

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 a 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. <i>Lot</i> Size (KSF)	20	16
C.	Minimum <i>Lot Area</i> per Dwelling Unit (KSF)*	20	16
D.	Max. No. <i>Dwelling Units</i> Per Building	1	1
E.	Min. <i>Front Yard</i> (Feet)	35	30
F.	Min. <i>Side Yard</i> (Feet)	20	15
G.	Min. <i>Rear Yard</i> (Feet)	35	30
H.	Min. Street Frontage (Feet)	100	80
I.	Max. <i>Building Coverage</i> (%)	20	20
J.	Maximum <i>Impervious Surface Coverage</i> (%)	10	15
K.	Max. <i>Lot Coverage</i> (%)	30	35
L.	Max. <i>Height</i> (In Stories)	2½	2½
M.	Max. <i>Height</i> (In Feet)	35	35
N.	Min. <i>Open Space</i> (%)	70	65
O.	Parking per Bedroom (2 Space Minimum)	1	1

* 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 <i>Lot</i> Size (KSF)	16	80	80
C.	Minimum <i>Lot Area</i> per Dwelling Unit (KSF) *	1 DU: 16 2 DU: 12 3 DU: 10	12	7
D.	Maximum No. <i>Dwelling Units</i> Per Building	3	16	32
E.	Minimum <i>Front Yard</i> (Feet)	25	50	60
F.	Minimum <i>Side Yard</i> (Feet)	15	50	50
G.	Minimum <i>Rear Yard</i> (Feet)	25	50	60
H.	Minimum Street Frontage (Feet)	80	150	150
I.	Maximum <i>Building Coverage</i> (%)	20	25	30
J.	Maximum <i>Impervious Surface Coverage</i> (%)	20	15	20
K.	Maximum <i>Lot Coverage</i> (%)	40	40	50
L.	Maximum <i>Height</i> (In Stories)	3	3	4
M.	Maximum <i>Height</i> (In Feet)	40	40	50
N.	Minimum <i>Open Space</i> (%)	60	60	50
O.	Parking per Bedroom (2 Space Minimum per Dwelling Unit)	1	1	1

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

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.

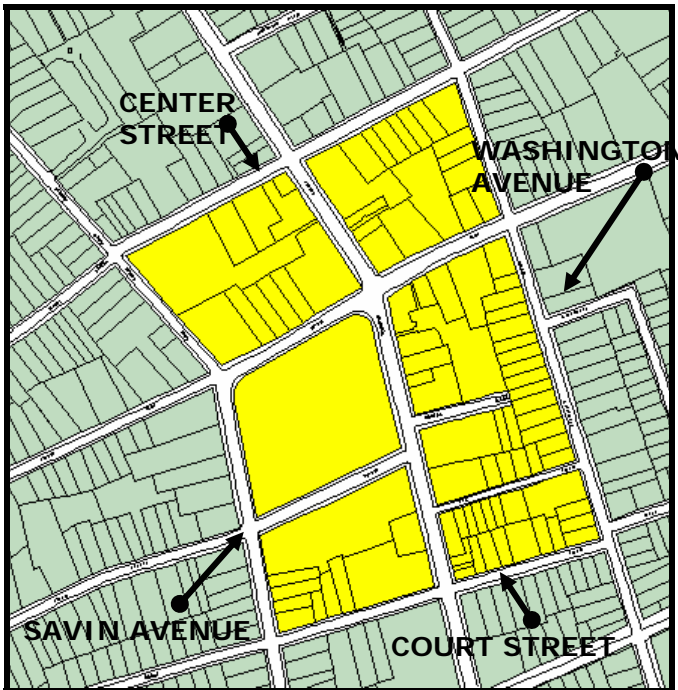
- 20.6.1 **Central Business District Supplemental Intent and Purpose Statement.** The CBD design guidelines have been implemented to give continuity to the revitalization effort and to insure success of West Haven's plan for encouraging development and new

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

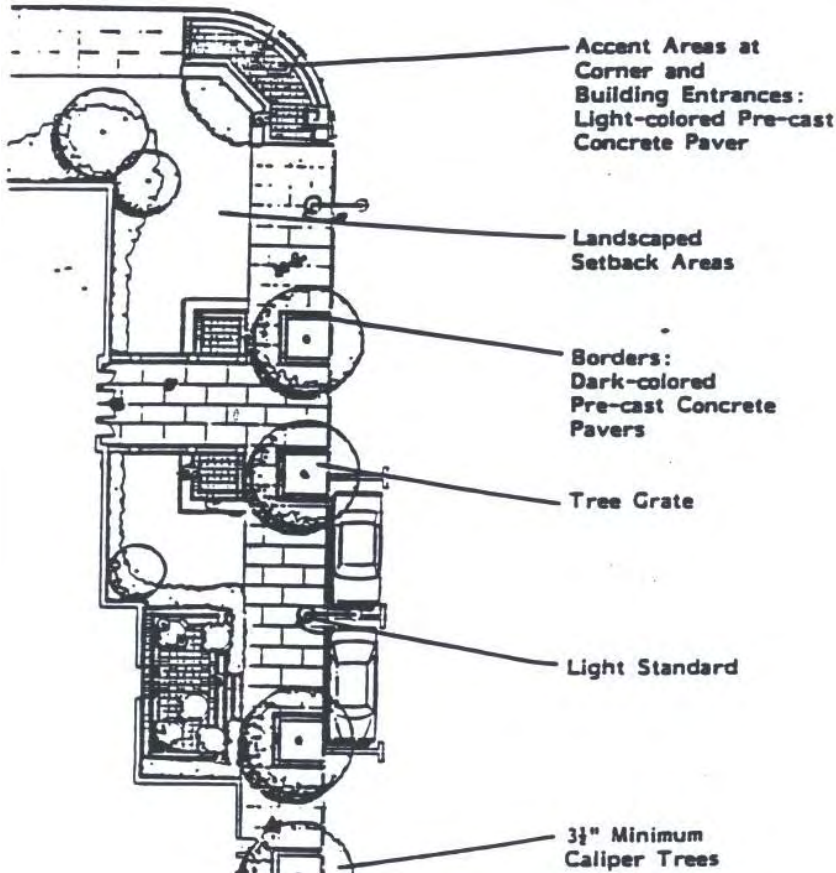


Illustration 20.4 Streetscape and Open Space Design

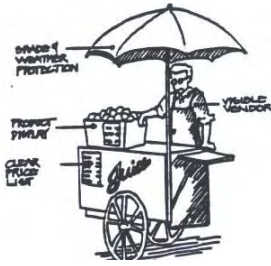


Illustration 20.5 Vending Cart Design

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.

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 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.

TABLE 20.1 AREA AND BULK REQUIREMENTS IN COMMERCIAL DISTRICTS

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

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.

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 <i>Lot</i> Size (Sq. Ft)	40,000	40,000
B.	Minimum <i>Front Yard</i> (Feet)•	25	50-
C.	Minimum <i>Side Yard</i> (Feet) •	30	25
D.	Minimum <i>Rear Yard</i> (Feet)•	50	50
E.	Minimum <i>Street Frontage</i> (Feet)	125	100
F.	Maximum Building Coverage (%)	35	40
G.	Maximum <i>Lot Coverage</i> (%)	65	80
H.	Maximum <i>Height</i> (in Stories)	6	4
I.	Maximum <i>Height</i> (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

26. PLANNED VILLAGE DISTRICT (PVD)

Except as provided in Sections 26.51 and 26.6 below, the Planned Village District (PVD) is allowed only by Special Permit to encourage responsible development of remaining larger vacant tracts of land in West Haven. The PVD zone is designed to further the goals of the State and City Plans of Conservation and Development to concentrate development, thereby allowing preservation of open space including environmentally sensitive lands, natural resources, and/or topographic features, forest or historic structures.

26.1 PURPOSE

- To provide an alternate form of development for remaining larger land tracts of West Haven that generally have topographic and/or environmental constraints such as ledge, the presence of streams and/or wetlands, contamination, flood plain, or contain forests or historic structures.
- To encourage development of general and incubator office, commercial, heavy commercial and industrial space.
- To encourage entrepreneurship in the form of smaller fee simple parcels or condominiums while retaining woodlands, environmentally sensitive lands or topographically difficult parcels in their natural state.

26.2 INTENT

- To retain large portions of a site in a natural undisturbed or minimally disturbed state by use of clustering and smart growth design techniques with an overall development density similar to surrounding areas and to provide alternative development forms that encourage business growth, entrepreneurship and business ownership.
- To benefit the City by preserving open space and environmentally sensitive land features
- to attract development through lower infrastructure costs for roads, curbs, sidewalks and utilities.

26.3 DESIGN

Detached and attached buildings using a “smart growth” design approach.

26.4 DEVELOPMENT OBJECTIVES

- 26.4.1 To preserve and protect the City of West Haven 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.
- 26.4.2 To preserve and protect wetlands, streams, rivers, aquifers and ponds as natural resources.
- 26.4.3 To avoid flooding, erosion and water pollution.
- 26.4.4 To promote more suitable siting of buildings and better overall site planning.
- 26.4.5 To protect public health and safety by restricting development of steep slopes and poor soils.
- 26.4.6 To promote preservation of open space that will benefit the present and future generations of West Haven by creating active and passive recreation areas, trails, and scenic views or vistas.

26.5 DEFINITIONS

26.5.1 **PLANNED VILLAGE DEVELOPMENT:** A development that includes industrial, commercial (retail) and residential components which is only granted by Special Permit (after a public hearing) that allows a tract of land of ten (10) acres or more of to be developed as a unified development with substantial **community open space** meeting the standards of this section. The Commission will only grant the Special Permit after reviewing a conventional plan meeting the standards and provisions of the underlying zoning district and a Planned Village Development Plan for the same parcel of land. Notwithstanding the foregoing, where the property to be developed has previously been designated by the Commission as a PVD zone, a Special Permit shall be required only for those individual proposed uses that are allowed only by Special Permit under these regulations.

26.5.2 **PVD ZONE LOT AREA:** The gross land area of the development tract minus one-half the **Tidal Wetlands or Inland Wetlands** area or one-half of the land area with a slope equal to in excess of twenty per cent (20%).

26.5.3 **COMMUNITY OPEN SPACE:** That portion of an open space development that is permanently dedicated as land for common use and accessible to all lots within the development, whose terms of use shall be recorded in the land records of the City of West Haven.

26.6 SPECIAL PERMIT REQUIRED

A Planned Village Development shall only be allowed by Special Permit following a public hearing.

26.6.1 **Application.** Application shall include:

1. **Concept Plans.** The applicant shall submit two (2) concept plans with the application: a conventional plan and an open space (development cluster) plan that demonstrates to the Commission the benefits of granting a Special Permit for Planned Village Development instead of requiring conventional development of the land tract.
2. **Community Open Space.** A description of the use(s), in any, for the **Community Open Space** within the development shall be included.
3. **Site Plan, Building Plans and Elevations** of sufficient detail to illustrate the development concept.

26.7 APPLICATION STANDARDS

26.7.1 **Minimum Acreage.** The minimum tract shall be ten (10) acres.

26.7.2 **PVD Zone Lot Area.** The **PVD Zone Lot Area** shall be the tract gross land area minus one half (50%) of the sum of the **Tidal Wetland or Inland Wetland** waterbodies area plus the land area with a slope equal to or in excess of twenty per cent (20%). The area of private streets may be included.

26.8 COMMUNITY OPEN SPACE REQUIREMENTS

26.8.1 **Ownership Alternatives.** **Community Open Space** must be proposed to be in one of three forms, in order of preference:

- a. 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
 - b. A non-profit organization (such as the West Haven Land Trust), or
 - c. The City of West Haven.
- 26.8.2 **Declaration Required.** *Community Open Space* form must be applicant declared and verified and dedicated as permanent land upon which no structure can be built.
- 26.8.3 **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 instrument shall be approved by the Commission.
- 26.8.4 **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:
- 1. All corners of the *community open space* shall be marked with monuments.
 - 2. A perpetual 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.
- 26.8.5 **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.
- 26.9 SUPPLEMENTAL STANDARDS**
- 26.9.1 **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.
- 26.9.2 **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 is found 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 or portions of the overall Planned Village Development, the PVD as a whole shall be considered in determining compliance with the requirements of these regulations.
- 26.9.3 **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 the PVD 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.
- 26.9.4 **Mixed Uses.** Notwithstanding any other provision of these regulations, mixed uses are permitted within a single development, lot and/or building in the PVD zone.

TABLE 26.1 AREA AND BULK REQUIREMENTS IN PLANNED VILLAGE DISTRICT

KEY	REQUIREMENT	PVD
A.	Minimum Acreage (SF)	435,600 SF (10 Acres)
B.	Minimum <i>Community Open Space</i> as Percentage of Tract (%)	30%
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.	<i>Maximum Building Coverage (%)</i>	50
K.	Maximum Impervious Surface Coverage (%)	Entire Site 30
L.	Maximum Lot Coverage (%)	Entire Site 80
M.	Maximum Height	In Stories In Feet 4,6 ♣ 45,75♣

Note:

* Unit in Townhouse Row may have Zero (0) FT Side Yards between attached units.

There shall be no more than eight townhouses in one building.

♣ First figure by right, second by special permit

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.

30.27 **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.

30.3 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 other wise 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.

PLANNED RESEARCH AND DEVELOPMENT DISTRICT

SECTION 35 – TRANSIT ORIENTED DESIGN (TOD) DISTRICT

35.1 STATEMENT OF PURPOSE.

The purpose of the Transit Oriented Design (TOD) zone is to capitalize upon the locational attributes of the West Haven train station area, the access and personal mobility provided by high volume transit service that connects residential areas and employment centers by encouraging adaptive reuse of existing structures, entrepreneurship and homeownership by allowing alternative forms of physical development that enhance the existing development fabric and infill underdeveloped areas.

35.2 DESCRIPTION AND INTENT

This provision exists to encourage adaptive reuse of existing structures and new mixed use development in the form of self-contained, tightly-gridded, walkable areas identified design features such as front porches, bay windows to create a seamless mix of commercial, office, civic and residential uses. The intent is to:

- Encourage retention and/or adaptive reuse of existing buildings and new infill construction that accommodates the demands of the automobile while designing less auto dependent pedestrian oriented communities.
- Promote and encourage adaptive reuse and infill structures that respect, maintain or extend the visual character and architectural scale of existing area development.
- Encourage office and commercial uses that do not attract large volumes of traffic and continuous customer turnover.
- Limit and discourage strip commercial development that generates higher traffic volumes and encourage consolidated curb cuts.
- Minimize visual and functional conflicts between residential and non-residential uses within and adjacent to TOD development.
- Provide shops for neighborhood needs and more specialized products for a wider market.

35.3 USES PERMITTED IN THE TRANSIT ORIENTED DESIGN DISTRICT (TOD)

In the Transit Oriented Design District (hereafter TOD) uses listed in Table 39.2 Summary of Permitted Use in the Commercial, Industrial and Other Districts, subject to all the applicable Section 35.3.2 General Standards, Table 36.1 Area and Bulk Regulations and the requirements below, are permitted.

35.3.1 General Standards.

1. **Disturbing Aspects.** 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.
2. **Utility Services** shall be underground.
3. **Signs.** All *uses* permitted by this section shall comply with Section 65-Sign requirements.
4. **Parking** shall be subject to Section 60-Parking, Loading and Access requirements.

35.3.2 **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.

35.3.3 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.

Applications for Special Permits and Special Use Exceptions in TOD Districts shall be reviewed using the procedures and criteria of Article 10 including a Public Hearing and Article 8 Site Plan Review.

35.4 ADAPTIVE REUSE

Adaptive reuse of existing older loft style multi-level commercial and industrial structures to limited work, office, and residence use is encouraged.

35.4.1 Conversion Standards. Upper levels of multi-floor loft structures may be converted to retail, office, live-work lofts and conventional dwelling units provided they meet §35.3.2 General Standards and the specific standards below, as follows:

1. **Ground Floors** of structures shall remain in commercial use.
2. **Live-Work Loft.** A Minimum Floor Area *gross floor area* per unit of not less than 900 square feet and an Average Floor Area per unit of not less than 1200 square feet in the residential portion of the structure is required.
3. 1 *dwelling unit* per 2,000 square feet gross floor area in the residential portion of the converted structure is the maximum residential density permitted.

35.4.2 Review Standards for Live-Work Lofts. In addition to meeting Special Permit requirements the Commission shall determine whether the specific proposal meets the following additional standards:

1. The proposed physical configuration will be compatible with existing surrounding industrial and commercial uses.
2. The proposal will not preclude development of permitted industrial and commercial uses on adjacent parcels.
3. The site can reasonably accommodate work-live lofts with minimum conflict with existing commercial and industrial tenants.
4. The structure size and configuration makes future commercial or industrial use unlikely.
5. The site can reasonably accommodate parking and loading needs for work-live lofts and commercial and industrial use.

35.5 NEW CONSTRUCTION

35.5.1 Land Area: Not less than two (2) acres or more than ten (10) acres.

35.5.2 Area and Bulk Regulations. Development shall be subject to Table 36.3 Area and Bulk Requirements.

35.6 MINIMUM PARKING

Parking shall be located to the rear of the structures and screened from the view shed of the street and shall conform to §60 Parking, Loading and Access standards.

35.7 COMMON OPEN SPACE.

Not less than 10% of gross area of the TOD (excluding accepted city streets) shall be allocated to and shall remain in common open space in perpetuity. Common open space shall be used for social, recreational, and/or natural environment preservation purposes. The uses authorized must be appropriate to the character of the

common open space, including its topography, size and vegetation, as well as the character of the development including its size and density.

35.8 RESIDENTIAL DEVELOPMENT WITHIN THE TOD.

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

35.8.1 **Color, materials, and architectural details** should be limited in number, compatibility and repetition throughout the development.

35.8.2 **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.

35.8.3 **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.

35.8.4 **Usable Open Space per Dwelling Unit Required.** A minimum *usable open space* per *dwelling unit* of 250 square feet is required.

35.9 COMMERCIAL DEVELOPMENT WITHIN THE TOD.

35.9.1 **Commercial Density.** TOD commercial density ratio shall range from a minimum of 100 square feet to a maximum of 300 square feet of commercial floor area per dwelling unit. This shall include the provision of jobs for retail and office/job generating uses.

35.9.1.1 **Commercial to Residential Ratio Limit.** At no time during development shall the commercial density in the developed section exceed the ratio permitted above.

35.9.1.2 **TOD Service Requirement.** The commercial component shall consist of a minimum of 25% commercial use primarily oriented to serve the TOD and the immediately surrounding area within 1500 feet of the TOD. Remaining commercial uses may consist of any permitted commercial uses, including other types of retail and service use.

35.9.2 **Orientation.** Commercial components shall front on arterial and collector streets. Commercial uses can be mixed and integrated with dwelling units and public and semi-public uses, community clubs, and community facilities.

35.9.3 **Location.** Commercial uses shall be contained in multi-story, mixed-use structures with commercial/retail uses on the ground level and apartment dwellings or offices on the upper levels. Such buildings shall vary in terms of footprint and architectural elevations. The maximum ground level footprint of a commercial building shall be 20,000 square feet. In a multi-story building, the second floor may contain either apartments or commercial uses.

35.9.4 **Eating and drinking places shall be allowed and outdoor seating** is encouraged. Outdoor seating on sidewalks, including within courtyards and public rights-of-way, provided pedestrian circulation and access to store entrances shall not be impaired, shall be allowed subject to the following standards and guidelines:

1. **Sidewalks.** Sidewalk of a minimum of 5 feet width along the curb and leading to the entrance to an establishment shall be maintained free of tables and other encumbrances to allow for pedestrian circulation.
2. **Planters, posts, ropes, or other removable enclosures** are encouraged and shall be used as a way of defining the area occupied by the eating and/or drinking place.
3. **Awnings, canopies, or large umbrellas** shall be permitted and located to provide shade. Colors shall complement building colors.
4. **Outdoor Trash Receptacles** shall be provided at establishments with outdoor seating.
5. **Architectural Compatibility.** 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.
6. **No additional Signage.** Outdoor seating shall not be entitled to additional signage over and beyond what is permitted for the establishment.
7. **Maintenance.** Outdoor seating operators shall maintain a clean, litter-free, and well-kept appearance within and immediately adjacent to the area of their activities.

35.10 SIDEWALKS, WALKWAYS AND BIKEWAYS.

- 35.10.1 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.
- 35.10.2 **Sidewalks Network Standards.**
- a. **Barrier free design** sidewalks shall be used to the greatest extent possible.
 - b. The **pedestrian circulation** system shall include gathering/sitting areas and provide, landscaping, benches and other street furniture where appropriate.
 - c. **Sidewalks** shall have a minimum width of 4 feet, along major pedestrian routes 5 to 6 feet, and in commercial areas 8 to 12 feet.
 - d. **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.
- 35.10.3 **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.
- 35.10.4 **Bikeways** 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.

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.
- As much of the area is in a flood plain, use of at grade parking with structures above, or garages accessed from a service alley is encouraged. Large expanses of surface parking and garages with individual street access are discouraged.

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	
A.	Minimum Tract Size (Acres)	NA	NA	NA	NA	2	15	20	
B.	Minimum Lot Size (Sq. Ft.)	40,000	20,000	20,000	7,500	6,000	20,000	N/A	
C.	Minimum Lot Area per Residential Unit (Sq . Ft.)	2,000	16,000	8,000	5,000	1,000	2,000	N/A	
D.	Maximum Number of Units per Building	8	NA	NA	8	8	8	N/A	
E.	Minimum Front Yard (Feet)	50	50	50	12	12⊙	12	50	
F.	Minimum Side Yard (Feet)	25	25	25	0❖, 20	0❖, 12	0❖, 20	25	
G.	Minimum Rear Yard (Feet)	50	50	50	30	25	25	50	
H.	Minimum Street Frontage (Feet)	100	100	100	50	50	50	100	
I.	Minimum Inner Yard	10 Feet Per Story, Excluding Basement							
J.	Maximum Building Coverage (%)	25	60	25	30	40	40	40	
K.	Maximum Impervious Surface Coverage (%)	15	30	15	20	20	20	40	
L.	Maximum Lot Coverage(%)	40	90	40	50	60	60	80	
M.	Maximum Height (In Stories) ◆ Hotel Commercial or Residential Office, Research, Educational	N/A 4 4	NA 4,6 4,6	8 4,6▼ 8	NA 3 3	8 8 8	8 4,6 8	8 n/a 8	
N.	Maximum Height (in feet) ◆ Hotel Commercial or Residential Office, Research, Educational	NA 45,75 45,75	45,75 45,75 45,75	75 45,75 45,75	NA 35 35	100 100 100	100 45,75 100	100 N/A 100	
O.	Minimum Open Space (%)	60	10	60	50	40	40	20	
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,
- ❖ 12 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.

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.

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	PVD
1.	RESIDENTIAL USES											
	<i>Single Family Dwellings:</i>											
	Detached	R	R	R	R	R	R	R	R	SP	R	R
	Attached	X	X	R	R	R	SP	R	R	SP	R	R
	<i>Accessory Apartments</i> in Single Family Detached Dwelling	SU	SU	X	X	X	X	X	X	X	X	X
	<i>Home Occupation</i>	SU	SU	SU	SU	SU	SU	SU	SU	SP	R	X
	<i>Two and three family dwellings</i>	X	X	R	R	R	R	R	R	SP	R	R
	<i>Multi-family dwellings</i>	X	X	X	R	R	R	SP	R	SP	R	R
	Daycare	SU	SU	SU	SU	SU	SU	SU	X	X	X	X
	<i>Rooming House</i>	X	X	SU	SU	SU	X	X	X	X	X	X
Congregate Housing, Assisted Living, Managed Residential Community	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X	
Day Care	SP	SP	SP	SP	SP	X	SP	X	X	X	X	
2.	INSTITUTIONAL & SUPPORTIVE USES											
	Place of Worship, Parish House or Similar Use	X	X	X	X	X	SP	X	SP	X	X	R
	Religious Service or Fraternal Organization	SP	SP	SP	SP	SP	SP	SP	SP	X	X	X
	Nursing, rest or convalescent home	SP	SP	SP	SP	SP	SP	SP	X	X	X	X
	Elementary/Secondary School, Private or Public	SP	SP	SP	SP	SP	SP	SP	X	X	X	SP
	University or college, including related facility such as dormitory, sports complex, etc.	X	X	X	X	X	X	R	X	X	X	X
	Library, museum or cultural center	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	Hospital or medical office providing in-patient treat- ment, 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	X	X	X
	Park, ball field, tennis course, golf course, other open space recreational facility	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	Open Space or Conservation Area	R	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	R
	Municipal Fire or Police Stations	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	Cemetery	X	X	X	SP	SP	X	X	X	X	X	X
	<i>Farms</i> , minimum of 3 acres.	R	R	R	R	R	R	R	X	X	X	X
	Easements, utility or drainage facility rights-of- way serving the immediate area provided same are part of an approved subdivision, site plan or part of a municipal improvement.	R	R	R	R	R	R	R	R	R	R	R
3.	ACCESSORY USES											
	Detached Garage, <i>Storage</i> or <i>tool shed</i>	R	R	R	R	R	R	R	R	R	R	R
	Off-Street surface parking	R	R	R	R	R	R	R	R	R	R	R
Multi level structured <i>parking</i>	X	X	X	X	X	SP	SP	X	SP	R	SP	

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

RESIDENTIAL DISTRICT SUMMARY USE TABLE

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	RCPD	CBD	CD	SCR	SRR	WD	TOD	PVD	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	SP	R	R	X	X	X	X	X
	Attached	SP	SP	SP	SP	R	SP	X	R	SP	R	R	X	X	X	X	X
	Dwellings Above Ground Floor Only	SP	R	NA	NA	R	NA	NA	NA	NA	NA	R	X	X	X	X	X
	<i>Accessory Apartments</i> in Single Family Detached Dwelling	SU	SU	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	<i>Home Occupation</i>	X	X	R	R	R	R	X	SU	SP	R	X	X	X	X	X	X
<i>Two and three family dwellings</i>	X	X	X	R	R	R	X	R	SP	R	R	X	X	X	X	X	
<i>Multi-family dwellings</i>	X	X	X	SP	SP	X	X	R	SP	R	R	X	X	X	X	X	
Congregate Housing, Assisted Living	SP	SP	SP	SP	SP	SP	X	SP	X	X	X	X	X	X	X	X	
B.	TRANSIENT LODGING																
	Bed & Breakfast or Tourist Home	X	X	X	X	SP	X	SP	SP	SP	SP	R	X	X	X	X	X
	<i>Rooming, Boarding, Lodging House</i>	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	X	R	R	R	SP	R	X	X	X	X	R	
C.	FOOD, DRINK & ENTERTAINMENT																
	Banquet Hall	SP	R	X	R	R	R	R	SP	R	SP	SP	X	X	X	X	R
	Convention Center	SP	SP	SP	SP	R	SP	SP	SP	R	SP	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	SP	R	R	X	X	R
With Outdoor Seating ≤25% Total Seating	R	R	R	R	R	R	R	R	R	R	SP	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/Daycare Facilities	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X	R
	Craft Shops (i.e. potter, woodworking, tailor)	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	SP	X	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	SP	SP	R	SP	SP	X	X	X
	Massage Parlor	SP	SP	SP	SP	X	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
	<i>Pawn or Swap Shop, Second hand, used, pre-owned goods dealer</i>	X	SP	SP	SP	X	SP	SP	X	X	X	X	X	X	X	X	X
Consignment Shop for Clothing, Furniture and Sporting Goods	SP	SP	SP	SP	X	SP	SP	X	X	X	X	X	X	X	X	X	
Pet Shop/Grooming Facility (non-boarding)	SP	SP	SP	SP	SP	SP	SP	SP	X	SP	R	X	X	X	X	X	
E.	COMMERCIAL																
	Neighborhood Shopping Area	X	R	X	R	R	R	R	R	R	X	R	X	X	X	X	X
	Regional Shopping Center	X	R	X	R	R	X	X	X	X	R	X	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
	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	A	A	X	A	A	A	A	A	A	A	A	A	A	A	A	X	
F.	EDUCATION																
	Public or Private Elementary or Secondary School, University or College including related facility (dorm, sports complex, etc.)	SP	SP	SP	SP	SP	SP	SP	X	X	X	X	SP	X	X	SP	X
	Trade School	SP	SP	SP	SP	SP	SP	SP	X	X	X	X	SP	X	X	SP	R

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	RCPD	CBD	CD	SCR	SRR	WD	TOD	PVD	LM	IPD	OS	PF	PRD
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
	Public Park, Playground/ Field, Walkway, Trail; Beach, Boating or Fishing Facility; Natural Resource Education Area; Required Parking & Structures	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	R	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	SP	SP	SP	SP	X	X	X	X
	Community, Health, Welfare Office	SP	SP	SP	SP	X	SP	X	X	SP	SP	X	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	R	X	R	X	X	R
	Walk-In Medical Clinic	SP	SP	SP	SP	X	SP	X	X	SP	SP	R	X	R	X	X	R
	Medical Offices (Outpatient)	X	R	X	R	SP	R	R	R	R	R	R	X	R	X	X	R
	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
J.	RELIGIOUS																
	Place of Worship, Parish House, Similar Use	X	X	SP	X	SP	X	SP	SP	X	X	R	X	X	X	X	X
	Religious Service or Fraternal Organization	X	X	SP	SP	SP	SP	SP	SP	SP	SP	R	X	X	X	X	X
K.	PLACES OF ASSEMBLY																
	Private Club, Hall, or similar facility	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X	SP	X	X	X
	Theater	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X	R	SP	SP	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	SP	R	SP	X	X	R
M.	AMUSEMENTS																
	Adult Bookstore or similar facilities	X	SP	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	Amusement Center, including Bowling Alley billiard or pool hall, indoor golf, arcade or other commercial recreation facility	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	SP	X	X	X
	Legalized Gaming Facility (<i>not</i> lottery outlet)	X	SP	X	SP	SP	SP	SP	X	X	SP	X	X	X	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
	<i>Motor Vehicle Junkyard</i>	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	R	R	X	X	X	X
	Farm/Construction Equipment Sale & Service	X	SP	X	X	X	X	X	X	X	X	R	R	X	X	X	X
	Farm Supply Sale, Service	X	SP	X	X	X	X	X	X	X	X	R	R	X	X	X	X
	Plant Nursery	X	SP	X	X	X	X	X	X	X	X	R	R	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	RCPD	CBD	CD	SCR	SRR	WD	TOD	PVD	LM	IPD	OS	PF	PRD
P.	INDUSTRIAL																
	Industrial Offices	X	X	X	X	X	X	X	X	R	X	SP	R	SP	X	X	R
	Light Manufacturing, processing or assembly of goods without vaporous, liquid, or solid discharge	X	X	X	X	X	X	X	X	R	X	SP	R	SP	X	X	R
	Manufacturing, processing or assembly of goods (not noxious, hazardous or dangerous)	X	X	X	X	X	X	X	X	R	X	SP	R	SP	X	X	R
	Manufacturing																
	With On-Site Inventory & Material Storage.	X	X	X	X	X	X	X	X	R	X	X	SP	X	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	X	X	X	X
Research & Development Laboratories	X	X	X	SP	SP	SP	X	X	R	SP	SP	R	SP	X	X	R	
Waste handling, processing or storage	X	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X	
Q.	STORAGE																
	Interior Storage																
	of Non-Hazardous Materials	R	R	X	R	SP	R	X	X	R	X	R	R	R	SP	SP	R
	of Hazardous Materials	X	SP	X	X	X	X	X	X	X	X	SP	SP	SP	SP	SP	SP
	Self-Storage	X	SP	X	X	X	X	X	X	X	X	X	SP	X	X	X	X
	Outside Storage																
as Accessory Use only	SP	SP	X	SP	SP	SP	X	X	SP	X	SP	R	SP	SP	SP	SP	
as Principal Use	X	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X	
Recycling Facility	X	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X	
Warehousing	X	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	R	
R.	TRANSPORTATION																
	Bus, Train or other Mass Transit Station	X	R	X	X	X	R	X	X	SP	R	SP	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	R	X	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	SU	X	X	X	X	X	X	X	X	SU	SU	X	X	X	X
	Common and/or Joint Use Parking	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	Inland or Tidal Wetland, Greenbelt, Public Garden or Nursery	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

* 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
 A = ADMINISTRATIVE REVIEW & APPROVAL REQUIRED NA = NOT APPLICABLE X = NOT PERMITTED