

Zoning Text and Map Amendments to the New Haven Zoning Ordinance

Downtown for All (DFA) Overlay District

ARTICLE II. ESTABLISHMENT OF DISTRICTS; ZONING MAP

Section 2. Districts enumerated; map adopted; interpretation.

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

| | |
|---|-------------------------------|
| <i>Residence Districts</i> | |
| RS-1 Districts: | Special Single-Family |
| RS-2 Districts: | General Single-Family |
| RM-1 Districts: | Low-Middle Density |
| RM-2 Districts: | High-Middle Density |
| RH-1 Districts: | Special High Density |
| RH-2 Districts: | General High Density |
| RO Districts: | Residence-Office |
| <i>Business and Mixed-Use Districts</i> | |
| BA Districts: | General Business |
| BA-1 Districts | Neighborhood Center Mixed Use |
| BB Districts: | Automobile Sales |
| BC Districts: | Marine |
| BD Districts: | Central Business |
| BD-1 Districts: | Central Business/Residential |
| BD-2 Districts: | Central Business/Medical |
| BD-3 Districts: | Central Business/Mixed-Use |
| BE Districts: | Wholesale and Distribution |
| MULW District: | Mixed-Use Long Wharf |
| TOC Zone: | Transit-Oriented Community |
| <i>Industrial Districts</i> | |

| | |
|--|-------------------------|
| IL Districts: | Light Industry |
| IM Districts: | Light Industry - Marine |
| IH Districts: | Heavy Industry |
| <i>Other Districts</i> | |
| Inclusionary Zoning Overlay Zone | |
| PARK Districts | |
| CEMETERY Districts | |
| AIRPORT District | |
| Planned Development Districts | |
| Historic Districts | |
| Coastal Management District | |
| Inland Wetland District | |
| Flood Damage Prevention District | |
| Soil Erosion and Sediment Control District | |
| Downtown for All Overlay District | |

Section 16. RH-2 Districts: General High Density.

Uses permitted. In an RH-2 District a **building** or other **structure** may be erected, altered, arranged, designed or used, and a lot or structure may be used for any of the following purposes and no other:

(a) *Residential uses as follows.* The General Provisions for Residence Districts in Article IV shall also apply.

- (1) **Dwellings—Single-family** (except **zero lot line developments** per subsection 16(a)(2)), **two-family and multi-family**.

Building requirements:

- c. **Maximum building coverage for principal building or principal buildings:** 50% of lot area, except that in the Downtown for All Overlay District, this limit shall not apply, and the applicable rules for the BD district shall apply.
- g. **Minimum usable open space:** 125 square feet per **dwelling unit**, except 100 square feet in the case of **elderly housing units**, only by special exception, provided that in the event that a minimum of 50 square feet of private **usable open space** in the form of balconies, patios, decks, porches or private courts that are attached or are located immediately adjacent to the **dwelling unit** that they serve is provided, then the balance of the **usable open space** required under this subsection for such **dwelling unit** shall be reduced by one-quarter, and except that in the Downtown for All Overlay District, the open space requirements applicable to the BD District shall apply. All **usable open space** shall be subject to standards enumerated in subsection (a)(1)g. of section 15 of this ordinance.

Section 42. Use regulations for business and industrial districts.

| TABLE 3. USE TABLE | | |
|--|----------------|-----------------|
| Key: R - Permitted As-of-Right SP - Special Permit SE - Special Exception X - Not Permitted NA - Not Applicable In case of conflict between this Table 3 and the text of the Zoning Ordinance, the text shall prevail. | | |
| Use | BE | IL |
| <i>A. Residential Uses</i> | | |
| Dwelling units in multi-family dwellings located above first stories of structures at a maximum density of one unit per 1,000 sq. ft. of gross floor area of entire building and limited to gross floor areas as defined in the New Haven Zoning Ordinance. Except that the TOC zone shall have a maximum density of one unit per 500 sq. ft. of gross floor area of entire building, limited to gross floor area as defined in the New Haven Zoning Ordinance, and except that the Downtown for All Overlay District shall have a maximum density of one unit per 400 sq. ft. of gross floor area of entire building and limited to gross floor area as defined in the New Haven Zoning Ordinance, and except that properties subject to Development or Land Disposition Agreements involving the City of New Haven which shall not be subject to the above density limitations | X ⁴ | NA ⁵ |
| Dwelling units in multi-family dwellings located on first stories only in combination with upper story residential use (if applicable) at a maximum density of one unit per 1,000 sq. ft. of gross floor area of entire building and limited to gross floor area as defined in the New | X ⁶ | NA ⁷ |

| | | |
|--|--|--|
| Haven Zoning Ordinance. Except that the Downtown for All Overlay District shall have a maximum density of one unit per 400 sq. ft. of gross floor area of entire building and limited to gross floor area as defined in the New Haven Zoning Ordinance, and except that properties subject to Development or Land Disposition Agreements involving the City of New Haven which shall not be subject to the above density limitations | | |
|--|--|--|

| <i>B. Transient Lodging</i> | | | | | | | | | | | | | | | | | |
|---|--------|----------|---------|----------|--------|--------|----------|----------|----------|--------|----------|---------|--------|--------|--------|-------------|-------------|
| | B A | BA -1 | CG D | BA -2 | B C | B D | BD -1 | BD -2 | BD -3 | B E | MUL W | TO C | I L | I M | I H | Parki ng | Loadi ng |
| Roomi ng or boardi ng house. 8 | R | X | SP | X | X | R | X | X | X | X | SP | SP | X | X | X | b | none |

Notes:

1. In the BA-2, first floor dwelling units are permitted by Special Permit along Whalley Avenue between Fitch Street and Harrison Avenue. First floor dwelling units are permitted as of Right in other locations.
2. Parking lots and structures located entirely on parcels subject to a development agreement with the City of New Haven entered into prior to June 1, 2007 require only site plan approval.
3. Only where part of a mixed-use development of 500,000 or more square feet.
4. In the Downtown for All Overlay District where the BE District is the underlying zone, dwelling units in multi-family dwellings that are located above the first stories of structures shall be permitted as-of-right.
5. In the Downtown for All Overlay District where the IL District is the underlying zone, dwelling units in multi-family dwellings that are located above the first stories of structures shall be permitted by Special Permit.
6. In the Downtown for All Overlay District where the BE District is the underlying zone, dwelling units in multi-family dwellings that are located on the first stories of structures shall be permitted by Special Permit.
7. In the Downtown for All Overlay District where the IL District is the underlying zone, dwelling units in multi-family dwellings that are located on the first stories of structures shall be permitted by Special Permit.
8. Permitted by Special Permit in the Downtown for All Overlay District.

* This Use is "R - Permitted as of right" in the MULW Light Industrial Coastal Overlay.

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

(a) *Definitions.* Reserved.

(b) *Maximum FAR.*

- (1) [Table.] The maximum **FAR** and density permitted in the district(s) specified shall not exceed those set out in Table 43.1, FAR and Density Standards by District, unless the use qualifies for a bonus as set out in this section:

| Table 43.1, FAR and Density Standards by District | |
|---|--|
| FAR | Zoning District(s) |
| 2.0 | BA, BA-1, BB, BC and IM |
| 3.0 | IL, CGD ^{1,5} |
| 4.0 | IH |
| 6.0 | BD, BD-1 ² , BD-2 ³ , BD-3 ⁴ , BE, and the Downtown for All Overlay District Outer Core |
| 10.0 | TOC |
| 12.0 | Downtown for All Overlay District Inner Core ⁶ |
| Density (Units/Acre) | Zoning District |
| 100 | MULW |

6. Within the Downtown for All Overlay District Inner Core, the maximum FAR allowed for developments that include a Hotel, Bed Breakfast, Motel, or Tourist Home use shall be 6.0.

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

- (1) *Front yards.* There shall be no front yard required in any business or industrial district.
- (2) *Side yards.* There shall be no **side yard** required in any business or industrial district, except that in any case where a **side yard** is actually provided such **side yard** shall be required to be not less than five feet for a **building** wall having an **average height** of 20 feet or less, and not less than one foot for each four feet of **average height** for a **building** wall having an **average height** of more than 20 feet.
- (3) *Rear yards.* There shall be a **rear yard** in all business and industrial districts of not less than ten feet for a **building** wall having an **average height** of 30 feet or less and not less than one foot for each three feet of **average height** for a **building** wall having an average height of more than 30 feet.
- (4) [Exceptions.] There shall be no minimum yard requirements in the BD, BD-1, TOC, or the BD-3 Districts except that in the BD-3 District there shall be a minimum of 15 feet, and in the TOC a minimum of 20 feet, of unobstructed land from the ground up on which no structures shall be located between the

outer face of a building foundation wall at grade of a principal building that fronts on a street and the curb of such street in order to provide for sidewalks, streetlights and landscaped areas between the sidewalk and the curb, provided, however, that overhead pedestrian walkways and the footings, foundations, piers, and/or supports for such walkways may be located in the above described 15 or 20 foot area. Additionally, in the BD-3 District, when a mixed use or a residential principal building which is four stories or less, contains one or more windows that face a nonresidential building on the same lot, there shall be a minimum of ten feet of unobstructed land from the ground up between the nonresidential building and the residential principal building or mixed-use building. If such residential principal building or such mixed-use building faces a nonresidential building on an adjacent lot or faces an adjacent vacant lot, then there shall be a minimum ten-foot side or rear yard (as the case may be) on the lot on which such residential principal building or mixed-use building is located facing the adjacent lot.

(l) *Usable Open Space for the BC, BD, BD-1, BD-2, BD-3, TOC, MULW, CGD, IL, and Downtown for All Overlay Districts.*

- (4) In the Downtown for All Overlay District, mixed-use buildings and residential principal buildings, both existing and proposed, with six or more dwelling units shall provide a minimum of 25 square feet of common amenity space per dwelling unit.

Section 59. Downtown for All Overlay District

(a) *Purpose, Overlay Area, and Effective Date.*

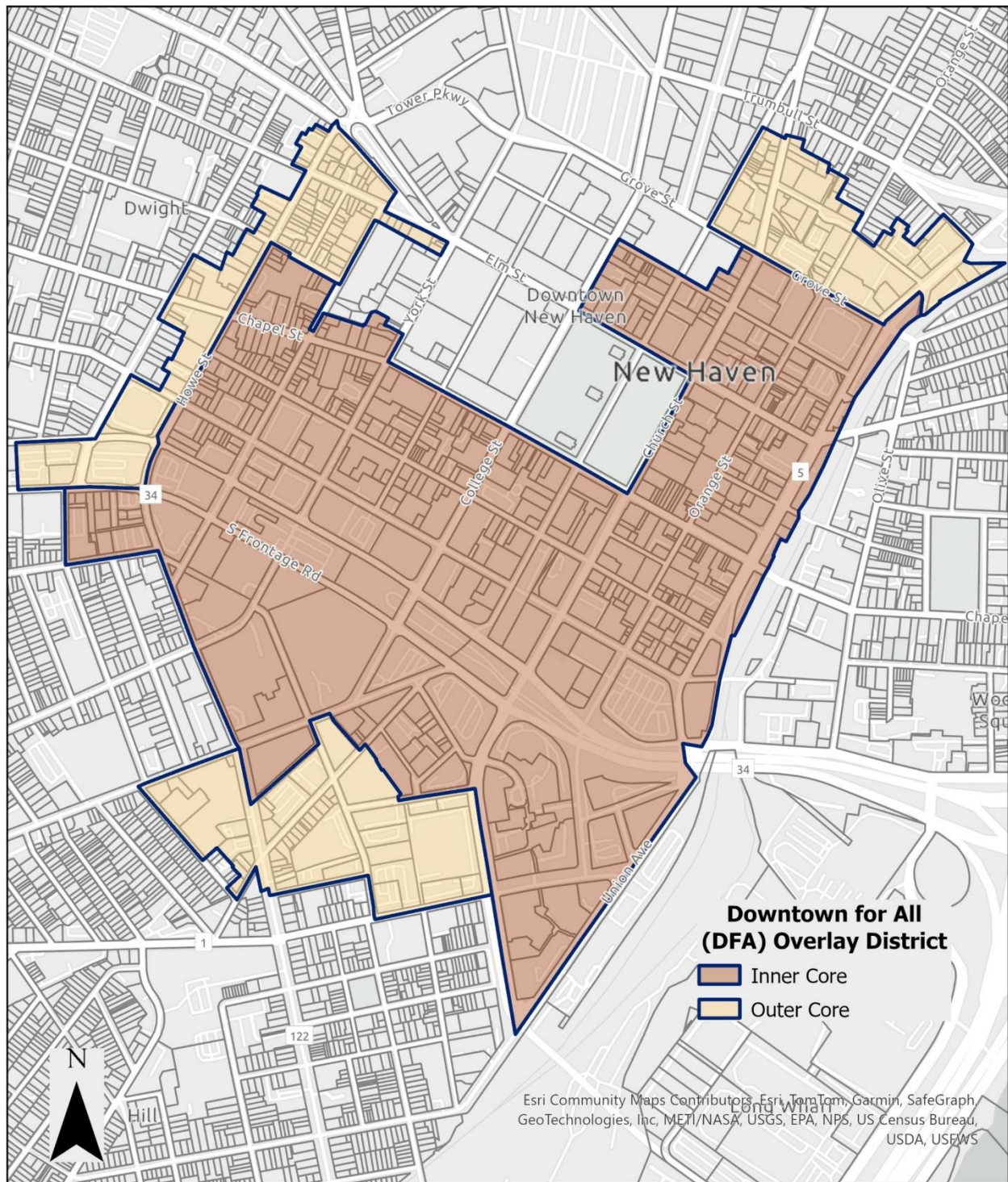
(1) Purpose. The purpose of the creation of this Overlay District is to address challenges associated with the housing supply shortage and affordability in New Haven by reducing regulatory barriers to development in the Downtown. Limitations presented by Zoning including FAR limits, density, open space and amenity requirements create regulatory hurdles that restrict development. Incentivizing new and higher density construction in areas with existing transit infrastructure will increase housing opportunities, drive down costs, and increase Downtown vibrancy.

(2) Enactment and Mapped area. There is hereby created a Downtown for All Overlay District (DFA). The boundaries of the DFA and its tiered areas are established on the map entitled "Downtown for All Overlay District" (the "Map"). The Map is available below and is on file and available for public inspection with the City Plan Department.

The DFA is comprised of two areas:

Inner Core. Represents locations in the core of the Downtown area.

Outer Core. Represents areas Downtown that are primarily adjacent to residential zones.



(3) The Effective Date shall be the published notice of this Section's passage.