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ORDINANCE TEXT AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS AMENDING THE ZONING ORDINANCE OF THE CITY OF NEW HAVEN SECTIONS 11(B), 12(B), 12.5(B), 13(B), 19: TABLE 1. SUMMARY SCHEDULE OF PERMITTED USES IN RESIDENCE DISTRICTS, AND 42: TABLE 3. USE TABLE (Q) TO PERMIT BY RIGHT THE USE OF CHILD DAYCARE CENTERS, GROUP DAYCARE HOMES, AND FAMILY DAYCARE HOMES IN THE RS-1, RS-2, RS-3, RM-1, BC AND MU ZONING DISTRICTS.

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WHEREAS, on July 25, 2024, pursuant to 1925 Special Act No. 490, § 5, Article VII § 3L and Article VI § 19 of the Charter of the City of New Haven, and Section 64(d)(1) of the Zoning Ordinance, City of New Haven (the “Zoning Ordinance”), Petitioner City of New Haven filed with the New Haven City Clerk for transmission to the Board of Alders a Petition requesting that the Board of Alders amend the text of the Zoning Ordinance Article III, Sections 11(b), 12(b), 12.5(b), 13(b), and Article IV, Section 42: Table 3. Use Table (Q) to permit Child Daycare Centers, Group Daycare Centers, and Family Daycare Centers by right, pursuant to General Statutes §§ 13b-79o, et seq.;

WHEREAS, on August 5, 2024, pursuant to Article VII, Section 3L and Article XIII § 2 of the City of New Haven Charter, the Board of Alders referred the Petition to the New Haven City Plan Commission for a public hearing;

WHEREAS, on October 23, 2024, the City Plan Commission, following their public hearing, rendered an advisory report to the Board of Alders after considering the factors set forth in Section 64(d)(2) of the Zoning Ordinance recommending approval of the Petition, City Plan Commission Report No. 1657-06;

WHEREAS, the Legislation Committee of the Board of Alders, following their public hearing on the matter, accepted the recommendation of the City Plan Commission and on November 12, 2024, recommended to the full Board of Alders with favorable report that the Zoning Ordinance text amendment be adopted;

WHEREAS, the Board of Alders finds that the text amendment to the Zoning Ordinance requested in the Petition is in accordance with the Comprehensive Plan of Development for the City of New Haven as such amendment promotes the goals of the plan; and

WHEREAS, the Board of Alders further finds that the text amendments to the Zoning Ordinance requested in the Petition are designed to incorporate regulations regarding the allowance of daycares set forth in State Statute, Public Act 23-142 which states “No zoning regulation shall treat any family childcare home or group childcare home, located in a residence and licensed by the Office of Early Childhood pursuant to chapter 368a, in a manner different from single or multifamily dwellings. Zoning regulations shall not prohibit the operation in a residential zone of any family childcare home or group childcare home located in a residence or require any special zoning permit or special zoning exception for such operation.”

**NOW, THEREFORE, BE IT ORDAINED** by the New Haven Board of Alders that the Petition for text amendments to the New Haven Zoning Ordinance set forth in the Petition, as set forth in Exhibit A, attached hereto which attachment is incorporated herein by reference and hereby approved and the Zoning Ordinance text shall be amended in the manner herein set forth below.

**BE IT FURTHER ORDAINED** the aforesaid Zoning Ordinance text amendments shall take effect upon publication of said amendments pursuant to the requirements of the New Haven Charter and Connecticut law.

\_\_\_\_\_ Signed \_\_\_\_\_ Date \_\_\_\_\_

...ordinance

## **Section 11. – RS-1 Districts: Special Single Family.**

(b) *Non-residential uses as follows:* The standards in paragraph [11\(a\)\(1\)](#) above relating to minimum **lot area**, minimum average **lot width**, **building coverage**, minimum **building height**, and minimum **yards** shall apply to non-residential **uses** except as indicated below.

**Accessory uses** customarily incidental to the following **uses** are permitted in connection with such **uses**.

**Parking spaces** required by this ordinance for the following **uses** may be located (by special exception under subsection [63\(d\)](#) of this ordinance) on a separate **lot** in any district in which the **principal use** is permitted, provided the standards of [section 29](#) are met.

[Section 29](#) relating to parking and all other pertinent sections of the general provisions for residence districts in Article IV shall apply to all such **uses**.

(1) *As of right:*

a. Parks and other facilities for passive recreation, and public playgrounds.

b. Reservoirs, dams, public utility substations and pumping stations, telephone exchanges, police stations, fire stations and post offices, with no industrial activities or outside storage.

c. **Family daycare home, Group daycare home, Child daycare center**

***Child daycare centers meeting all licensing standards of the State Department of Health Services must provide one passenger drop-off/pick-up loading space for each twenty-four (24) children or fraction thereof and one off-street parking space for each three (3) employees.***

***All noise and other disturbing aspects of such uses shall be enclosed, screened, or otherwise controlled.***

## **Section 12. – RS-2 Districts: General Single-Family**

(b) *Non-residential uses as follows:* The standards in paragraph (a)(1) above relating to minimum **lot area**, minimum **average lot width**, **maximum building coverage**, maximum **building height**, and minimum **yards** shall apply to non-residential **uses**.

**Accessory uses** customarily incidental to the following **uses** are permitted in connection with such **uses**.

**Parking spaces** required by this ordinance for the following **uses** may be located (by special exception under subsection [63\(d\)](#) of this ordinance) on a separate **lot** in any

district in which the *principal* use is permitted, provided the standards of [section 29](#) are met.

[Section 29](#) relating to parking and all other pertinent sections of the General Provisions for Residence Districts in Article IV shall apply to all such uses.

(1) *As of right:*

- a. Parks and other facilities for passive recreation, and public playgrounds.
- b. Reservoirs, dams, public utility substations and pumping stations, telephone exchanges, police stations, fire stations and post offices, with no industrial activities or outside storage.
- c. Agriculture, including tilling of the soil and orchards, but excluding the keeping of livestock and commercial greenhouses and nurseries except for the keeping of hens per [section 34](#) of this ordinance. No substance producing odor or dust shall be stored within 200 feet of any *lot line* unless completely enclosed.
- d. **Religious institutions**, including parish houses, rectories, convents, and other facilities normally incidental to places of worship but excluding funeral homes and cemeteries.

Minimum parking: One (1) **parking space** for each eight seats in the largest place of assembly of such institution, based upon the maximum occupancy of both fixed and movable seats, located on the same *lot* or within 300 feet **walking distance**.

- e. Cultural activities not carried on as a gainful business, including art galleries, libraries and museums.

Minimum parking: One **parking space** for each three employees, plus one **parking space** for each four seats in each place of assembly based upon the maximum occupancy of both fixed and movable seats, plus one **parking space** for each 1,000 square feet of **gross floor area** excluding any place of assembly, located on the same lot or within 300 feet **walking distance**.

- f. Public and private elementary and secondary schools meeting all requirements of the compulsory education laws of the State of Connecticut, and adult education facilities connected with such schools, including **dormitories** connected with such schools but excluding fraternities and sororities. Noise, odors, lights, smoke, dirt, and all other possible disturbing aspects connected with the operation of such uses shall be enclosed, screened or otherwise controlled to the extent that the operation of any such use shall not unduly interfere with the use and enjoyment of properties or streets in the surrounding area.

Minimum parking: One (1) **parking space** for each four seats in each place of assembly commonly having events open to the public, based upon the maximum occupancy of both fixed and movable seats, located on the same *lot* or within 300 feet **walking distance**.

g. Public and private colleges and universities, including **dormitories** connected with such institutions but excluding: fraternities and sororities, trade/or business schools and colleges, and schools and colleges operated as commercial enterprises. Noise, odors, lights, smoke, dirt, electrical disturbance, radioactive particles and rays, and all other possible disturbing aspects connected with the operation of such **uses** shall be enclosed, screened or otherwise controlled to the extent that the operation of any such **use** shall not unduly interfere with the use and enjoyment of properties or streets beyond the boundaries of such college or university.

Minimum parking: One **parking space** for each two full-time faculty members or the equivalent (two part-time members equaling one full-time member), plus one **parking space** for each three employees, plus one **parking space** for each three non-resident students, plus one **parking space** for each six beds if residents are allowed to keep automobiles, plus one **parking space** for each eight seats in each place of assembly (other than classrooms) commonly having one-half or more of its attendance made up of students (and otherwise having one **parking space** for each four seats) based on the maximum occupancy of both fixed and movable seats, located on the same lot or within 300 feet **walking distance**.

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

Minimum parking: One **parking space** for each four patient beds (excluding bassinets), plus one **parking space** for each staff or visiting doctor (based on the average number of such doctors at the hospital or health care clinic at peak times), plus one **parking space** for each four employees in the largest shift including nurses; plus, in the case of health care clinics, a number of **parking spaces** for patients equal to twice the number of **parking spaces** required for doctors; all of which **parking spaces** are to be located on the same **lot** or within 300 feet **walking distance** except in the BD-3 District.

i. **Family daycare home, Group daycare home, Child daycare center**

Child daycare centers meeting all licensing standards of the State Department of Health Services must provide one passenger drop-off/pick-up loading space for each twenty-four (24) children or fraction thereof and one off-street parking space for each three (3) employees.

All noise and other disturbing aspects of such uses shall be enclosed, screened, or otherwise controlled.

(2) *Where permitted by special exception under sub-section [63\(d\)](#) of this ordinance:*

a. Temporary **uses** and **structures** such as rental offices, booths for charitable purposes and parking for special events, with a time limit of not more than six months.

b. Recreation facilities and athletic clubs; and community centers and clubs drawing a substantial number of users from the immediate neighborhood in which they are located; excluding residential accommodations and any activity carried on as a gainful business other than incidental concessions. Noise, odors, lights, **signs** and all other possible disturbing aspects connected with the operation of such **uses** shall be enclosed, screened or otherwise controlled to the extent that the operation of any such **use** shall not unduly interfere with the use and enjoyment of properties or streets in the surrounding area.

Minimum parking: One **parking space** for each four persons present at such facilities when they are filled to capacity, located on the same **lot** or within 300 feet **walking distance**.

c. Railroad and other rights-of-way.

d. Establishments providing convenience goods and services, as described and regulated by [section 31](#) of this ordinance.

### **Section 12.5. – RS-3 Districts: Special Heritage Mixed Use.**

(b) *Non-residential uses as follows:* The standards in paragraph (a)(1) above relating to minimum **lot area**, minimum **average lot width**, **maximum building coverage**, maximum **building height**, and minimum **yards** shall apply to non-residential **uses** except for pre-existing **non-conforming structures**.

**Accessory uses** customarily incidental to the following **uses** are permitted in connection with such **uses**.

**Parking spaces** required by this ordinance for the following **uses** may be located (by special exception under subsection [63](#)(d) of this ordinance) on a separate **lot** in any district in which the **principal** use is permitted, provided the standards of [section 29](#) are met.

[Section 29](#) relating to parking and all other pertinent sections of the General Provisions for Residence Districts in Article IV shall apply to all such uses.

(1) *As of right:*

a. Home Occupations customarily and traditionally conducted in a **dwelling unit** as an **incidental use**, provided no such home occupation shall involve:

1. Any employee not resident in the **dwelling unit**;
2. Storage of a stock in trade or sale of commodities on the premises;

3. Use of more than 25% of the net floor area of the **dwelling unit**, or any space outside the **dwelling unit**;

4. External evidence of the **use** other than signs permitted by section 27;

5. Emission of offensive smoke, dirt, dust, vibration, odor, light, heat, glare, noise, electrical disturbance, or radioactive particles or rays.

b. Agriculture, including tilling of the soil and orchards, greenhouses, nurseries, and vineyards, but excluding the keeping of livestock except for the keeping of hens per section 34 of this ordinance. No substance producing odor or dust shall be stored within 200 feet of any **lot line** unless completely enclosed. Accessory uses shall include but not be limited to events of limited duration that are open to the general public including harvest festivals and similar activities. See Section 12.5 b. (2) (c) below for agricultural and non-agricultural accessory uses permitted by special exception.

As permitted As of Right in Residence Districts in this Ordinance:

c. Parks and other facilities for passive recreation as provided for in Residential Districts.

d. Reservoirs, dams, public utility substations and pumping stations, telephone exchanges, police stations, fire stations and post offices, with no industrial activities or outside storage.

e. **Religious institutions**, including parish houses, rectories, convents, and other facilities normally incidental to places of worship but excluding funeral homes and cemeteries.

Minimum parking: One (1) **parking space** for each eight seats in the largest place of assembly of such institution, based upon the maximum occupancy of both fixed and movable seats, located on the same **lot** or within 300 feet **walking distance**.

f. Cultural activities, including art galleries, libraries and museums.

Minimum parking: One **parking space** for each three employees, plus one **parking space** for each four seats in each place of assembly based upon the maximum occupancy of both fixed and movable seats, plus one **parking space** for each 1,000 square feet of **gross floor area** excluding any place of assembly, located on the same lot or within 300 feet **walking distance**.

g. Public and private elementary and secondary schools meeting all requirements of the compulsory education laws of the State of Connecticut, and adult education facilities connected with such schools, including **dormitories** connected with such schools but excluding fraternities and sororities. Noise, odors, lights, smoke, dirt, and all other possible disturbing aspects connected with the operation of such uses shall be enclosed, screened or otherwise controlled to the extent that the operation of any such use shall

not unduly interfere with the use and enjoyment of properties or streets in the surrounding area.

Minimum parking: One (1) **parking space** for each four seats in each place of assembly commonly having events open to the public, based upon the maximum occupancy of both fixed and movable seats, located on the same **lot** or within 300 feet **walking distance**.

h. Public and private colleges and universities, including **dormitories** connected with such institutions but excluding: fraternities and sororities, trade/or business schools and colleges, and schools and colleges operated as commercial enterprises. Noise, odors, lights, smoke, dirt, electrical disturbance, radioactive particles and rays, and all other possible disturbing aspects connected with the operation of such **uses** shall be enclosed, screened or otherwise controlled to the extent that the operation of any such **use** shall not unduly interfere with the use and enjoyment of properties or streets beyond the boundaries of such college or university.

Minimum parking: One **parking space** for each two full-time faculty members or the equivalent (two part-time members equaling one full-time member), plus one **parking space** for each three employees, plus one **parking space** for each three non-resident students, plus one **parking space** for each six beds if residents are allowed to keep automobiles, plus one **parking space** for each eight seats in each place of assembly (other than classrooms) commonly having one-half or more of its attendance made up of students (and otherwise having one **parking space** for each four seats) based on the maximum occupancy of both fixed and movable seats, located on the same lot or within 300 feet **walking distance**.

i. **Family daycare home, Group daycare home, Child daycare center.**

**Child daycare centers meeting all licensing standards of the State Department of Health Services must provide one passenger drop-off/pick-up loading space for each twenty-four (24) children or fraction thereof and one off-street parking space for each three (3) employees.**

**All noise and other disturbing aspects of such uses shall be enclosed, screened, or otherwise controlled.**

(2) *Where permitted by special exception under sub-section [63\(d\)](#) of this ordinance:*

a. Temporary **uses** and **structures** such as rental offices, tents for weddings and other celebrations and assemblies, booths for charitable purposes and parking for special events.

b. Event facility in a **Historic Residential or Accessory Structure** hosting meetings, social events including, without limitation, weddings, banquets, workshops, corporate gatherings, education or training and similar gatherings. Outdoor events shall end no later than 11:00 p.m.; any amplified music at outdoor events shall end no later than 10:00 p.m. Events may be held outdoors on the grounds of the **Historic Residential Structure** between March and November.



- c. Non-Agricultural Accessory Uses complementing agricultural activities including a tasting room, a gift shop, **Restaurant**, including seasonal outdoor seating and the retail sale of wine and wine-related products shall be accessory uses permitted by special exception.

### **Section 13. – RM-1 Districts: Low-Middle Density.**

(b) *Non-residential uses as follows:* The standards in paragraph (a)(1) above relating to minimum **lot area**, minimum **average lot width**, maximum **building coverage**, maximum **building height**, and minimum **yards** shall apply to non-residential **uses**.

**Accessory uses** customarily incidental to the following **uses** are permitted in connection with such **uses**.

**Parking spaces** required by this ordinance for the following **uses** may be located (by Special Exception under subsection [63\(d\)](#) of this ordinance) on a separate **lot** in any district in which the **principal use** is permitted, provided the standards of [section 29](#) are met.

[Section 29](#) relating to parking and all other pertinent sections of the general provisions for residence districts in Article IV shall also apply to all such **uses**.

(1) Such non-residential **uses** as are permitted, and in the same manner, as in RS-2 Districts.

(2) As of right:

a. Home Occupations customarily and traditionally conducted in a **dwelling unit** as an **incidental use**, such as dressmaking and watchmaking, provided no such home occupation shall involve:

1. Any employee not resident in the **dwelling unit**;
2. Storage of a stock in trade or sale of commodities on the premises;
3. Use of more than 25% of the net floor area of the **dwelling unit**, or any space outside the **dwelling unit**;
4. External evidence of the **use** other than **signs** permitted by [section 27](#);
5. Emission of offensive smoke, dirt, dust, vibration, odor, light, heat, glare, noise, electrical disturbance, or radioactive particles or rays.

b. Offices and studios of doctors, dentists, architects, artists, designers, accountants, lawyers, engineers, tutors, real estate and insurance agents, brokers, and members of other recognized professions residing in the same **dwelling unit**, incidental to the main purpose of a residence (excluding veterinarians, dancing and music studios having more

than one student at a time, barber shops, beauty parlors, and other similar **uses**), together with incidental laboratory and mechanical equipment, provided no such office shall involve:

1. More than one employee not resident in the **dwelling unit**, or use by any outside colleague or associate;
2. Storage of a stock in trade or sale of commodities on the premises;
3. Use of more than 25% of the **net floor area** of the **dwelling unit**, or any space outside the **dwelling unit**;
4. External evidence of the **use** other than **signs** permitted by [section 27](#);
5. Emission of offensive smoke, dirt, dust, vibration, odor, light, heat, glare, noise, electrical disturbance, or radioactive particles or rays.

Minimum parking: For each such office, one **parking space** for the one permitted outside employee, plus two **parking spaces** for visitors, located on the same **lot**.

- c. Peripheral expansion of family, group, or child daycare when provided as part of the broader program of a religious or educational institution.
- d. Family daycare home, Group daycare home, Child daycare center.

***Child daycare centers meeting all licensing standards of the State Department of Health Services must provide one passenger drop-off/pick-up loading space for each twenty-four (24) children or fraction thereof and one off-street parking space for each three (3) employees.***

***All noise and other disturbing aspects of such uses shall be enclosed, screened, or otherwise controlled.***

(3) Where permitted by special exception under subsection [63](#).(d) of this ordinance:

- a. Fraternities and sororities (whether or not residential in whole or in part), when located on land owned by an elementary or secondary school meeting all requirements of the compulsory educational laws of the State of Connecticut or land owned by a college or university other than a trade and/or business college and other than a school or college operated as a commercial enterprise. Noise, odors, lights, **signs** and all other possible disturbing aspects connected with the operation of such **uses** shall be enclosed, screened or otherwise controlled to the extent that the operation of any such **use** shall not unduly interfere with the use and enjoyment of properties or streets in the surrounding area.

Minimum parking: One **parking space** for each three beds if residents are permitted to keep automobiles, plus one **parking space** for each four seats in each place of assembly based upon the maximum occupancy of both fixed and movable seats, located on the same lot or within 300 feet **walking distance**.

b. Convalescent homes, rest homes, nursing homes, sanitariums, homes for the aged and disabled (not to include elderly), and orphanages. Noise, odors, electrical disturbance, radioactive particles and rays, and all other possible disturbing aspects connected with the operation of such **uses** shall be enclosed, screened or otherwise controlled to the extent that the operation of any such **use** shall not unduly interfere with the use and enjoyment of properties or streets in the surrounding area. Minimum parking: one **parking space** for each six beds, plus one **parking space** for each staff or visiting doctor (based upon the average number of such doctors at such institutions at peak times), plus one **parking space** for each four employees in the largest shift including nurses, located on the same **lot** or within 300 feet **walking distance**.

c. Transition parking as follows: In any case in which a business, industrial or residence-office district or districts abut directly upon a residence district and adequate property for off-street parking is not available in such business, industrial or residence-office district, the use of property in such residence district up to a distance of 150 feet from a business, industrial or residence-office district may be permitted for parking of passenger automobiles of employees, visitors and/or customers in connection with **uses** in such business, industrial or residence-office district or districts, provided that, in addition to such other conditions and safeguards as are found appropriate under subsection [63](#).(d) of this ordinance:

1. Such property abuts directly on the **lot** or **lots** occupied by the business, industrial or office **use** or **uses** with which such parking is connected, for at least 75 feet unless it is found that a lesser distance would be consistent with the purposes of this provision for transition parking.
2. No **structures** are erected or used for parking of automobiles on more than one level; no automobile sales, service, dead storage, or other such commercial enterprise is conducted upon such property; and no **signs** are erected thereon except **signs** complying with [section 27](#) which are necessary to state the condition of use and to regulate traffic and parking.
3. The area on such property used for parking is suitably paved and drained, provided with bumper or wheel guards where needed, and arranged so that the flow of automobiles to and from streets and alleys will cause minimum interference with vehicular and pedestrian traffic.
4. The surrounding residential areas are adequately protected by:
  - (a) Location of entrances and exits when practicable in Business, Industrial and Residence-Office Districts and in no event within 20 feet of any other residentially-zoned property.
  - (b) Provision of standard residential **front yards** as required by the applicable district regulations, suitably landscaped, between the paved parking area and all **street lines** in residence districts, unless it is found that a lessening of the **front yard** requirement can be permitted under subsection [29](#)(c) of this ordinance.

(c) Provision of a buffer strip of land at least five feet in width, located on such property between the paved parking area and all residentially-zoned land on which such property abuts directly, unless it is found that the purposes of this provision for transition parking can be accomplished by reducing the buffer strip to some other width which is no less than two feet.

(d) Provision of a suitable fence, wall or evergreen planting at least five (5) feet in height, designed to screen noise, odors, visibility and headlight glare between the paved parking area and all residentially-zoned property on which such property abuts either directly or across a street or alley.

(e) Arrangement of such artificial lighting as is used for the parking area so that all direct rays fall entirely within the paved parking area or within areas used for business, industrial or office purposes.

**Section 42. – Use regulations for business and industrial districts**

Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted NA - Not Applicable																		
Use		BA	BA-1	CGD	BA-2	BC	BD	BD-1	BD-2	BD-3	BE	TOC	MU	IL	IM	IH	Parking (5)	Loading (5)
Q.	Business & Miscellaneous Personal & Public Services																	
	Special workplace daycare Family Daycare Home, Group Daycare Home, and Child Daycare Center.	R	R	R	R	R	R	R	R	R	R	R	R/R	R	R	R	i	y