site inspector shall have the authority to determine proper installation of any stormwater treatment systems during development, and to determine compliance with maintenance and upkeep of any treatment systems after construction (see Section 75.7 for more detail on maintenance). Annual documents, including annual inspection certification must be submitted to the City of West Haven for proof of maintenance on these treatment systems. The Commissioner of Planning and Development or a designee will have the authority to complete these inspections and enforce these regulations.
- d. The developer will be required to submit all stormwater control plans and agreements. The developer shall be responsible for maintenance and cleaning of all stormwater treatment systems including, but not limited to, detention ponds, sedimentation basins, water quality chambers, infiltration systems, etc. Annual documents, including annual inspection certification must be submitted to the City of West Haven as documentation for proof of maintenance.
(Rev. 7/23/19. #ZR 19-026).

75.6.5 Parking Lots shall be designed to the following standards:

- a. Lots shall be designed to avoid creating large, open expanses of paving.
- b. No parking lot shall be designed that forces vehicles to back onto the street.
- c. Ingress and Egress location and interior traffic flow shall be marked with painted arrow(s) where appropriate as determined in a review by the Police Department Traffic Division.
- d. Curb cut widths and curb cut radius must be reviewed by Engineering, Police Department Traffic Division, and CONNDOT where appropriate.
- e. The Commission shall be the final authority on determining curb cut width and radius whenever it determines need to be more restrictive for the radius or width allowed by Engineering, Police Department Traffic Division, and CONNDOT, provided said restrictions meet with their approvals.

- f. All driveways, loading and unloading areas and parking areas shall be paved with a dust free material.
- g. All parking spaces shall have wheel stops or bumper guards.
- h. Where sidewalks are adjacent to parking lots, the design shall provide at least a 5 foot pedestrian travel area to prevent vehicular encroachment.
- i. Adjacent to a side property line a curbed landscaped planting strip of at least two (2) feet shall be provided between driveway pavement and property line.
- j. For parking lots for more than 50 cars, every fourth double bay shall provide for sidewalks in a raised curbed area of sufficient width to provide for car overhang and pedestrian walkway. In all other double bays tree islands shall be provided to prevent large viewable expanses of parking lot.
- k. No parking aisle shall exceed one hundred and fifty (150 feet) without a raised and curbed landscape area of sufficient width to prevent injury to planting, shrubs, trees, or light standards.
- l. Where carts are provided for customer convenience, carrels shall be required to prevent inhibition of pedestrian or vehicle circulation.

75.6.6 **Site Lighting.** The location, height and type of fixture and illumination (to include but not restricted to parking lots, area ways, pedestrian walkways and other areas within sites requiring lighting) be arranged and/or constructed so as to meet the general requirements outlined below:

- a. Provide adequate and proper illumination at ground level for protection of the public and pedestrian and vehicular circulation safety.
- b. Be designed to minimize glare in the area being lighted and shielded so as to prevent glare on adjacent property.
- c. Festoon Lights are not allowed.

75.6.7. **Storage Areas.** There shall be no outside storage of materials unless said materials are effectively screened by appropriate fencing, stone, or brick walls or evergreen trees or shrubs at least 6' high.

75.6.8. **Signs.** The location of all signs shall be clearly marked on the site plan. The overall dimension of all signs, total overall height from ground level and the type of sign lighting shall be indicated on the site plan and are subject to the standards of sections 65-68.

75.6.9. **Refuse Areas.** All sites shall provide for refuse storage. Any outside refuse shall be screened with wooden fencing, stone or brick walls, or evergreen trees or shrubs at least 6' high.

75.7 SITE PLAN ENFORCEMENT

The Commissioner of Planning and Development or a designee is responsible for the enforcement of all site plans and requirements. The Building Official shall request the advice of the Commissioner as to the necessity of a site plan.

Any conditional site plan approvals voted by the Commission shall be so noted by stamping on the Site Plan accordingly and noting the specific conditions on the plan. A copy of the stamped and marked plan shall be sent to the Building Official.

In the event that the contemplated development is in noncompliance with these regulations, the Commissioner of Planning and Development or a designee may impose fines. *(Rev. 7/23/19. #ZR 19-026.)*

All conditions and improvements shown on an approved site plan shall remain with the property, as long as the use indicated on the approved site plan is still in operation. The conditions and improvements shall continue in force, regardless of any change in ownership of the property.

All conditions must be noted on the original plan and must be met or bonded for in an amount specified by the Planning and Zoning Commission and certified by the Commissioner of Planning and Development before a Certificate of Occupancy will be issued.

In the event that the contemplated development does not require a site plan, a written agreement listing certain site plan requirements, signed by both the owner of the property and the Commissioner of Planning and Development shall be considered a binding site plan commitment under this section of the regulations.

ARTICLE 9 – ZONING ADMINISTRATION AND ENFORCEMENT**SECTION 80 – PLANNING AND DEVELOPMENT DEPARTMENT****80.1 STAFF**

In accordance with the provisions of Chapter XIV Land Use of the City Charter the Mayor shall appoint a Commissioner of Planning and Development (hereafter **Commissioner**) who shall also serve as Chief **Zoning Enforcement Officer** of the City of West Haven. The staff of the Planning and Development Department shall be appointed as approved and budgeted by the City Council and in accord with the provisions of the City Charter.

80.2 COMMISSIONER OF PLANNING & DEVELOPMENT

In addition to those duties which may be prescribed herein or assigned by the Charter, the **Commissioner** shall be responsible for overseeing the enforcement and interpretation of the Regulations. The **Commissioner** shall act as liaison between the **Commission** and all other boards, commissions, agencies, or departments of the City with respect to the Comprehensive Plan of Conservation and Development and the interpretation of these Regulations.

80.2.1 **Counsel, Advice and Assistance.** However, nothing herein shall prevent the **Commission, Board, or Commissioner** from requesting counsel, advice or assistance in interpretation of these Regulations.

80.3 ZONING ENFORCEMENT OFFICER(S)

There shall be **Zoning Enforcement Officer(s)** whose duties shall include the enforcement of these Regulations, subject to appropriate supervision and direction by the **Commissioner**. A **Zoning Enforcement Officer (ZEO)** is authorized to cause any building, structure, place, premises or use to be inspected or examined and to order, in writing, the remedying of any condition found to exist therein or thereon in violation of any provision of these regulations.

80.3.1 **ZEO Administrative Regulations.** The **Zoning Enforcement Officer (ZEO)** shall have the power to adopt such administrative regulations as deemed necessary to carry out the enforcement responsibilities, which regulations shall have general applicability to cases of similar character.

80.4 STAFF RESPONSIBILITIES**80.4.1 Staff Acceptance and Review of Plans**

Staff of the Planning and Development Department shall be responsible for staff acceptance and review of applications for site plans, special permits, coastal site plan reviews and applications to the Zoning Board of Appeals and shall determine if plans are complete and meet the requirements of these regulations. Staff shall also provide for review of plans by other city departments. The acceptance of plans for review shall not constitute formal acceptance of the plans by the West Haven Planning and Zoning Commission.

80.4.2 **Preparation of Public Hearing Notices and Mailings.** Staff shall prepare legal advertisements and public hearing notices as required by Articles 8-10 and in accordance with the provisions of the Connecticut General Statutes.

80.4.3 **Certificates of Decision.** Whenever an application for a **Variance**, **Special Use Exception**, Zoning Map or Zoning Text change, or **Special Permit** is decided staff shall issue a Certificate of Decision which shall set forth with specificity the property owner, location, nature and decision, and any conditions or restrictions of any approval granted. Such Certificate of Decision shall be sent by certified U.S. Mail to the applicant.

The applicant shall immediately record an approval, together with any restrictions or conditions, on the Land Records of the City of West Haven. Failure to record such Certificate within ninety (90) days of its issuance shall automatically void the grant thereof.

SECTION 81 – NONCONFORMING USES, LOTS OR STRUCTURES

81.1 STATEMENT OF LEGISLATIVE INTENT AND PURPOSE

The Zoning Districts established in these regulations are designed to guide the future use of the City's land by encouraging the development of desirable residential, commercial and manufacturing areas with appropriate groupings of compatible and related uses and thus, to promote and protect the public health, safety and general welfare through the establishment of minimal area and bulk standards which are determined in conformity with the intended, permitted use of the property and surrounding properties.

As a necessary corollary, in order to carry out such purposes, non-conforming or non-complying uses which adversely affect the development of such areas must be subject to certain limitations. The regulations governing **non-conforming** and **non-complying uses** set forth in this Article are therefore adopted in order to provide a gradual remedying of existing undesirable conditions resulting from such incompatible use of property which is detrimental to the achievement of the purposes of these regulations. When such **uses** are generally permitted to continue, these regulations are designed to restrict further investment in such uses which would make them more permanent establishments in inappropriate locations.

In the case of **buildings, structures** and/or lots not complying with the applicable area and bulk requirements of the regulations, the regulations governing same set forth in this Article are adopted to permit the appropriate use of such buildings, but prevent the creation of additional non-compliances, increases in the degree of existing noncompliance or expansions which would be detrimental to the safety and welfare of the surrounding neighborhood.

These regulations are thus designed to preserve the character of the Districts established in these regulations in the light of their particular suitability to specified uses, and thus to promote and protect public health, safety and general welfare.

81.2 DEFINITIONS

Each of the following definitions shall apply to situations which will arise from time to time in the interpretations of these regulations with respect to **non-conforming uses** and **non-complying lots or structures**. Each definition is intended to define a specific situation and is therefore mutually exclusive.

ABANDONMENT: The voluntary discontinuance of the use of the property in a non-conforming manner, and such discontinuance is accompanied by an intent to not reestablish such use, building or structure.

CHANGE OF USE: The change or modification of a use type as determined by the discretion of the Planning and Zoning Commission (e.g.: retail store to wholesale warehouse, two family to three family dwelling, assembly to fabrication, etc., but not to include shoe store to book store, tool and die shop to grinding shop, etc.).

DAMAGE OR DESTRUCTION: The removal, destruction or demolition, whether intentional or unintentional, of existing floor space such that such floor space whether or not continuous, is unusable. For the purpose of this Article, any such damage or destruction which occurs over an extended period of time (but within two years from first occurrence) shall be deemed to be a single event.

DISCONTINUANCE: The intentional or unintentional cessation of a nonconforming use of the property on a daily basis.

ENLARGEMENTS OR EXTENSIONS: An increase in the building or structure size or the increase in lot coverage.

EXPANSION OF USE: 1) The change of a non-conforming use to a use determined to be less-conforming, 2) The addition of another non-conforming use to an existing non-conforming use, or 3) The increase in the intensity of an existing nonconforming use (including additional dwellings).

INCIDENTAL REPAIRS OR ALTERATIONS: The replacement, upgrading or renovation of existing building characteristics or systems, provided that such work does not create any additional units, rooms, or a greater degree of lot coverage.

MERGER OF LOTS: The combined use, including use by accessory uses, of one or more recognized lots.

81.3 NON-CONFORMING USES

81.3.1 **Intent.** It is the intent of these Regulations to develop cohesive zoning districts which have compatible **uses**. It is therefore recognized that any use which pre-exists these Regulations that does not conform to its requirements shall be encouraged to phase itself out and be replaced by **conforming**, or at least more conforming **uses** that would be more compatible with the **uses** in the district in which the property lies.

81.3.2 **Non-Conforming Residential Uses.** Except as otherwise provided herein, no property which presently being utilized for residential purposes shall be required to terminate because of its non-conforming status, provided said **use** was **conforming** at the time of its origination.

81.3.3 **Discontinuance of Dangerous Uses in Residential Districts.** In all Residence Districts, any **non-conforming use** providing objectionable to public health, safety, or general welfare by creating danger of fire, explosion, toxic and noxious matter, radiation or other hazards of offensive noise, vibration, smoke dust or other particulate matter, odorous matter, heat, humidity, glare or other objectionable influences, shall be discontinued upon order of the Commissioner of Planning and Development. Such order may be appealed to the Zoning Board of Appeals under Section 88.3.

81.3.4 **Abandonment.** In all districts, if either the **non-conforming use** of land with minor improvements is abandoned, or the active operation of substantially all the **non-conforming uses** in any **building** or other **structure** is abandoned, such land or **building** or other **structure** shall thereafter be used only for a **conforming use**. Discontinuance of such use will be determined to be **abandonment** if there is also an intent to discontinue such use, building or structure.

81.3.5 **Change of Non-Conforming Use** for the purpose of this section is a change to another **use** not of the same **use** type, as determined by the Planning and Zoning Commission. A change in ownership or occupancy shall not by itself constitute a **change of use**.

A **non-conforming use** may be changed to a **conforming use** and the applicable district bulk regulations and accessory **off-street parking** and **loading** requirements shall apply to such change of use or to alterations made to accommodate such **conforming use** wherever possible, but shall apply to an enlargement or expansion. A formerly **nonconforming use** shall not again be changed to a **non-conforming use**.

However, no **change of use** shall be permitted without application to the Planning and Zoning Commission, who shall review such application as is it were a Special Permit application and follow relevant procedures.

In addition the Commission shall determine whether the proposed **use** is either **conforming** or less **nonconforming** than the use that is being replaced.

81.4 DAMAGE OR DESTRUCTION

81.4.1 **Residential Uses.** No residential use of property in any district which is legally **nonconforming** shall be required to be terminated. However, no such **use** may be extended to provide additional **dwelling units**.

(Note: Remainder of Section 81.4 and Section 81.5 were deleted with approval of File #ZR 17-063 on October 10, 2017.)

81.6 ENLARGEMENTS OR EXTENSIONS

Any residential **nonconforming use** may be enlarged or extended provided such enlargement or extension does not create any additional dwelling units, does not create a new non-compliance or increase the degree of any existing non-compliance. Non-residential **nonconforming uses** shall not be extended or enlarged.

81.7 EXPANSIONS

Expansion of a **nonconforming use** is not permitted.

81.8 INCIDENTAL REPAIRS OR ALTERATIONS

Repairs and incidental alterations may be made in a building or other structure substantially occupied by a non-conforming use if such repair or alteration:

1. is made in order to comply with requirements of law;
2. is made in order to accommodate a **conforming use**;
3. does not diminish the extent of the **conforming use**;
4. is made in order to make a **non-conforming use** more compatible and less objectionable to the surrounding area;
5. does not create a non-compliance or increase the degree of non-compliance with applicable district bulk regulations except in change of a **non-conforming use** to a **conforming use**.

SECTION 82 – NON-COMPLYING LOTS OR STRUCTURES

82. NON-COMPLYING LOTS OR STRUCTURES

82.1 **Intent.** It is the intent of the Regulations to regulate the use of property in lots having minimum sizes, dimensions and characteristics. It is also the intent of these Regulations that the structures located on said lots shall similarly comply with certain dimensional requirements. However, it is also recognized that the City of West Haven is a community which is, at the time of adoption of these Regulations, primarily developed or with undeveloped lots which have received prior approvals. These Regulations, therefore, permit under specified circumstances with appropriate controls, the continued use of new development of lots or structures which do not conform to current area and bulk requirements, on a limited and specifically restricted basis.

82.2 SPECIAL PROVISIONS FOR PRIOR COMPLYING LOTS AND BUILDINGS

82.2.1 **General Provisions.** The continued use of a **non-complying building** or other **structure** shall be permitted, except as otherwise provided by this article. A **non-complying building** is defined as one in which its **use** complies with that as permitted by these regulations either as of right, by Special Permit, by Special Use Exception or as a valid **nonconforming use**, but does not comply with the area and bulk requirement of the Regulations for each district. A non-complying **structure**, therefore, does not refer to the **use** to which the property is being put, but rather the location, size or similar characteristic of the **structure**. No new **building** or **structure** shall be erected except as provided herein. In interpreting this Section, each subsection shall be deemed mutually exclusive such that only one subsection shall apply to any particular situation.

82.2.2 **Repairs and Alterations.** **Incidental repairs** and **alterations** may be made in a **non-complying building** or other **structure**, provided they do not create a new **non-compliance** or increase the degree of **non-compliance** of the **building** or other **structure** or any portion thereof.

82.2.3 **Enlargements or Conversions.** A **non-complying building** or other **structure** may be enlarged or converted provided that no enlargement or conversion may be made which would either create a new **non-compliance** or increase the degree of **non-compliance** of the **building** or other **structure** or any portion thereof. An enlargement is defined as creating additional units, rooms, or a greater degree of **lot coverage**.

If an existing **lot** and **building** are **noncomplying** because the **lot area per dwelling unit** is less than required then such **building** may be enlarged, converted only provided that the deficiency in the required **lot area per dwelling unit** is not increased.

82.2.4 (Section deleted, 10/10/17, File # ZR-17-063).

82.3 DEGREE OF NONCOMPLIANCE

82.3.1 **Residential.** For the purposes of this section, it shall not be considered an increase in the degree of **noncompliance** if construction is requested, hereinabove, within required setbacks or yards, provided that each of the following is met:

1. New construction is no closer to the property line than the existing building line;
2. The existing yard is at least 50% of the required set-back;
3. Length of that part of the **building** which is within the **yard** is less than 30% of the length of the adjacent boundary line;

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4. In the case where an addition is requested that would increase the height of a **structure** that is within the required yard setback, the height may only be only be increased in the proportion of one foot in height to every foot in distance between the requested expansion and the existing structure on the adjacent **lot** or its required **yard**, whichever is closer.

Failure to meet each of these requirements shall be considered to be an increase in the **noncompliance** and therefore shall not be permitted.

- 82.3.2 **Commercial.** Degree of **noncompliance** shall be determined as the extent of the inability to meet a specific bulk requirement. No **noncompliance** shall be permitted to be increased where the bulk requirement which is currently being violated by a greater amount (i.e.: an addition to a building such that the existing 8 foot setback where 10 feet is required cannot be changed to 3 foot setback, thereby increasing the degree of **noncompliance**).

However, it shall not be deemed an increase in the **noncompliance** where an addition or extension continues the same degree of **noncompliance** (i.e.: an addition to **building** such that the existing 8 foot setback where 10 foot is required continues the building along the same 8 foot setback line).

SECTION 83– ENFORCEMENT

83.1 AUTHORITY

In accordance with the provision of Chapters 124 and 126 of the General Statutes of the State of Connecticut, as may be amended, the Planning and Zoning Commission of the City of West Haven makes the following provisions for the enforcement of the City of West Haven Zoning Regulations.

83.2 ENFORCEMENT AND REQUIRED CERTIFICATIONS

83.2.1 **Building Permits.** Before the construction or alteration of any building or structure or any part of either, the owner or authorized agent of such owner shall submit to the **Commissioner** and the **Building Official** of the City of West Haven a detailed statement of the proposed work on an application blank as furnished by the **Building Official**, and such plans and structural detail drawings of the proposed work as the **Commissioner**, these regulations, and the **Building Official** may require. Such application shall be accompanied by a statement in writing, sworn to before a Notary Public or other officer authorized to administer oaths, giving the full name and residence of each of the property owners, the intended use of the premises and a diagram showing the exact location of any proposed new construction and all existing buildings or structures that are to remain.

It shall be unlawful to construct, repair, renovate, or alter any building or structure or any part thereof until the application and plan herein required shall have been approved in writing by the **Commissioner** and a written permit issued by the **Building Official** of the City of West Haven.

The **Commissioner** shall approve or reject an application or amendment thereto, filed pursuant to the provisions of this section within a reasonable time, and if approved shall promptly certify its compliance with these regulations.

83.2.2 **Excavations or Filling Permits.** No excavation or filling of property shall be undertaken without written authorization by the **Commissioner**, who shall review such request and if deemed appropriate, order the filing of Special Permits and Site Plan Review. Upon certification that the request complies with the Regulations, the Commissioner shall issue written work authorization.

83.2.3 **Parking Lots.** No parking lot on any lot whose primary use is commercial or Industrial may be created, expanded, reduced or otherwise altered without written authorization by the **Commissioner**, who shall review such request and if deemed appropriate, order the filing of a Site Plan Review. Upon certification that the request complies with the regulations, the **Commissioner** shall issue written work authorization. Nothing herein shall prevent the resurfacing or repair of any existing parking lot, provided that no change is made in the area, size, traffic flow, and configuration of spaces or landscaping.

83.2.4 **Certificates of Occupancy.** No building may be occupied until a Certificate of Occupancy is granted by the **Building Official**, who shall not issue the Certificate of Occupancy until the Commissioner has issued a written Certificate of Zoning Compliance that certifies that all work pertaining to these regulations as set forth in the Building Permit application and Site Plan, if any, has been completed and complies with these regulations.

83.2.5 **Certificates of Zoning Compliance.** No **structure** or land or part thereof shall hereafter be occupied or used, in any case of establishment of a new **use**, extension or alteration of a **use**, or conversion from one **use** to another **use**, until the **Planner or**

Assistant Planner shall issue a Certificate of Zoning Compliance (CZC), certifying that the zoning **regulation** has been complied with in full.

Upon owner or tenant request of any conforming or nonconforming **use** already established, the **Planner or Assistant Planner** shall issue a (CZC) stating the exact status of such **use**. In the case of other **uses** already established, the **Planner or Assistant Planner** may carry on such programs of registration of **uses** and issuance of certificates of occupancy (C of O) as deemed appropriate. Each request for a CZC shall be accompanied by a fee in accord with the provisions of §101-1 of the West Haven Code of Ordinances.

83.3 **ALTERATION OF PLANS.**

After issuance of any permit under the provisions of this section, no changes, amendments, additions or deletions to specifications, plans, structural drawings, location of structures, landscaping, or scope and content of the proposed development are permitted without the written approval of the **Planning & Zoning Commission**. Such change, amendment, addition, deletion without written approval of the **Planning and Zoning Commission** shall constitute a willful violation of the provisions of this section and upon written notification of such violation, shall make any and all issued permits for the proposed development null and void.

83.4 **CONTINUATION OF CONSTRUCTION.**

Any approval or certification by the **Commissioner** and permit issued by the **Building Official** under the provisions of this Article, but under which no work is commenced within six months from the time of the issuance shall automatically expire by limitation. The **Commissioner** may with discretion and upon written notification invalidate any permit or certification by revoking approval issued there under for which construction has commenced, but is incomplete, and has ceased for a period of six months.

83.5 **NON-CONFORMING USES.**

No change or extension of use no building or site alteration shall be made in a non-conforming use of premises without a Certificate of Compliance having first been issued by the **Commissioner**, stating that such change, extension or alteration is in conformity with the provisions of these regulations.

83.6 **PENALTIES**

Pursuant to Section 8-12, including Section 8-12 (a), of the Connecticut General Statutes, the owner or agent of a building or premises where a violation of any provision of these regulations shall have been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation shall have been committed or shall exist, or the owner, agent, architect, builder, contractor, or any other person who shall commit, take part or assist in which any such violation shall exist, shall be fined one hundred dollars (\$100.00) by the **Zoning Enforcement Officer** for each day that such violations continues; each day that such violation continues shall be a separate offense, but if the offense be willful the person convicted thereof shall be fined two hundred and fifty (\$250) dollars for each day that such violation shall continue.

Any person having been served with an order to discontinue any such violation, fails to comply with such order within ten (10) days after such service or continues to violate any provision of the regulations named in such order shall also be subject to a civil penalty of two hundred and fifty dollars (\$250.00) per day for each day of such failure to comply, payable to the Treasurer of the City of West Haven.

Nothing herein shall prevent the further imposition of civil or criminal penalties as may otherwise be provided by Statute.

83.7 NOTIFICATION OF VIOLATION

Notice of a violation of these regulations shall be deemed to have been given to the owner of the property in violation, provided such notice is mailed or delivered to the owner or tenant at such address as is listed in the Tax Assessment records of the City of West Haven, or in the event that there is a pending zoning application concerning the property, then to the agent at the address given on the pending application.

83.7.1 CEASE AND DESIST ORDER OR AN ORDER TO DISCONTINUE USE OF A ZONING VIOLATION

The Planning & Zoning Commission has the additional authority to require the issuance of a cease and desist order and an order to discontinue the use of a zoning violation after the Planning & Zoning Commission has made a finding of violations. The Planning & Zoning Commission will notify the Zoning Enforcement Officer. The ZEO has 14 days to issue the notice and report back to the Planning & Zoning Commission. The Planning & Zoning Commission has the authority to file an appeal with the Zoning Board of Appeals for any decision, order, action or inaction from a staff person.

83.8 APPEALS OF ZONING OFFICIALS

Pursuant to Connecticut General Statute Section 8-6, any person aggrieved by any decision, order, action or inaction of the **Commissioner** of Planning and Development and/or the Planner or Assistant Planner or the **Zoning Enforcement Officer** may appeal such decision, action or order within sixty (60) days of the start of construction and construction shall start within six (6) months of the day of the decision. In the event of failure to grant a permit or certification within thirty (30) days from the filing of a completed application for same, an appeal may be made to the Zoning Board of Appeals, which shall conduct a public hearing, duly noticed, on such appeal at which any interested party may submit evidence.

83.9 JURISDICTION

The Superior Court of the State of Connecticut shall have jurisdiction to enforce all the regulations and penalties which are provided for in these regulations.

ARTICLE 10 – PLANNING AND ZONING COMMISSION

SECTION 84 – PLANNING AND ZONING COMMISSION

84.1 AUTHORITY AND APPOINTMENT

The City of West Haven Planning and Zoning Commission, being duly appointed, impaneled and empowered by the City Charter of the City of West Haven pursuant to Connecticut General Statute, Section 8-4a, hereby adopts the provisions of Chapters 124 and 126 of the 1958 Revisions of the General Statutes of the State of Connecticut, as amended, and is accorded full authority hereunder.

84.2 MEMBERSHIP

The Planning and Zoning Commission shall consist of five (5) regular members whose appointments and terms are established by the City Charter.

84.3 ALTERNATES

In addition, there shall be three (3) alternate members of the Planning and Zoning Commission as provided for by Section 8-1(b) of the Connecticut Statutes, whose appointment and terms are established by the City Charter.

84.4 POWERS OF ALTERNATES

Whenever any alternate member shall replace a regular member, said alternate shall have all of the power and rights conferred upon the regular member.

84.5 BY-LAWS

The Commission shall adopt by-laws relative to the conduct of the Commission and shall annually elect officers pursuant to said by-laws.

84.6 POWERS

The Planning and Zoning Commission shall have all the powers and duties conferred and imposed upon Planning and Zoning Commission by Chapters 124 thru 126 of the General Statutes of the State of Connecticut.

84.7 MEETINGS

The Planning and Zoning Commission shall file an annual schedule of meetings as required by law. In addition, the Board may meet and have special meetings at their pleasure, provided notice is given in accord with the Connecticut General Statutes.

84.8 SPECIFIC RESPONSIBILITIES

In addition to those general powers and duties imposed upon such Commissions by Chapters 124 thru 126 of the Connecticut General Statutes, the Planning and Zoning Commission shall have the following specific responsibilities:

- 84.8.1 To hear, decide and regulate Site Plans;
- 84.8.2 To administer and enforce these regulations;
- 84.8.3 To hear, decide and regulate Special Permits.
- 84.8.4 To amend, alter, or change the regulations and/or district boundaries as the need arises to conform to the Comprehensive Plan of Conservation and Development;
- 84.8.5 To hear, decide and regulate Subdivisions (See Subdivision Regulations);
- 84.8.6 To adopt, amend or appeal such rules, regulations or interpretations as may be necessary to carry into effect the provisions of these Regulations.
- 84.8.7 To adopt, amend or appeal such rules, regulations or interpretations as may be necessary to carry into effect the provisions of these Regulations.

SECTION 85 – SPECIAL PERMITS

85.1 PURPOSE AND INTENT

The Planning and Zoning Commission (hereafter **Commission**) shall have exclusive jurisdiction over those matters involving the use of property for such uses are permitted by Special Permit only. It is hereby recognized that such **uses** are an important part of an overall community, but are of the type of **use** that would not normally be concentrated together within a single area. Instead, these **uses** are typically interspersed throughout a community, and therefore, should be regulated on a lot-by-lot basis to determine the particular suitability of the requested location for the proposed **use**.

85.2 DEFINITIONS

85.2.1 **SPECIAL PERMIT:** The **use** of property for uses normally incidental to urban life but permitted only upon limited, regulated circumstances specified within zoning district regulations.

85.3 GENERAL REQUIREMENTS

85.3.1 **Findings Required.** The **Commission** shall make all the findings required in the applicable sections of this Article and the provision of the applicable zoning district with respect to each special permit **use**.

The **Commission** shall deny a special permit **use** whenever such **use** is contrary to the Plan of Conservation and Development or will interfere with an existing or proposed public improvement project (including streets or highways, public buildings or facilities, redevelopment or renewal projects, or rights of way for sewers, transit or other public facilities which are planned for the City of West Haven.

85.3.2 **Traffic Referral.** In all cases, the **Commission** may refer the application to the Traffic Authority of the City of West Haven for its report with respect to the anticipated traffic congestion resulting from such special permit use in the proposed location. The **Commission** shall, in its determination, give due consideration to such report and, further shall either adopt same or shall state on the record its reasons for rejecting the Traffic Authority's recommendations. Should the Commission deem it necessary, due to a specific possible traffic conflict situation, the Commission may engage the services of a traffic consultant of its choice and the cost of such consulting services shall be borne by the applicant.

85.3.3 **Time Limit.** Where appropriate, the **Commission** may limit any special permit use for a term of years, provided it states on the record its reasons therefore. All site or building improvements tied to a Special Permit approval under this section shall be completed within the standard timeframes required for completion of a Site Plan approved under Section 75 of these Regulations. (Rev. 7/23/19, #ZR 19-025).

85.3.4 **Enlargement or Extension.** A Special Permit Use may only be created, or if pre-existing, moved, reconstructed, expanded, or enlarged upon application under the process provided herein. The **Commission** may permit the enlargement or extension of any existing use which, if new would be permitted only by special permit, provided that such enlargement or extension does not create a new **non-compliance** with applicable bulk regulations.

85.4 SPECIFIC FINDINGS

It shall be a further requirement that the decision or determination of the **Commission** shall set forth the following specific required findings in each grant of a special permit, and in each denial thereof, which of the required findings has not been satisfied. In any case, each finding shall be supported by substantial evidence of other data considered by the **Commission** in reaching its final decision, including the personal knowledge of or inspection by members of the Commission.

- 85.4.1 The principal vehicular access for such **use** is not located on a minor street (local), but is located on an arterial street or collector street within one-quarter mile of an arterial street.
- 85.4.2 Such **use** is so located as to draw a minimum of vehicular traffic to and through local streets within any surrounding residential development.
- 85.4.3 The architectural and landscaping treatment of such **use** will blend harmoniously with the rest of the area.
- 85.4.4 Provisions have been made to minimize any disturbances or nuisance to surrounding properties arising out of the creation of such **use**, including the provision of landscaped screens and buffers.
- 85.4.5 Reservoir space at vehicular entrances and exits are provided to prevent traffic congestion and vehicular entrances and exits for such **use** are separately provided.
- 85.4.6 Provision is made with respect to drainage, outside lighting or illumination and signs so as to minimize any adverse effect on the character of the surrounding area.
- 85.4.7 Provision is made with respect to requirements for soundproofing, construction of fences, barriers, or other safety devices.

85.5 SPECIAL PERMIT USES IN RESIDENTIAL DISTRICTS

- 85.5.1 **Purpose. Uses** Special permit **uses** in residential districts are permitted only at the discretion of the **Commission**, subject to the standards and procedures of Article 10, including a public hearing and Site Plan Review (Section 75).

It is hereby recognized that there are certain, non-residential uses which are a necessary part of the community that if properly controlled are compatible within residential neighborhoods.

In making its decision on any application for a Special Permit use the **Commission** must weigh the interests of the community in having the Special Permit use, together with the interest of the landowner, against that of the surrounding neighborhood.

If the **Commission** deems that the proposed use is in the best interests of the community as a whole, the **Commission** shall make findings relative to the interest of the community and the impact of the application on the Plan of Conservation and Development.

Nothing herein shall prohibit the combining of any public hearing for municipal improvement as required by Connecticut General Statutes 8-24 with the public hearing required for a Special Permit for such a municipal improvement.

- 85.5.2 **Standards for Special Permit in Residential Zones.** The **Commission** shall establish conditions or requirements to protect adjoining, residential neighborhoods, to minimize any adverse effect on the surrounding area and to have the Special Permit blend into the neighborhood as unobtrusively as possible. In granting any

Special Permit the **Commission** shall establish as a minimum condition of approval, conditions concerning the operation, location and use of the property relative to the following:

1. Landscaped buffers (of not less than 15 feet, nor more than 50 feet);
2. Signs and lighting design so as not to permit light to exit beyond the property boundary;
3. Design and character of buildings to blend in with surrounding residences;
4. Location of accessory uses on property so as to minimize impact on the surrounding neighborhood;
5. Location of property on a major street or artery.

85.6 SPECIAL PERMIT USES IN COMMERCIAL DISTRICTS

85.6.1 Standards for Special Permit Uses in Commercial Zones:

1. In addition to the criteria set forth in the sections above the **Commission** shall establish certain conditions or requirements to protect adjoining property values, to minimize any potential traffic, safety or other hazard which may be created, to prevent encouragement of immoral behavior, and to have the Special Permit Use blend into the adjoining neighborhoods as unobtrusively as possible.
2. In granting any Special Permit the **Commission** may establish conditions limiting the Special Permit operation, location and use, provided same fulfills this section's purposes.
3. In granting any Special Permit the **Commission** shall establish as minimum conditions of approval that the property have landscaped buffers (of not less than 25 feet nor more than 75 feet) when adjoining any residential district;
4. All Special Permit Uses shall be subject to provisions that may apply relative to liquor and day care regulations;
5. In addition, no gaming facility, Drive-In or Drive-Up Restaurant, Massage Parlor, Adult Book Store, or Amusement Center shall be located within 1,000 feet from any school, park or playground.

85.7 SPECIAL PERMIT USES IN INDUSTRIAL DISTRICTS

85.7.1 Standards for Special Permit use in Industrial Districts. The Commission shall establish certain conditions or requirements to protect adjoining property values, to minimize any potential traffic, safety or other hazard which may be created.

1. In granting any Special Permit the **Commission** may establish conditions affecting the operation, location and **use** provided same fulfills the purposes of this Section and Article.
2. In granting any Special Permit the **Commission** shall establish as a minimum condition of approval that the property has landscaped buffers of not less than 75 feet or more than 100 feet when adjoining any district other than other industrial zones.

85.8 Continuing Nature of Standards.

The regulations, prohibitions, and standards herein set forth are expressly declared to be of **continuing application**. Any permission granted by the Planning and Zoning Commission to use land for business or commercial purposes shall be subject to compliance with the regulations, prohibitions and standards set forth herein and **failure to comply within 72 hours** after written notice of non-compliance from the Planning and Zoning

Commission, said **Commission may revoke any permission previously granted** and enjoin such use. No building permits shall be issued until a fixed mylar of the final approved Special Permit Site Plan is recorded in the Office of the City Clerk and the required bonds have been received by the City Engineer.

SECTION 86 – APPLICATIONS FOR ZONING MAP OR TEXT AMENDMENT

86.1 APPLICATIONS

Applications shall be filed with the Planning and Zoning Commission and thereafter be acted upon and Notice given as provided in section 8-3 of the Connecticut General Statutes and the additional standards below.

86.2 PRELIMINARY HEARINGS AND WORKSHOPS

The Commission may in its discretion hold such preliminary hearings and/or workshops as it deems necessary.

86.3 FACTORS FAVORING AND DISFAVORING A CHANGE

In passing upon any such petition, the Planning and Zoning Commission shall take into account the various factors favoring and disfavoring a change, such as, but not limited to, the following:

86.3.1 **Errors and Changes.** Errors in the existing ordinance, changes that have taken place in the city and in patterns of construction and land use, the supply of land and its peculiar suitability for various purposes, the effect of a map change on the surrounding area, the purposes of zoning and the Plan of Conservation and Development of the City of West Haven;

86.3.2 **Other Method or Procedure.** Whether some other method or procedure under the zoning ordinance is more appropriate; and

86.3.3 **Minimum Area.** In the case of a map change, the size of the area involved. As a general policy the Planning and Zoning Commission shall not consider favorably any petition which would result in a total contiguous area (separated only by streets, and excluding the area of streets) of less than 2 acres in the case of a Residence District, less than 1 acre in the case of a Commercial District, less than 4 acres in the case of an Industrial District or Mixed Use District.

86.4 NO MAP OR SITE PLAN TO BE FILED

No map or site plan of the proposed development shall be filed with the zone change application so that the Commission may render an impartial decision of the zoning of the property.

86.5 FEE WAIVED FOR CITY APPLICATION

Whenever the applicant for a change in the zoning regulations is the City of West Haven or the West Haven Planning and Zoning Commission, no application fee is required and only such plans or application as the Commission determines necessary to properly advise any interested party of the nature of the requested change will be required.

86.6 EFFECTIVE DATE

Any change of a zoning district boundary or amendment to these regulations shall automatically be effective upon expiration of the appeal period, unless otherwise expressly stated by the Commission at the time of adoption. (Rev. 7/23/19. #ZR 19-025).

86.7 PUBLIC HEARING REQUIRED

A public hearing in accordance with the provisions of Section 8-6 of the Connecticut General Statutes shall be held. At such public hearing, the petitioner may be heard and any other person may be heard to speak in favor or against the said petition.

86.8 LEGAL NOTICE

Notice of the time and place of such hearing shall be published in a newspaper having a substantial circulation in such municipality at least twice, at intervals of not less than 2 days, the first not more than 15 days nor less than 10 days, and the last not less than 2 days before the date of such hearing, in accordance with the provisions of Section 8-3 of the Connecticut General Statutes.

86.9 NOTICE TO ADJOINING MUNICIPALITIES

In the case of applications where any portion of a tract of land is within 500 feet of a town line, the Clerk of the Board shall notify the adjoining municipality Clerk by Certified US Mail. (Rev. 7/23/19. #ZR 19-025).

86.10 PUBLIC INSPECTION OF DOCUMENTS

All applications, maps, and documents relating to a public hearing shall be open for public inspection in the Planning and Development Department not less than fifteen (15) days prior to the day of the public hearing.

86.11 PLANNING AND ZONING COMMISSION, CITY NOTICE EXEMPTION

Unless expressly required by State Statute neither the City nor the Planning and Zoning Commission shall be required to comply with the posting, display ad or mailing requirements of this section.

86.12 PROPERTY OWNERS TO BE NOTICED

In addition to published notice, **for applications to amend the Zoning Map**, the Clerk of the Board or Commission shall provide mailing labels for notice to property owners as recorded at the Office of the City Assessor whose property is located within and including a distance of 200 feet as measured from all boundaries of the property which is the subject of such application if such property is within the city.

86.12.1 **Applicant to Mail Notices.** The applicant shall use the provided mailing labels to notify property owners as recorded at the Office of the City Assessor whose property is located within and including a distance of 200 feet as measured from all boundaries of the property which is the subject of such application if such property is within the city.

86.12.2 **Applicant to Provide Affidavit of Mailing.** The applicant shall provide a signed affidavit on a form provided by the Department of Planning and Development that the furnished Mail Notices have been sent by US Mail in conformance with these Regulations.

86.12.3 **Notice to Condominiums.** In the case of a condominium, notice shall be furnished to the official business address of the association or other business entity responsible for its business affairs.

86.12.4 **Date of Mailing.** The mailing shall be made not less than 10 days or more than 15 days prior to date of the hearing.

86.12.5 **Source for Notice.** The most recent published annual list of the Office of the City Assessor shall be the basis for notice.

In addition to published notice, **for applications to amend the Zoning Regulations**, applicant shall publish one display ad in local newspapers, not less than 10 days or more than 15 days prior to the date of the hearing, as follows:

86.12.6 **A display ad** in a **local daily newspaper**, at least 4 inches by 5 inches in size, with bold lettering to clearly describe the proposed amendment to the Zoning Regulations, **and**

86.12.7 **A display ad** in a **local weekly newspaper**, at least one quarter page in size, with bold lettering to clearly describe the proposed amendment to the Zoning Regulations

86.12.8 **APPROVAL OF DISPLAY AD:** A proof of the proposed display ad shall be provided for approval of the Planning and Development staff at least one week prior to it being placed in either newspaper.

86.13 POSTING OF NOTICE

For applications to amend the Zoning Map, a sign of a design approved by the **Board** or **Commission** shall be posted by the Applicant not less than 10 days prior to the public hearing on the property for which application is made where practical.

86.14 LOCATION AND CONTENT OF POSTING

A minimum 11" x 17" size sign shall be posted. The sign shall be plainly readable from curbside of the addressed street frontage and shall normally be posted on a door or window of the principal structure on the property. If there is no structure, the sign shall be attached to a board or post and prominently placed on the property near the street face at a 4 foot minimum height. The sign shall contain language which provides, but is not limited to, the following information:

- 1 Notice that zoning relief has been applied for.
2. An address and telephone number where further information can be obtained regarding the application.
3. Date, location and hearing time.

86.15 NOTICE FOR LARGE TRACTS OF LAND

When land area of 10 acres or more or involving more than 250 notices to owners of record within 200 feet of the subject petition area are involved the application shall be considered a large tract of land that may use one or more of the alternative means and outreach efforts listed below under the direction of Board or **Commission** involved:

- Newspaper article(s)
- Door to door distribution of Flyers or Leaflets distributed by City or Council Members
- Newsletters
- Larger display ad in legal notices section
- Informational meeting(s) before public hearing
- Larger on-site sign(s)
- Postings in or at local businesses
- Upload to Internet

86.16 DECISIONS

After the Public Hearing, the **Commission** may grant, deny or table said petition. In the case of a petition for a change in Zoning Regulations Map or Text, the **Commission** may amend and approve such amended petition, provided the amendment does not substantively alter the purpose of nature of the original petition.

Should the application for Zone Map or Text Amendment be denied, the **Commission** will not hold a public hearing for the same property, properties or amendment(s) within a twelve-month period from the date of denial. The **Commission** may also deny any petition without prejudice so as to allow the rehearing of the same application within the twelve (12) month period.

Any decision shall be filed with the City Clerk's Office, sent to the petitioner by certified mail at the address listed on the application, and a statement of the decision of the **Commission** shall appear in a legal ad in the newspaper. The Clerk of the Board shall file a copy of the Certificate of Decision in the Land Records, and a copy of any approved zone change maps shall be filed in the City Clerk's office. (Rev. 7/23/19. #ZR 19-025).

86.17 APPEALS

Any person or persons aggrieved by the action of the **Commission** may appeal any decision to the Superior Court of the State of Connecticut.

ARTICLE 11- ZONING BOARD OF APPEALS

SECTION 88 – ZONING BOARD OF APPEALS

88.1 AUTHORITY AND APPOINTMENT

The Zoning Board of Appeals shall have all of the power and duties confirmed and imposed by the General Statutes of the State of Connecticut, under Chapter 124, revised 1958. The Zoning Board of Appeals is appointed by authority of the City of West Haven Charter by its adoption by the City Council.

88.2 MEMBERSHIP

The Zoning Board of Appeals shall consist of five (5) members whose appointment and terms are established by City Ordinance.

88.3 ALTERNATES

In addition, there shall be three (3) alternate members of the Zoning Board of Appeals as provided for by Section 8-5 of the Connecticut General Statutes, whose appointment and terms are established by City Ordinance.

88.4 ALTERNATE POWERS

Whenever any alternate member shall replace a regular member, said alternate shall have all the power and rights conferred upon the regular member.

88.5 BY-LAWS

The Board may adopt by-laws relative to its conduct and shall annually elect officers.

88.6 POWERS

The Zoning Board of Appeals shall have all of the powers and duties conferred and imposed upon Zoning Board of Appeals by Chapter 124 of the General Statutes of the State of Connecticut.

88.7 MEETINGS

The Zoning Board of Appeals shall file an annual schedule of meetings as required by law. In addition, the Board may meet and have meetings at their pleasure.

88.8 SPECIFIC RESPONSIBILITIES

In addition to those duties imposed by statute, the Zoning Board of Appeals shall have the power, after public notice and hearing:

- 88.8.1 To hear, decide and determine, only in those specified cases of practical difficulty or unnecessary hardship, whether to vary the application the provisions of these Regulations;
- 88.8.2 To hear and decide appeals from and to review interpretations of these regulations;
- 88.8.3 To hear and decide appeals from a decision of the Commissioner of Planning and Development and/or Zoning Enforcement Officer;
- 88.8.4 To hear and decide applications for Special Use Exceptions as provided and under such circumstances as permitted by these Regulations as outlined in Tables 39.1 and 39.2.

SECTION 89 – GENERAL PROVISIONS REGARDING ZONING RELIEF

89.1 PURPOSE AND INTENT

It is hereby found that there are certain, specific uses which are a necessary part of an urban community such as West Haven. However, it is also found that these uses, if not properly regulated, would be detrimental to the safety, welfare, and health of the community and could have an adverse effect on the property values surrounding them. The particular uses to which this Article applies are set forth herein and elsewhere in these Regulations.

It is, therefore, the purpose and intent of these Regulations and specifically this Article, to review the application to permit those uses on a lot-by-lot basis and where appropriate, permit them only under certain limited circumstances in limited quantities, and with proper safeguard and controls based upon pre-established standards to assure a minimum of injury to surrounding property.

89.2 DEFINITIONS

89.2.1 **VARIANCE:** A land use permitted when a reasonable basis is found to so some act contrary to the usual rule permitted when the standards contained within the Regulations have been met.

89.3 VARIANCES AND REVIEW OF ADMINISTRATIVE DECISION OR ORDER

Variances or Review of Administrative Order or Decision applications shall be filed with the Zoning Board of Appeals and thereafter shall be acted upon as provided in Section 8-6 of the Connecticut General Statutes and the additional standards of Section 90 below.

89.4 INTENT

As provided in Section 8-6 of the Connecticut General Statutes, the Zoning Board of Appeals may vary the strict enforcement of these Regulations whenever particular hardship is established. This power shall be used in only those circumstances wherein practical difficulty has made these regulations almost impossible and/or renders the property unusable. The use of a Variance shall not be permitted in those instances where these Regulations provide for a Special Permit, Special Use Exception or Special Exception.

89.5 GENERAL REQUIREMENTS FOR ZONING RELIEF

Pursuant to Connecticut General Statutes Section 8-2 and in harmony with the general purpose and intent of these Regulations and in accordance with provisions set forth in this Article 8.

89.6 PROCEDURE

89.6.1 **Application.** Any person or property owner who feels that they are aggrieved by the strict application of these Regulations may petition the Zoning Board of Appeals upon written application form provided for such purposes from the Planning and Development Department office. Such petition shall set forth with specificity the exact section of these Regulations which imposes the practical difficulty, the nature of the hardship and the basis for the peculiar hardship as it relates to the applicant's property.

89.6.2 **Public Inspection of Documents.** All applications, maps, and documents relating to a public hearing shall be open for public inspection in the Planning and Development Department not less than fifteen (15) days prior to the day of the public hearing.

89.6.3 **Decisions.** The Zoning Board of Appeals after the public hearing may grant, grant with conditions, or deny the petition. A copy of the decision will be filed with the City Clerk's Office and be mailed to the petitioner. Notice of the decision shall also be legally advertised in the local newspaper.

Whenever the Board grants or denies a variance in the zoning regulations pursuant to a petition for same, it shall state upon the records the reason for its decision.

The Board may prescribe such conditions or restrictions applying to a grant of a variance as it may deem necessary in the specific case to minimize the adverse effects of such variance upon other property in the neighborhood, and such conditions or restrictions shall be incorporated in the building permit and Certificate of Occupancy (C of O). Failure to comply with such conditions or restrictions shall constitute a violation of these regulations, resulting in the automatic denial or revocation of a building permit or certificate of occupancy (C of O) as well as giving rise to all other applicable enforcement remedies.

89.7 APPEALS FROM DECISION

Any person or persons may appeal any decision of the Zoning Board of Appeals to the Superior Court of the State of Connecticut pursuant to Section 8-8 of the Connecticut General Statutes.

SECTION 90 – VARIANCES

90.1 INTENT

As provided in Section 8-6 of the Connecticut General Statutes, the Zoning Board of Appeals may vary the strict enforcement of these Regulations whenever particular hardship is established. This power shall be used in only those circumstances wherein practical difficulty has made these regulations almost impossible and/or renders the property unusable. Land use variances are specifically prohibited.

90.2 PROCEDURE

Any person or property owner who feels that they are aggrieved by the strict application of these Regulations may petition the Zoning Board of Appeals upon written application form provided for such purposes from the Office of Planning and Development. Such petition shall set forth with specificity the exact section of these Regulations which imposes the practical difficulty, the nature of the hardship and the basis for the peculiar hardship as it relates to the applicant's property.

90.3 REQUIRED FINDINGS

When it is alleged that there are practical difficulties or unnecessary hardship, the Board may grant a variance in the strict application of the provisions of these regulations provided it makes the following findings:

- 90.3.1 There exist **special circumstances** which result in difficulty of unnecessary hardship.
- 90.3.2 That said special circumstances **peculiarly pertain to the property** under appeal and the variance petition would be in harmony with the general purpose of the zoning regulations.
- 90.3.3 That **failure to grant a variance** would deprive the owner of the property any reasonable use thereof.

SECTION 91– SPECIAL USE EXCEPTIONS

91.1 PURPOSE AND INTENT

The **Zoning Board of Appeals** (ZBA) shall have exclusive jurisdiction over those matters which are permitted under these Regulations by **Special Use Exception** and shall apply to those instances where the property is being requested to be used for specific, regulated purposes. It is recognized that occasion will arise wherein property may be requested to be put to use on a permanent or non-permanent basis where the use if not further regulated would not be in harmony with the Plan of Conservation and Development. It is also recognized that these special circumstances are such as to be inappropriate for a request for a variance of these regulations, but such request may nonetheless be meritorious.

Within specific guidelines set forth in these Regulations the **Board** may issue a **Special Use Exception** which would permit a use of property which would not otherwise be permitted in the applicable zoning district. Further, the uses permitted by a Special Use Exception shall not be subject to creation or expansion by variance, but may be permitted only by the procedures provided herein.

91.2 GENERAL REQUIREMENTS

In addition to those uses enumerated within the specific district regulations, the **Zoning Board of Appeals** may grant a **Special Use Exception** subject to making the required findings and establishing appropriate safeguards and conditions for the following uses:

1. The granting of a **Special Use Exception** shall be recorded in the West Haven Land Records setting forth the use permitted, and condition attached by the Commission to the Use and the following limitation:
"This Special Use Exception use shall not run with the land, but shall be personal to the current owner, shall expire upon the transfer of title or possession of the property, and shall continue to exist only so long as the Grantee utilizes the property in the manner and under the conditions as contained in this Grant of Special Use Exception." In making its decision on any application for a Special Use Exception, the **Zoning Board of Appeals** shall make a determination as to each of the following:
 1. The impact of the proposed use to the surrounding neighborhood and properties, including the impact of the property values of the adjoining lots;
 2. The impact of the proposed use on the health, safety, and welfare of the community, specifically the adjoining neighborhoods;
 3. The impact of any potential traffic to be generated by the proposed use where appropriate;
 4. The appropriateness of any such proposed use when located on a minor (local) street and adequacy of an on-site reservoir and/or parking space(s) to avoid traffic congestion;
 5. The conformity of the petition with the specific guidelines, control and standards for the Special Use Exception being requested as same are set forth in the specific zoning district regulations;

The **Zoning Board of Appeals** may only grant **special use exceptions** for **uses** listed for the specific zoning district. No **Special Use Exceptions** (other than those listed) may be granted for a **use** that is not permitted in a zoning district.

ARTICLE 12 – PUBLIC HEARING PROCEDURES

SECTION 92 – PUBLIC HEARING PROCEDURES

92.1 PROCEDURE

- 92.1.1 **Application.** Upon application on a written prescribed form by the Commission, the Board or Commission shall hear, review, and decide any petition for a Special Use Exception, Variance, Special Permit or Zoning Ordinance Map and/or Text change.
- 92.1.2 **Content.** Such application shall contain as a minimum, written statements setting forth the Regulations section under which the application is submitted, with a narrative, site or plot plan and such diagrams and/or photographs as appropriate. All such documents shall become part of the record of such application.
- 92.1.3 **Start of Public Hearing.** The public hearing must be scheduled within sixty-five (65) days of receipt of the application.
- 92.1.4 **Hearing Continuation.** Public hearings shall be completed in a single session where possible, but may be continued to a date certain where necessary for full development of evidence or for full and adequate participation of the parties, or for such other substantial purposes. In no case shall continuances be used as a delay device.
- 92.1.5 **Completion of Hearing.** The public hearing shall be completed within thirty-five (35) days of its commencement.
- 92.1.6 **Time Extensions.** An applicant may consent to time extension(s) for the start or completion of the public hearing or decision action phase in accord with section 8-26d C.G.S., but the total of all extensions together may not exceed 65 days. All time specified is in workdays per Sec. 1-225(g), C.G.S.

92.2 PUBLIC HEARINGS AND NOTICE

- 92.2.1 **Notice of Public Hearing Required.** The legal advertisement shall describe the petition and the public hearing time and location and where additional information may be secured. Notice of a public hearing shall be published at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the hearing date in a newspaper having a substantial circulation in West Haven, in accordance with the provisions of Section 8-7d of the Connecticut General Statutes. At such public hearing, the petitioner may be heard and any other person may be heard to speak in favor or against the said petition.
- 92.2.2 **City, Planning and Zoning Commission Notice Exemption.** Unless expressly required by State Statute neither the City nor the Planning and Zoning Commission shall be required to comply with the posting and mailing requirements of this section.
- 92.2.3 **Notice for Large Tracts of Land.** When land area of 10 acres or more or a list of more than 250 notices to owners of record within 200 feet of the subject petition area are involved, the application shall be considered a large tract of land that may use one or more of the alternative means and outreach efforts listed below, or other method as directed by the Board or Commission involved:
- Newspaper article(s)
 - Door to door distribution of Flyers or Leaflets distributed by City or Council Members
 - Newsletters
 - Larger display ad in legal notices section

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- Informational meeting(s) before public hearing
 - Larger on-site sign(s)
 - Postings in or at local businesses
 - Upload to Internet

92.2.4 **Notice to adjoining municipalities.** In the case of applications where any portion of a tract of land is within 500 feet of a town line, the Clerk of the Board shall notify the adjoining municipality Clerk by certified mail, and shall be mailed within seven (7) days of the date of receipt of the application or request, as required by Section 8-7(e) C.G.S.

92.2.5 **Notice to Property Owners.** In addition to published notice, the Clerk of the Board or Commission shall prepare a list of property owners as recorded at the Office of the City Assessor whose property is located within and including a distance of 200 feet as measured from all boundaries of the property which is the subject of such application if such property is within the city l.

1. **Notice to Condominiums.** In the case of a condominium, notice shall be furnished to the official business address of the association or other business entity responsible for its business affairs. Individual notice to unit owners is not required.
2. **Date of Mailing.** The mailing shall be made not less than 10 or more than 15 days prior to the public hearing date.
3. **Source for Notice.** The most recent published annual list of the Office of the City Assessor shall be the basis for notice.
4. **Public Hearing Notices.** The Planning and Development Department shall furnish a model Notice of Public Hearing to the applicant.
5. **Notices by Applicant.** The applicant shall mail by U.S. Mail individual Notices of Public Hearing to the property owners on the list prepared by the Clerk and to abutters by U.S. Mail.
6. **Affidavit and Certification Required.** The applicant shall furnish an Affidavit to the Board/Commission at the Public Hearing that the individual notices were sent by U.S. Mail in accordance with the requirements of this section and shall provide a Certificate of Mailing issued by the U.S. Postal Service.

92.2.6 **Posting of Notice.** A sign of a design approved by the Board or Commission shall be posted not less than 10 days prior to the public hearing, on the property for which application is made.

1. **Location and Content of Posting.** A minimum 11" x 17" size sign shall be posted so that it is readable from curbside. The sign shall normally be posted on a door or window of the principal structure on the property. If there is no structure, the sign shall be attached to a board or post and prominently placed on the property near the street face at a 4 foot minimum height. The sign shall contain language which provides, but is not limited to, the following information:
 - Notice that zoning relief has been applied for.
 - An address and telephone number where further information can be obtained regarding the application.
 - Date, location and hearing time.
2. **Sign.** Said sign may be obtained from the Clerk of the Board or Commission or other individual as designated by the Zoning Board of Appeals or Planning and Zoning Commission or may be posted by Planning and Development Department staff.

92.3 DECISION PROCESS

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- 92.3.1 **Finding.** In making its decision the **Board** or **Commission** shall state upon the record the reasons therefore, and shall make such specific findings as may be required by these Regulations that such application is not detrimental to either the community at large or the surrounding neighborhood.
- 92.3.2 **Conditions of Approval.** The **Board** or **Commission** shall in each case determine that the adverse effects, if any, on the privacy, quiet, light, safety, environment or aesthetics in the neighborhood of such use will be minimized by appropriate conditions governing location of the site, design and method of operation.
- In the granting of an application the **Board** or **Commission** may prescribe such conditions or restrictions as deemed appropriate as it may deem necessary in the specific case, in order to minimize the adverse effects of such petition upon other property in the neighborhood as provided for by these Regulations. Such conditions or restrictions shall be incorporated in the building permit.
- 92.3.3 **Decision.** The **Board** or **Commission** after the public hearing shall take action on an application within thirty-five (35) days after completion of the public hearing, and may grant, grant with conditions or deny a petition.
- 92.3.4 **Decision to be Filed with City Clerk.** A copy of the decision shall be filed with the City Clerk's Office.
- 92.3.5 **Legal Notice.** Notice of the decision shall also be advertised once within 15 days of the date of the decision in a newspaper having a substantial circulation in West Haven. (Rev. 7/23/19. #ZR 19-025).
- 92.3.6 **Applicant Certificate of Decision.** If the **Board** or **Commission** grants an application, it shall issue a Certificate of Decision to the applicant for recording in the West Haven Land Records, to be sent by Certified Mail in accord with Sec. 8-26e CGS within 15 working days following the public hearing. Any condition which is attached to the grant of approval shall be clearly set forth on the Certificate of Decision.
- 92.3.7 **Applicant Certificate of Decision to be Recorded.** An application approval shall be effective upon recording of the Certificate of Decision for the zoning relief granted in the West Haven Land Records. Any approval for which a Certificate of Decision has been issued but not recorded shall automatically be null and void. (Rev. 7/23/19. #ZR 19-025).
- 92.3.8 **Failure to Comply with Conditions or Restrictions** shall be a violation of this regulation and will automatically result in the denial or revocation of a building permit or certificate of occupancy and may result in the imposition of such other enforcement remedies available.
- 92.3.9 **Appeals from Decision.** Any person or persons may appeal any decision of the Zoning Board of Appeals to the Superior Court of the State of Connecticut pursuant to Section 8-8 of the Connecticut General Statutes.

ARTICLE 13 – VALIDITY, SEPARABILITY AND EFFECTIVE DATE

SECTION 93 – VALIDITY AND SEPARABILITY EFFECTIVE DATE

93. VALIDITY AND SEPARABILITY

93.1 Legislative Intent. It is hereby declared to be the legislative intent that:

93.2.1 Separability. If a court of competent jurisdiction finds any provisions of this ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all the other provisions of this ordinance shall continue to be separately and fully effective.

93.2.2 Limited Effect. If a court of competent jurisdiction finds the application of any provision or provisions of this ordinance to any **lot, building** or other **structure**, or tract of land to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

93.2.3 Effect on Other Requirements. The previous provisions of the West Haven Zoning Regulation are repealed as of the effective date of this revision. It is not intended that the requirements of any other law or ordinance be repealed or otherwise made ineffective by this ordinance, and in case of conflict the strictest of the relevant provisions of this and other laws and ordinances shall apply

SECTION 94 – EFFECTIVE DATE

94. EFFECTIVE DATE.

The effective date of this revision shall be AUGUST 30, 2006

APPENDIX A-1

ZONING TEXT AMENDMENTS

The West Haven Zoning Regulations were updated and recodified in 2006 and the effective date of the revision is August 30, 2006. Amendments prior to that date may be found by consulting the records of the City Clerk.

- 10-24-06 Table 39.2 Amended to add "Automobile or Truck Rental"
- 11-14-06 Table 39.2 Amended to Eliminate Pawn Shops in NB zones
- 11-14-06 Table 39.2 Amended to add "Consignment Shop for Clothing, Furniture and Sporting Goods" in RB NB, RPD, RCPD, CD and SCR zones.
- 11-28-06 Definitions added:
 - Consignment
 - Consignment Shop or Store
 - Hawker or Peddler
 - Itinerant Vendor
 - Pawnbroker
 - Principal Use
 - Solicitors
 - Temporary or Transient Business
- 11-28-06 Added Exception in CBD to 20.4
- 11-28-06 Added Outdoor Display and Sales of Merchandise as 20.9
- 11-28-06 Added Tag Sales as 55.2
- 11-28-06 Added Staff Acceptance and Review of Plan as 80.4.1
- 11-28-06 Added Continuing Nature of Standards as 85.8
- 4-10-07 Added Interpretation as 1.14
- 4-10-07 Added Convenience Store/Gas Facility to Definitions
- 4-10-07 Modified Handicapped Parking at 60.17
- 4-10-07 Modified Front Yard Parking at 60.7

4-10-07	Modified Relief from Standards at 60.28
4-10-07	Modified Penalties to increase fine to \$100.00 per day at 83.6
4-10-07	Deleted Enforcement at 60.29
7-24-07	Table 39.2 modified to add Massage Therapy as a Special Permit use in the CBD zone
7-24-07	Added Definition of Massage Therapy
7-24-07	Added Section 36.6 to the WD zone
7-24-07.1	Eliminated Subsection 85.4.8
7-24-07.1	Eliminated Subsection 85.7.1.3
7-24-07	Table 39.1 modified to eliminate Religious Service or Fraternal Organization from TOD and WD zones
7-24-07	Table 39.2 modified to eliminate Place of Worship, Parish House, Similar Uses in NB, RB, RCPD, and CD zones
7-24-07	Table 39.2 modified to eliminate Religious Service or Table Fraternal Organization in NB, RB, WD and TOD zones
7-24-07	Table 39.2 modified to eliminate Private Club, Hall or Similar Facility in NB, RB, WD and TOD zones
9-25-07	Create Section 31—Planned Research and Development Design District
9-25-07	Table 36.1 amended to include PRD Design District
9-25-07	Table 39.2 amended to include PRD Design District
9-25-07	Amended Section 10.6 Special Use Exceptions
9-25-07	Amended Section 20.33 Special Permit and Special Use Exception
9-25-07	Amended Section 25.3.3 Special Permit and Special Use Exception Uses

9-25-07	Amended Section 30.3.1 As-of-Right
9-25-07	Amended Section 30.3.2 Special Permit and Special Use Exception
9-25-07	Amended Section 35.3.2 As-of-Right
9-25-07	Amended Section 35.3.3 Special Permit and Special Use Exception\
9-25-07	Amended Section 36.3.2 As-of-Right
9-25-07	Amended Section 36.3.3 Special Permit and Special Use Exception
9-25-07	Amended Section 41.3 Conditions of Approval
9-25-07	Amended Section 42 Accessory Apartments
9-25-07	Amended Section 43.5 Finding of Suitability
9-25-07	Amended Section 48.5.1 Special Permit
9-25-07	Amended Section 53.2 Where Permitted
9-25-07	Amended Section 71 Coastal Area Management
9-25-07	Amended Section 71.5 Exemptions
9-25-07	Amended Section 82.2.1 General Provisions
9-25-07	Amended Section 84.8 Specific Responsibilities
9-25-07	Amended Section 87.8 Specific Responsibilities
9-25-07	Amended Section 87 by renumbering it to Section 88 Zoning Board of Appeals
9-25-07	Amended Section 88 and renumbered it to Section 89 General Provisions Regarding Zoning Relief
9-25-07	Eliminated Section 89 Special Exceptions
9-25-07	Amended Section 90 and renumbered it to Section 87 Special Use Exceptions

9-25-07	Amended Section 91 by renumbering it to Section 90 Variances
9-25-07	Amended Section 92 Public Hearing Procedures
9-25-07	Amended Table 39.1 to add Day Care as a Special Use Permit
9-25-07	Modified Table of Contents to reflect current zoning amendments
10-23-07	Modified Table 36.1 and Table 39.2 to add Hotel as a Use by Right in a CD Zone and as a Special Permit Use in an RCPD zone
11-13-07	Modified Table 36.1 to indicate University Buildings may be 6 stories in height by Special Permit
4-22-08	Amended Section 44 Automotive Uses to require Certificates of Location to be issued by the Planning & Zoning Commission
4-22-08	Amended Section 92 Public Hearing to eliminate the requirement of Certified Mail and to require instead the Requirement of a Certificate of Mailing issued by the U.S. Postal Service
1-27-09	Amended Section 65 Signs by clarifying several items, including adding a definition of Billboard, amending definitions of Electronic Message Sign, Ground or Monument Sign, and Highway Oriented Business Sign; modifying Prohibited Signs; modifying Commercial Sign Standards; modifying Advertising Signs; and Revising Tables 69.1 and 69.3.
2-10-09	Amended Section 20 to add 20.10 Outdoor Dining
2-10-09	Amended Section 85.3.2 to provide for traffic consultant services if required by the Planning & Zoning Commission
4-28-09	Amended Table 39.2 to permit Medical Offices (Outpatient) by right in an RB (Regional Business) zone
6-23-09	Amended Table 39.2 to permit Amusement Center by Special Permit in an LM (Light Manufacturing) zone
10-13-09	Amended Section 2 Definitions to add a restriction to age restricted housing to limit permanent residents to no younger than 19 years of age and added a definition of Continuing Care Retirement Community

10-13-09	Revised and Replaced Section 26 with a new section 26 PVD Overlay Zone
10-13-09	Amended Table 26.1 to reflect the PVD Overlay zone
10-13-09	Added Table 26.2 to list Uses Permitted in Planned Village District
10-13-09	Revised Table 39.1 to eliminate reference to PVD
10-13-09	Revised Table 39.2 to eliminate reference to PVD
10-26-10	Revised Section 20.9 to permit outdoor display and sales of merchandise in the CBD and Neighborhood Business zones
10-26-10	Revised Section 70 Flood Plain Regulations to comply with F.E.M.A. guidelines
10-26-10	Revised Section 83.8 to expand time for an appeal and order reporting of actions and decisions to the Planning & Zoning Commission
1-11-11	Revised Section 48 Telecommunications
6-14-11	Added Section 20.11 Central Business District Signs
6-14-11	Amended Section 67 to refer to Section 20.11
12-5-11	Amended Section 80
12-5-11	Amended Section 83
12-5-11	Amended Section 88
5-8-12	Amended Section 80
5-8-12	Amended Section 83
5-8-12	Amended Section 87
5-8-12	Amended Section 88

5-8-12	Amended Section 90
5-8-12	Amended Section 41
5-8-12	Amended Section 42
9-25-12	Created Section 27 (incentive Housing Zone)
6-25-13	Amended Section 70 to revise Floodplain Management Regulations re: Floodplain Maps and Definitions (#ZR 13-031)
8-27-13	Amended Section 65 by deleting reference to Sign Variances and Exceptions (#ZR 13-043)
1-14-14	Amended Section 48 re: Telecommunications Facilities (#ZR 13-044)
1-14-14	Amended Section 28 Educational Facilities District (#ZR 13-053)
6-24-14	Amended Section 49 to establish a 3-month moratorium on Medical Marijuana Dispensaries (#ZR 14-075)
7-22-14	Amended Table 39.2 to make Regional Shopping Center a permitted use in the Waterfront Design District (#ZR 14-076)
9-8-15	Adopted extension of moratorium on Medical Marijuana Dispensaries for six months to March 8, 2016 (#ZR 15-150)
11-10-15	Adopted Section 49.2 to establish a 6-month Moratorium on Adult Oriented Businesses to May 25, 2016 (#ZR 15-161)
06-28-16	Amended Section 2.2 to modify Definition of Family (# ZR 16-199)
9-13-16	Amended Section 49.2 to establish a one year Moratorium on Adult Oriented Businesses to October 3, 2017 (#ZR 16-219)
11-14-16	Amended Section 35 to create an updated version of the regulations for the Transit Oriented Development District (#ZR 16-234)
11-22-16	Amended Table 39.2 to make hotels, motels, boatels, or inns a permitted use in the Commercial Design District (#ZR 16-235)
03-22-17	Amended Section 38.2, Table 39.2 and Table 62.1 to allow Multi-Family Dwellings in a PF District by Special Permit. (#ZR 17-009)

04-11-17	Amended Section 46, Keeping of Animals, to allow Keeping of Hens in Certain Residential Districts under specific conditions. (#ZR 17-002)
04-25-17	Amended Table 62.1 to modify parking requirements for Self-Storage Facilities (#ZR 17-017)
08-08-17	Amended Section 20.8 and Table 20.1 to permit residential uses on the ground floor of buildings in the CBD District under certain conditions. (#ZR 17-044)
09-13-17	Amended Sections 65 and 69 to define and allow Digital Advertising Signs. (#ZR 17-048)
09-26-17	Amended Section 49 to extend moratorium on Adult Oriented Businesses to April 3, 2018. (#ZR 17-055)
09-26-17	Amended Section 86 to require display ads in local and weekly newspapers as part of notice requirement for proposed amendments to Zoning Regulations (and eliminating previous requirement for mailings and posting of signs.) (#ZR 17-056)
10-10-17	Amended Sections 81 and 82 to make the City's regulations for non-conforming uses consistent with State Statutes. (#ZR 17-063)
11-28-17	Amended Section 69.3 to slightly modify standards for Digital Advertising Signs. (ZR 17-072)
11-28-17	Amended Sections 2.2, 39.2, and 62.1 to create a definition for Medical Regional Operations Center, to add it as a Special Permit use in the IPD District and to establish a parking standard for the use. (ZR 17-071)
01-23-18	Amended Sections 2.2 and 36.2 and Tables 36.1 and 62.1 to modify the definition of open space (to include walkways and hardscaped areas as part of a comprehensive development plan), to modify the requirements for parking and bulk standards in the WD District and to modify the parking standard for Regional Shopping Centers. (ZR 17-076)
02-13-18	Amended Table 39.2 to add Multi-Family Dwellings as a Special Permit Use in the Neighborhood Business (NB) and Residential Planned Development (RPD) Districts. (ZR 17-082).

03-27-18	Amended Table 39.2 and added a new Section 49.3, Adult Oriented Establishments to define and regulate this use. (ZR 18-003).
05-22-18	Amended Section 2.2 and Tables 39.1, 39.1 and 62.1 to establish the same procedures for approval of Places of Worship and Places of Assembly. (ZR 18-010).
05-22-18	Amended Section 20.9 to allow limited outdoor display of merchandise in the Shoreline Commercial Retail (SCR) and Shoreline Residential Retail (SRR) Districts. (ZR 18-011).
05-22-18	Amended Table 62.1 to allow parking for Restaurants, Nightclubs, Taverns, Cafes or Bars to be calculated at the same rate as retail space under certain conditions. (ZR18-012).
07-23-19	Amendments to the City's Zoning Regulations to create greater consistency with procedural requirements of the CT General Statutes. (ZR 19-025).
11-14-18	Amended Section 49.1 and 49.2 to allow State-regulated Marijuana Facilities subject to specific standards as a Special Permit use in the LM District. (ZR 18-043).
05-14-19	Added a definition for a new use "Recycling Processing Facility", and added this use as a Special Permit use in the Industrial Planned Development (IPD) District. (ZR 19-008).
07-23-19	Amendments to the City's Zoning Regulations to create greater consistency with procedural requirements of the CT General Statutes. (ZR 19-025).
07-23-19	Adopted amendments to multiple sections of the Zoning Regulations regarding stormwater management/drainage control related to compliance with state MS4 requirements. (ZR 19-026)
07-23-19	Amended the City's current regulations for Outdoor Dining. (ZR 19-027.)
07-23-19	Added a new definition for "Short-Term Rentals", created standards for this use, and added this use as a Special Exception Use (SU) in the R1 and R2 Single Family Residential Districts and the Neighborhood Business and Regional Business (NB, RB) Districts. (ZR 19-028).

09-19-19	Added a new Section 21, Village District Regulations, as an Overlay District, to provide design guidelines within designated areas. (ZR 19-038)
03-10-20	Added a new Section 13, Active Adult Residential Communities. (ZR 20-002)
07-06-21	Added a new definition for "Storage, Self", amended Table 62.1 Parking and Loading Requirements. (ZR 21-68)
01-25-22	Amended Table 20.1 to reduce minimum lot size pre unit requirement to 1,300 SF. Amended Table 61.2 to require a maximum of 2 parking space. (ZR 21-93) (Effective Feb 12, 2022)
01-25-22	Amended Sec. 45 (Liquor Uses) to allow for breweries, distilleries and farm wineries. Amended Sec. 49.2 to allow for cottage food operations. Amended Tables 39.1 and 39.2 to reflect changes in Sections 45 and 49.2, and to allow plant nurseries as an as of right use in the TOD. (ZR 21-100) (Effective Feb 12, 2022)
02-08-22	Amended Sec. 44.4 Regulations to provide that the restriction on siting gasoline, diesel or other filling stations within 100 feet of a residentially-zoned lot shall not apply to a gasoline, diesel or other filling station having a convenience store on the same lot. (ZR 22-103) (Effective February 26, 2022)
02-23-22	Amendments to Tables 39.2 and 36.1 to allowed uses, and dwelling unit maximum in the SRR zone. (ZR 22-101) (Effective Mar. 12, 2022)
03-31-22	Amended Section 49.1: Marijuana Facilities and Table 39.2 to allow for "Cannabis Establishments" as defined per CGS 21-420 (Responsible and Equitable Regulation of Adult-Use Cannabis Act). (ZR 22-110) (Effective April 23, 2022)
01-10-23	Amendments to establish a new Parking Standards to university research/ mixed use facilities in the Planned Research and Development PRD Zoning district. The district would base its primary number of parking spaces on the number of persons assigned to the facility- rather than gross floor area add new Section 31.7 # ZR-22-141

01-24-23	Amend Section 60.5.1_Parking spaces shall be located on the same Zoning lot as the use to which they are accessory in R-1 and R-2 Zoning districts. In all other zoning districts off street parking spaces may be located on a separate zoning lot whose entrance is within 300 feet changed to 600 feet walking distance of the principal entrance of the structure that the parking serves, provided that; (1) parking for the principal use is permitted in the zoning district in which the accessory off-street parking lot is located and (2) there is a safe pedestrian walkway between the off-lot parking area and the principal use
04-19-23	Outdoor Dining will streamline the approval process for outdoor dining amend section 20.10 and table 39.2c file # ZR23-165
04-19-23	Parking for Educational uses to avoid excessive parking Amend table 62.1-line f. File # ZR 23-167
04-19-23	Digital Applications add section 75.2 File 23-166
07-11-23	Add a new section, Shoreline Design (SD) district, pursuant to Section 30.2, 36.1, Effective File # ZR 23-091.
09-19-2023	Add a new section Building Maximum Height Exemptions Section 58 ZR # 23-204
09-19-2023	Add new interpretations Section 1.14.1 ZR # 23-205
10-24-2023	Allow rooftop dining in all districts as an accessory use ZR #23-2024
10-24-2023	Adoption of the Complete Street Policy
10-24-2023	Adoption of the Bicycle and Pedestrian Plan
02-13-2024	Add NB Neighborhood Business to the Marijuana Facilities and change distance to residential Zone to 250' in the NB File # ZR 24-10
02-13-2024	Day Care allowed in Multifamily Dwellings File #24-11
05-29-2024	Add Section 45.9 to allow 24 Hour Convenience Stores in specific locations by Special Permit and determine the suitability of the requested location for the proposed location use. File # ZR-24-024

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- 05-29-2024 Add Section 45.10 to allow Smoke Shops by Special Permit within the RB (Regional Business) and LM (Light Manufacturing) districts to establish standards for approval. File # ZR 24-025
- 06-11-2024 Applications to change the text amendments for signs and billboards under Sections 20.11, 65, 67 and Table 69.1 of the Zoning Regulations. File # ZR 24-030, 24-031, 24-032, 24-033.
- 07-09-2024 Add a new Regulation to the City of West Haven Zoning Regulations on Electric Vehicle Charging Stations.
- 02-11-2025 Amendments to Table 39 Commercial, mixed use and industrial ZR 24-59

APPENDIX A-2

ZONING MAP AMENDMENTS

The West Haven Zoning Regulations and Zoning Map was revised effective August 30, 2006. For Map amendments prior to August 30, 2006, you may consult the Department of Planning and Development.

- 9-25-07 Changed area bounded generally Westerly by Orange Town Line, Northerly by Interstate 91, Easterly by Morgan Lane and Southerly by Heffernan Drive from IPD to PRD.

- 1-22-08 Rezoned the following properties from R-3 District to RCPD District:
10 Ruden Place, 15 Ruden Place, 105 Ruden Street,
111 Ruden Street, 119 Ruden Street, 121 Ruden Street,
24 Ruden Place, 81 Isadore Street, 31 Ruden Place

- 4-15-09 Rezoned a portion of 2 Beach Street from OS District to PF District

- 1-26-10 Added Planned Village District Overlay zone to Acorn
property known as 600 Derby Avenue under Section 26

- 4-24-12 Rezoned the following properties from R-2 District to RCPD District:
16 Forest Road, 20 Forest Road, 24 Forest Road, 14 Orange
Terrace

- 4-24-12 Rezoned 168 West Spring Street (rear) from R-2 District to NB District
(#ZM 12-021).

- 7-24-12 Rezoned 994 Campbell Avenue from R-3 District to NB District

- 1-8-13 Rezoned several parcels at 300 Boston Post Road (UNH) from RCPD
zone to EFD zone (#ZM 13-003)

- 5-28-13 Rezoned several parcels at 300 Boston Post Road (UNH) to EFD District.
(#ZM 13-009)

- 6-11-13 Rezoned 791 Campbell Avenue from R-3 District to NB District.
(ZM 13-021)

- 6-25-13 Rezoned 500 Boston Post Road to the EFD District (#ZM 13-023)

8-19-13	Rezoned UNH properties and ESUMS Engineering Science Magnet School to Educational Facilities District (EFD)
2-11-14	Rezoned Multiple properties to the Educational Facilities District (EFD) (422 Orange Ave. 488 Orange Ave, 496 Orange Ave. 506 Orange Ave. 516 Orange Ave. 2 Daytona St. 4 Daytona St. 9 Daytona St. 14 Daytona St. 22 Daytona St. 23 Daytona St. 14 Rockview St. 20 Rockview St. 24 Rockview St. 34 Rockview St. 38 Rockview St. 46 Rockview St. 3 Waban St. 6 Waban St. 7 Waban St. 13 Waban St. 20 Waban St. Daytona St.(discontinued portion) and Waban St.(discontinued portion) – (ZM 14-064)
4-28-15	Rezoned the property at 32 Hoffman Street from R-2 (Single Family Residential) District to the EFD District. (#ZM 15-117)
4-28-15	Rezoned the property at 519 Orange Avenue from the RB District to the EFD District. (#ZM 15-117A).
10-25-16	Rezoned 20 Orange Terrace from R-2 District to the RCPD District (#ZM 16-227)
1-10-17	Rezoned 92 Ruden Street and 20 Ricardo Street from R-3 District to EFD District. (#ZM 16-243).
3-22-17	Rezoned 179 Richards Street and 70 Hall Street from R-3 District to PF District (#ZM 17-008).
8-17-17	Rezoned 500 Elm Street, 9-17 Wagner Place, 511-605 Main Street (north side), and 10 Sawmill Road from multiple Districts to the TOD District. (#ZM 17-047).
01-23-18	Rezoned 30 Main Street, 32 Main Street, 38 Main Street, 40 Main Street, 48 Main Street, 32 Bayview Place, 20 Bayview Place, and the Southeast Corner of Main Street and Bayview Place (Bayview Park) from multiple Districts to the WD District. (ZM 17-077).
05-22-18	Rezoned 750 First Avenue from the PF (Public Facilities) Zone to the NB (Neighborhood Business) Zone. (ZM 18-007).
06-26-18	Rezoned 596 First Avenue from R-3 Residential District to the WD (Waterfront Design) District (ZM 18-015).
07-10-18	Rezoned 52 Main Street, 275 First Avenue, 271 First Avenue and 269 First Avenue from the R-3 and R-4 (Residential) Districts to the WD (Waterfront Design) District. (ZM 18-019).

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| 11-27-18 | Rezoned 693 & 697 Forest Road from R1 Residential District to the PF (Public Facilities) District. (ZM 18-045). |
| 03-12-19 | Rezoned 741 and 754 Washington Avenue, 8 North Union Avenue, and 52 Richards Place from the R3 Residential District to the Light Manufacturing (LM) District. (ZM 19-003). |
| 04-09-19 | Rezoned 693 & 697 Forest Road from R1 Residential District to the PF (Public Facilities) District. (ZM 19-010). (<i>Redo of Application ZM 18-045</i>). |
| 09-19-19 | Rezoned multiple properties in the Center area into the Village District Overlay Zone. (ZM 19-041). |
| 01-25-22 | Revised the SCR Zone and OS Zone boundary along the walkway on 5 & 6 Rock Street. (ZM 21-95) (Effective Feb. 12, 2022) |
| 01-25-22 | Rezoned several parcels along portions of Campbell Ave., Richards St., and Hall St. from Public Facilities (PF) and R-3 (Residential) districts to Neighborhood Business (NB) district. (ZM 21-94) (Effective Feb. 12, 2022) |
| 02-23-22 | Rezoned 200 Captain Thomas Blvd. from Shoreline Commercial Retail to Shoreline Residential Retail. (ZM 22-104) (Effective March 12, 2022) |
| 06-13-23 | Rezoned the following parcels to Educational Facilities District ("EFD") zone: 1211 Campbell Avenue (MBL 060-0113-0-0000), 1229 Campbell Avenue (MBL 060-0111-0-000), 3 Chauncey Street (MBL 065-0014-0-0000), 17 Chauncey Street (MBL 065-0013-0-0000), 47 Chauncey Street (MBL 065-0012-0-0000), 202 Rockdale Road (MBL 064-0202-0-0000) and 208 Rockdale Road (MBL 064-0203-0-0000) ("subject properties"). In pursuant of section 86 and 92. Effective 08-11-23. File ZM 23-174 |
| 07-11-23 | Rezoned several properties located in the SRR, (Shoreline Residential Retail), R-3(One-Two-Three Family Residence) district and R-2 (Single Family Detached Residence) District to the SD (Shoreline Design) District. Effective 08-10-23 file # ZR 23-90 |